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Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2014/0399/F	Target Date:
Proposal: Proposed pig fattening shed with feed bin (to contain 900 pork pigs) (Additional information received from Agent)	Location: Land off Cahore Road approx. 100m East of 11A Tonaght Road Draperstown
Referral Route: Recommendation to refuse.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Michael McErlean 11A Tonaght Road Draperstown BT45 7JD	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received

Non Statutory	Env Health Magherafelt District Council	Substantive Response Received
Non Statutory	Industrial Pollution & Radio Chemical Inspectorate	Substantive Response Received
Non Statutory	Water Management Unit	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NIEA	Considered - No Comment Necessary
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	NIEA	Consulted in Error
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	None Received	
Letters of Objection	3	
Number of Support Petitions and signatures	No Petitions Received	

Number of Petitions of Objection and signatures	No Petitions Received
<p>Summary of Issues</p> <p>Two petitions and three objections have been received in respect of this application. The two petitions contain 65 names and 697 names respectively. However, while these petitions are stated as being 'Petition against pig fattening shed/pig farm' neither petition states what the objectors actual concerns are regarding the proposed development. It should also be noted that of the 697 names contained within the on-line petition, in excess of 470 of these are from outside the Draperstown area and while the remaining names, approximately 220 are from the Draperstown area, some of these objectors are located in excess of 5 miles from the site and therefore will not be affected either by the visual impact, noise or odour.</p> <p>The three objections relate to the following issues:-</p> <ul style="list-style-type: none"> •Timing of the neighbour notification letters; •Odour; •Little evidence that a low protein diet will be fed; •Increase in traffic; •Existing road unsuitable for heavy vehicles; •The utilisation of the pig manure; •Increase in rates and vermin; •Devaluation of property; •Proximity to an existing dwelling; •Risk to human life and environmental pollution; •Animal cruelty; •Waste product run-off; •Noise; 	
<p>Characteristics of the Site and Area</p> <p>Description of Proposal</p> <p>The proposal is for the erection of a pig unit measuring 72.5m by 16.46m and having a ridge height of 5.5m. The pig unit will have a capacity of 900 pigs. The external finishes are: Walls – Green GRP to upper part with smooth concrete finish to lower part. Walls to have galvanised ventilation/air intake grills; Roof – 'Big Six' fibre cement profiled cladding with 6 no. roof extract fans positioned along the ridge.</p> <p>The entire unit is constructed over a slurry tank with a depth of 1.45m below finished floor level. The pig unit is equally separated into 30 pens, each measuring 7.0m x 4.9m with a central passage extending along the entire length of the unit. Each pen accesses onto the central passage which has a single loading bay at one end. A 3.0m diameter feed bin with an overall height of 9.2m is to be positioned close to the loading bay. This feed bin is a fully galvanised tower bin and is completely enclosed to the ground with a single pedestrian access door at ground level. The bin has a single fill pipe which extends from approximately 1.2m above ground level to the top of the bin and can be filled directly from a supply lorry/trailer.</p> <p>The proposed pig unit is to be located in the north-western corner of a 1.9ha roadside field with a new access laneway proposed immediately adjacent to the existing lane leading to no.11A (the applicant's dwelling). The unit is to be sited approximately 110m back from the public road, includes a large concrete yard to the front and provides for a 25.0m diameter turning circle for articulated vehicles.</p> <p>The existing mature hedges and screening along both the north-western and south-western boundaries are to be retained with presumably a post and wire fence along the south/south-</p>	

eastern boundary although this is not annotated as such. No additional landscaping has been proposed.

The top of the tank which is finished floor level is stated as being 57.25 with the level of the concrete path along the southern side of the building being in the region of 55.8.

The site is set within the rural area and approximately 2.3km south of the centre of Draperstown in an elevated landscape and set at an elevation of around 165m. The site is located within a roadside field which slopes from north west to the south east and while the site outline extends from the road frontage back to the western boundary, the turning area and pig unit are set back 80m and 110m respectively, from the public road. The site is to be accessed via a new proposed laneway which runs adjacent to the existing laneway leading to the applicants dwelling, with the intervening area retained as part of the existing field.

The north-western boundary is partially defined by a mature hedge which extends along the south western boundary. The remainder of the north western boundary alongside the existing laneway is defined by a post and wire fence with a tall gorse hedge along the public road frontage.

The boundary of a third party dwelling, occupied by an objector, is located only 85m from the site of the proposed shed, with the dwelling itself being located approximately 120m from the proposed pig unit.

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and other Material Considerations

The proposed site is located within the Sperrin's Area of Outstanding Natural Beauty as identified within the Magherafelt Area Plan. There is no previous planning history on the site.

The SPPS maintains and supports the aims of Policy CTY12 for agricultural buildings in relation to need and siting beside existing farm groups.

PPS 2 – Natural Heritage sets out the relevant planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as “the diversity of our habitats, species, landscapes and earth science features”.

Policy NH1 – European and Ramsar Sites – International, allows planning permission to be granted where the proposal will not have a significant effect on European Sites including Special Areas of Conservation. In this instance, the proposed development has the potential to have a significant effect on Teal Lough SAC (5.2km from the site), Ballynahone Bog SAC (8.75km from the site) and Carn-Glenishane Pass SAC (9.8km from the site). Consequently Shared Environmental Services were consulted and following due consideration, it was concluded that the proposal will not be likely to have a significant effect on the features or conservation objectives of any European Site subject to the inclusion of certain conditions.

Policy NH 5 – Habitats, Species or Features of Natural Heritage Importance, allows for planning approval to be granted to a development provided that it does not result in an unacceptable adverse impact on, or damage to habitats, species or features which includes Teal Lough and Slaghtfreeden Bogs ASSI, Teal Lough Part II ASSI, Crockahole Wood ASSI, Drumbally Wood ASSI, in addition to the aforementioned SAC's. NIEA: Natural Environment Division considered the potential impact of the development in addition to the proposed land spreading locations associated with the proposal which are within 7.5 km of the site. As part of this process NED gave consideration to the emissions from intensive livestock installations which can have significant

impacts on plant species and the supporting habitats of designated faunal species as well as dirty water generated from activities on site which may contain organic material as it can be detrimental to aquatic life if it enters a watercourse. On that basis it was concluded that the proposal would not have an adverse effect on designated sites or other natural heritage interests subject to the imposition of suggested conditions.

Policy NH 6 – Areas of Outstanding Natural Beauty, allows for approval to be granted subject to appropriate design, size and scale for the locality and where the proposal satisfies all the stated criteria. These criteria include:-

- The siting and scale are sympathetic to the special character of the AONB and the particular locality;

As the site is set on low part of the rural landscape with the landform falling to the south and continuing to rise to the north, there will be little views of the proposal apart from the dead-end road leading to no.65 and from private farm lands to the south. From these restricted views, the building which is typically agricultural would appear appropriate for the area.

- The building respects or conserves features of importance to the character, appearance or heritage of the landscape;

The building is sited within the corner of a field and provides for the retention of the existing field boundaries which are characteristic of the area.

- The proposal respects local style/patterns, traditional boundary details and local materials/design;

As discussed above, the proposal is of traditional agricultural design and being located within the corner of a field allows for the retention of the existing boundary hedgerows.

PPS 21 – Policy CTY 1 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and which will contribute to the aims of sustainable development. One of these is an agricultural building in accordance with Policy CTY 12.

Policy CTY 12 – Agricultural and Forestry Development supports proposals for this type of development provided that it is demonstrated that it meets the criteria listed within the policy. A letter from the agent, received 2nd November 2016, provides some justification at paragraph 7 and states that cattle/sheep farming in the uplands areas around Draperstown is not the most profitable and the applicant is trying to diversify into the more profitable line of pig farming.

Policy CTY 12 requires amongst other things, that proposals be located on an active and established farm holding. DAERA have advised that the farm holding is active and has been established for more than 6 years. Policy CTY 12 also requires it to be demonstrated that:-

- is necessary for the efficient use of the agricultural holding.

The applicant is diversifying into pig farming which is more profitable than cattle/sheep farming in this area and would therefore presumably safeguard the future of the holding.

- is of appropriate character and scale for the location.

The proposed building is of standard design and character for the rural area and is of standard design for a pig unit. However, the proposed building is located 160m from the existing farm complex. It is my opinion that the proposed pig unit would be more appropriate and would be better suited in being located beside the existing farm buildings

- The proposed building visually integrates into the landscape and includes additional landscaping as necessary.

The proposed building is a low set building on a site close to a dead end on a very minor road. The site is located well back (110m) from the public road with the benefit of good boundary hedges along two of the proposed boundaries which are to be retained. However, it is noted on the site layout plan that 'Floor levels shown are indicative only. Exact levels shall be agreed on site between the client/ground works contactor when soil depths and ground conditions are known. This is not acceptable and exact finished floor levels would be required to be stated, if the proposal were to be approved. If the proposed building was sited adjacent to the applicants existing farm

buildings to the north-west, this would allow the building to be read visually and would also cluster with the existing farm complex and would lead to a better degree of integration;

- The proposal does not adversely impact on natural or built heritage;

The proposal satisfies this requirement;

- The proposal will not result in a detrimental impact on residential amenity outside the farm holding including issues of noise, smell and pollution;

The proposed building is to be located approximately 120m from a neighbouring 3rd party dwelling and 85m from the private amenity space belonging to that dwelling. The pig unit will be sited on higher ground with finished floor levels being approximately 7-8m above the site levels of the neighbouring dwelling.

To enable full consideration to be given to the proposed development, consultations were sent to the following bodies in relation to the potential for odour and pollution; Environmental Health, NIEA: Industrial Pollution and Radiochemical Inspectorate; Water Management Unit; Natural Environment Division and Shared Environmental Services.

Water Management Unit requested a nutrient management plan to demonstrate that the manure from the proposed development would be utilised in a responsible and acceptable manner. This was submitted and WMU accepted that the manure would be land spread in a suitable manner.

Although the proposed unit is below the threshold which would require regulation by IPRI, they advised that there was potential for significant impact of residential amenity due to odour; that it was unlikely that that any reduction in the protein content of the feed stuff is directly proportionate to the reduction in ammonia emissions; the use of on/off fan controls rather than variable speed fan controls would help to optimise dispersion of emissions. Dr Charlotte Stewart (IPRI) advised by way of e-mail on 15th June 2016 that 'In addition the very close proximity of the 3rd party dwellings (80 - 100m) has the potential to result in odour nuisance arising at those receptors despite the modelling results. At this close proximity to 3rd party dwellings margin of error/variability of any air dispersion modelling results would be increased. Therefore, locations very close (i.e. <80 - 100m) to 3rd party dwellings from a farm of this nature would be considered unsuitable due to the significant potential for odour nuisance arising.'

Following the submission of a number of Air Quality Impact Assessments which were considered by MUDC Environmental Health Department, including NIEA's comments on the AFBI report "The impact of diet and 'flushing' on ammonia and odour emissions from pig housing" by Dr Elizabeth Magowan (dated June 2015), it is Environmental Health's opinion that a reduced odour emission factor should not be used in this assessment as the evidence remains scant. This is further compounded by their concerns regarding the potential for the pig unit to have a detrimental impact on residential amenity due to the inherent uncertainty within the odour modelling process coupled with the fact that the unit is to be sited in such close proximity (80m) to the private amenity space of the nearest third party dwelling. This is in addition to the need to **rely on the use of a low protein feed** to meet the 3 Odour Units criterion.

The agent provided details of a previous planning approval granted for pig units by another Council's planning authority and felt that if that authority were able to attach conditions relating to feed stuffs then this authority should be prepared to do the same. However, whilst I respect the right of one authority to grant planning approvals subject to whatever conditions they feel are appropriate, this should not restrict other authorities from having a different opinion. I also understand that decision related to a retrospective application. In this case, I have serious concerns regarding the enforceability of such conditions, although NIEA: Natural Environment Division and Shared Environmental Services have recommended conditions relating to the use of crude protein diet, this is in relation to the protection of Special Areas of Conservation and Areas of Special Scientific Interest (SAC's and ASSI's) and does not take into consideration the potential for odour nuisance on residential amenity. This is the remit of Environmental Health, who have in my opinion, quite rightly expressed concerns regarding the proximity to third party dwellings and

the potential for odour nuisance. Having met with EHO to discuss their concerns in relation to proceeding down the route of conditioning feedstuff their position remains unchanged.

In addition to the above issue, Environmental Health expressed concerns that the proposal included noise levels for the operation of the mechanical ventilation system, but did not include other noise sources such as on-site vehicle movements, feed deliveries (blowing into bins), animal noises and cleaning of houses etc. Therefore the proposal has failed to satisfactorily demonstrate that the development will not cause a noise nuisance and thereby have a detrimental impact on residential amenity. I appreciate that the application has not wanted to go the expense of noise modelling if the Council were unhappy with the issues around odour and air quality.

Given the above situation, it is my opinion that the proposal is at odds with criterion (e) of this Policy as it has the potential to have a detrimental impact on residential dwellings outside the holding by way of odour and noise nuisance.

In relation to the provision of a new building, this policy also requires applicants to demonstrate that there are no suitable existing buildings on the holding; that the design and materials are sympathetic to the locality and adjacent buildings; and that the proposal is sited beside existing farm buildings. Whilst the applicant has not demonstrated that there are no existing buildings which can be utilised, it is accepted that as the applicant is only commencing pig farming it is unlikely that they will have either existing pig units or buildings suitable for conversion, on the farm as pig units tend to be a specialist building. As detailed above, the design is typical for a pig unit and is acceptable.

However, as the applicant has indicated on the site location map that he owns additional lands which are outlined in blue and these lands include an existing group of farm buildings to the north west of the site, the proposed building is not considered to be located beside the applicants existing farm buildings as it is sited 160m to the south west of the nearest building. Although consideration can be given to an alternative site away from existing farm buildings when there are no other sites available and where it is essential in terms of efficiency or on the grounds of health and safety, no case has been presented as to why this site has been selected. In my opinion, there are alternative sites available closer to the existing farm yard, which would be equally as suitable and which would position the proposed unit further from the curtilage of the nearest third party dwelling. This would help to address the issue of impacting on residential amenity.

Again in my opinion, the proposal as presented is unacceptable as it is not sited beside existing farm buildings, alternative sites are available, it has not been demonstrated that this site is essential for the efficient functioning of the farm business and there are no demonstrable health and safety reasons and therefore the proposal is contrary to Policy CTY 12.

CTY 13 – Integration and Design of Buildings in the Countryside

This is a full application for the erection of a pig unit on an active farm holding. The site is located close to the end of a dead end road with one dwelling accessing past the site entrance. At present, the site is reasonably well screened from the public road system and with mature hedgerows along two boundaries, whilst a section of the road frontage hedge would be removed to provide the access, it is not to such an extent which would render the site prominent. The site would achieve an acceptable degree of integration given the existing sloping topography and the vegetation present. Overall the proposed building would satisfy the criteria in this policy and would therefore achieve an acceptable degree of integration.

CTY 14 – Rural Character

A building positioned on the site as proposed would only be visible for a short distance on approach from the north east along the Cahore Road. The proposed building would not be inter visible with any other buildings from this vantage point and therefore it would not lead to a change in character of the area. Furthermore, such a building would not considered to be unduly prominent, it does not

result in a suburban style build-up of development, it would respect the traditional pattern of development in the area, it would not create a ribbon of development and the impact of ancillary works would not damage rural character. The proposal does not offend any of the criteria in this policy and in that sense it would be acceptable.

PPS 3 - Access, Movement and Parking;

Following receipt of amended plans, Transport NI advised that they have no objection to the proposed development subject to relevant conditions.

Consideration of the issues of objection

Whilst the neighbour notification letters are usually sent at the time of validation, the letter to No.65A was sent as it was noticed during the site inspection that it shared a common access on Cahore Road.

Environmental Health considered issues of odour, risk to human life/environmental pollution, noise and increase in vermin. While no concerns were raised regarding risk to human health or vermin, concerns have been raised in relation to odour and noise with regards the proximity to the private amenity space of no.65A Cahore Road.

In consideration of the issues of access and traffic, TransportNI raised no concerns and are satisfied with the proposal subject to conditions.

Utilisation of the pig manure by land spreading has been considered by NIEA: Natural Environment Division as has the issue of waste product run-off and both have been found to be acceptable.

No evidence has been presented to substantiate claims that the development will result in either an increase in rates or a devaluation of property.

There is no evidence to sustain any claims that the proposal would result in animal cruelty. With regards to there being 'little evidence that a low protein diet will be fed and the proximity to an existing dwelling', these issues have been dealt with in the case officers report above.

Summary of consultee responses

Transport NI – advised that the proposal is acceptable subject to conditions

Environmental Health – advised that the noise report lacked detail with regard to the sources of potential noise. It was also requested that 'a worst case scenario be modelled ie. Use full odour emission factor as based on pigs being fed a 'normal' diet.

NIEA: Water Management Unit – considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content subject to relevant conditions.

NIEA: Industrial Pollution and Radiochemical Inspectorate – advised that as the pig unit will have a capacity below the threshold which requires a permit the proposal will not be subject to regulation by the inspectorate.

NIEA: Natural Environment Division considered the impacts of the proposed unit on designated sites and other Natural Heritage interests and on the basis of the information is content subject to relevant conditions.

Shared Environmental Services considered the nature, scale timing duration and location of the proposed unit and is content subject to relevant conditions.

DARD – No objections.

NI Water – No Objections.

Recommendation

On consideration of the above, it is my opinion that planning permission should be refused for the proposed development for the following reasons:-

Refusal Reasons

1.The proposal is contrary to the SPPS and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed development, if permitted, would not result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise by reason of (noise/ smell /pollution etc).

2. The proposal is contrary to the SPPS and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to demonstrate why that the proposal is not sited beside existing farm or forestry buildings; and that there are no alternative sites available at another group of buildings on the holding or that health and safety reasons exist to justify an alternative site away from the existing farm buildings or the alternative site away is essential for the efficient functioning of the business.

Neighbour Notification Checked**Yes****Signature(s) M. Bowman****Date: 19th July 2017.**

ANNEX	
Date Valid	4th November 2014
Date First Advertised	10th November 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses) Loretta Doyle-Kennedy .65a Cahore Road, Draperstown, BT45 7LY Loretta Doyle-Kennedy .65a Cahore Road, Draperstown, Magherafelt BT45 7LY The Owner/Occupier, 11 Tonaght Road Straw Draperstown The Owner/Occupier, 11A Tonaght Road,Straw,Draperstown,Londonderry,BT45 7JD, The Owner/Occupier, 39 Cahore Road,Cahore,Draperstown,Londonderry,BT45 7LY, The Owner/Occupier, 41 Cahore Road,Cahore,Draperstown,Londonderry,BT45 7LY, The Owner/Occupier, 43 Cahore Road,Cahore,Draperstown,Londonderry,BT45 7LY, The Owner/Occupier, 61 Cahore Road,Cahore,Draperstown,Londonderry,BT45 7LY, The Owner/Occupier, 63A Cahore Road Cahore Draperstown Sean Kennedy and Loretta Doyle-Kennedy 65A Cahore Road, Draperstown, Londonderry, Northern Ireland, BT45 7LY The Owner/Occupier, 65A Cahore Road,Cahore,Draperstown,Londonderry,BT45 7LY, Loretta Doyle-Kennedy 65a Cahore Road, Draperstown, BT45 7LY. Joanne Dixon 74, Cahore Road, Draperstown, Londonderry, Northern Ireland, BT45 7LY Joseph O'Malley	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: H/2012/0156/F

Proposal: 33kv Overhead Powerline

Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick,

Decision: PG

Decision Date: 19.11.2012

Ref ID: H/2011/0475/F

Proposal: 33kv overhead powerline to connect from Draperstown North substation to Brackagh Quarry to serve approved wind turbine development.

Address: Townlands Drumard, Cahore, Cloughfin, Straw Mountain, Brackagh, Corick,

Decision:

Decision Date: 18.06.2012

Ref ID: H/2014/0399/F

Proposal: Proposed pig fattening shed with feed bin (to contain 1250 pork pigs)

Address: Land off Cahore Road approx. 100m East of 11A Tonaght Road, Draperstown,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. DOC 02/1

Type: Further Particulars

Status: Submitted

Drawing No. DOC 03

Type: Further Particulars

Status: Submitted

Drawing No. 05

Type: Road Access Plan

Status: Submitted

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01/1

Type: Site Location Plan

Status: Submitted

Drawing No. DOC 01

Type: Technical Specification

Status: Submitted

Drawing No. 04

Type: Farm Boundary Map

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0687/O	Target Date:
Proposal: Proposed dwelling and garage	Location: 100m North of 17 Carricklongfield Road Aughnacloy
Referral Route: Recommend approval – application considered in tandem with LA09/2016/0687/F which attracts an objection from NIEA:NED.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Colin Mullan 30 Castletown Road Aughnacloy	Agent Name and Address: Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
Executive Summary: Recommend approval with conditions.	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DAERA - Omagh	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The application site is located within open countryside as identified in the Dungannon & South Tyrone Area Plan 2010. The red line site encompasses two agricultural fields and a large agricultural building with a yard area. The topography of the land falls from the roadside in a westerly direction. The site plan submitted includes an area shaded green. This land forms part of an agricultural field which has well established hedgerow boundaries.

The site is located within an area characterised by agricultural land, farm holdings and dispersed settlement. The vicinity is characterised by undulating landform which limits views of the site from the wider road network.

Description of Proposal

The proposal is for outline permission for a farm dwelling.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan
- SPPS: Planning for Sustainable Development
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside

The site lies in the countryside outside of any settlement limit defined in the statutory Dungannon and South Tyrone Area Plan 2015. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.

Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) applies to the development. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It continues to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling on a farm in accordance with Policy CTY10 which is the main policy consideration for the proposal. It 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;
It has been confirmed through consultation with DEARA that the farm Business Id identified on Form P1C been in existence for more than 6 years. DEARA also confirmed the farm business claimed either Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. I am content that 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;

A search of the Farm Business ID associated with this application returned no results. A desk top review of the farm land shown the maps, identifies two historic planning applications: M/2004/1378/O and M/2003/0875/O. No subsequent Reserved Matters or Full applications are evident.

I am satisfied no development opportunities have been sold off the farm holding.

(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.

The site is a roadside plot and no laneways are present to farm buildings. The red line site encompasses a farm building. It was identified from orthographical maps that this building has only been erected some time between Sept 2010 and Jun 2013 and does not have planning permission. It is noted that the new building does however replace a previous farm shed in the same location, albeit smaller in size. The shed does not constitute permitted development as it is within 9m of a road and is more than 75m it is not within 75m from the nearest part of the principal farm group. A planning application was subsequently received (LA09/2016/0687/F) and

is under consideration in tandem with this application. Invoices suggest construction works commenced in 2011, however a letter from NIEA, confirms the underground slurry tank, which forms the under-build of the farm building was constructed by 23rd January 2012. Since inheriting both the subject application and the associated application for the farm shed, consultation with enforcement indicates there was no case opened in relation to the farm shed. Furthermore the application LA09/2016/0687/F has been considered and a recommendation for approval is to be presented to Planning Committee.

Drawing 01rev1 dated 08 Feb 2016 indicates the dwelling will be sited in the area marked green. It is notable that the policy states a new buildings should cluster with a "group of buildings" on the farm. There is no evidence of a group of buildings on this farm, but two single buildings located at separate locations– the applicant's dwellings at 30 Castletown Road and the farm shed on the subject site. In the absence of a group, I consider that a dwelling and garage on the site will cluster with this 'building' on the farm.

Policy CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character of PPS21 are also applicable and considered.

Despite the elevated position within the wider landscape, the site is not elevated above the Carricklongfield road. There are well established hedgerows along site boundaries and any dwelling on the site will visually link to the existing farm shed. The site plateau's then falls away steeply in a westerly direction. There are limited views from the wider surrounding road network due to undulating landform and landscape features. The site avails of existing hedgerow boundaries which give a suitable degree of enclosure to integrate with the surrounding landscape.

The character of the area is largely made up of agricultural land, farm holdings and some dispersed settlement. The traditional pattern of development is single storey dwellings, some on farm holdings. A request for no restriction on ridge height was made by the agent, indicating intention for a single storey / storey and half at front but with the slope of the site a basement garage underneath. I consider a split level house would address the topography of the site, however the character of the surrounding area is largely single storey dwellings, some with first floors to the attic space. I therefore consider a dwelling in this location will be unduly prominent or contrary to the character of the area provided it does not extend beyond 6m above ground level. This would potentially, if appropriately designed facilitate a single storey dwelling with accommodation in the attic space, while also allowing a potential split level dwelling to address the falling levels of the site. I therefore consider a condition is required in any permission granted. The specific design of the dwelling is a matter reserved.

Transport NI have been consulted and the required site splays of 2.0m x 45.0m can be achieved. The proposed development is therefore acceptable from a road safety perspective. This can be agreed in place prior to the commencement of any other approved works. The RS1 form returned by TNI indicates access should be from the existing field gate.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions.

Conditions

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

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

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

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

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The dwelling hereby permitted shall have a ridge height of not greater than 6metres above ground level and shall be designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

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

Reason: To ensure the dwelling integrates into the landform.

6. During the first available planting season after the occupation of the dwelling all new boundaries as agreed at reserved matters stage shall be defined by a timber post and wire fence with a native species hedgerow with trees and shrubs of mixed woodland species planted on the inside.

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

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

8. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.0 metres x 45 metres shall be provided in both directions 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.

9. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

Signature(s)

Date:

ANNEX	
Date Valid	17th August 2015
Date First Advertised	31st August 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 61 Carricklongfield Road Carricklongfield Aughnacloy	
Date of Last Neighbour Notification	16th September 2015
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2015/0687/O Proposal: Proposed dwelling and garage Address: 100m North of 17 Carricklongfield Road, Aughnacloy, Decision: Decision Date:	
Summary of Consultee Responses Transport Ni – No objection subject to conditions.	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0687/F	Target Date:
Proposal: Retention of existing farm building	Location: 100m North of 17 Carricklongfield Road Aughnacloy
Referral Route: This application attracts an objection from NIEA: NED and the recommendation is to approve.	
Recommendation:	APPROVE
Applicant Name and Address: Colin Mullan 30 Astletown Road Aughnacloy	Agent Name and Address: Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
Executive Summary: It is our view the proposal satisfies policy requirement and we disagree with NIEA:NED's recommendation to request an Air Dispersion Modelling and Drainage Plan due to the proximity of the development to Black Lough ASSI (Approximately 340m). Considering this is a retrospective application and evidence submitted confirms NIEA acknowledged notification of the works (below ground slurry tank) in January 2012 and at that time considered an inspection unnecessary, stating "The documentation for the work appears to be in accord with the requirements of current legislation, no inspection will be taken at this time." An informative highlighting this legislation has been attached.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The application site is located at a remote location within open countryside as identified in the Dungannon & South Tyrone Area Plan 2010. The site includes an agricultural field and in its north east corner is a large agricultural building and yard area. The building has a floor area measuring 19.5m x 14.4m with a ridge level of 7.5m when measured from the roadway. The shed also includes a retaining wall on the inner flank along the building and yard area. The land falls steadily away behind the building. The structure is finished in blockwork with corrugated cladding.

Description of Proposal

Permission is sought to retain the agricultural building as submitted.

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement
- The Dungannon and South Tyrone Area Plan (2010)
- PPS21: Sustainable Development in the Countryside

The site lies in the countryside outside of any settlement limit defined in the Dungannon and South Tyrone Area Plan 2015. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter. No representations were received. There is no relevant planning history.

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

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 agricultural development on an active and established farm holding in accordance with Policy CTY12.

The first test of the policy is that the agricultural holding must be active and established. Paragraph 5.56 of PPS 21 says that for the purposes of Policy CTY 12 the determining criteria for an active and established farm will be those set out under Policy CTY 10. That policy requires that the farm business is currently active and has been established for at least 6 years.

It has been confirmed through consultation with DEARA that the farm Business Id identified on Form P1C been in existence for more than 6 years. DEARA also confirmed the farm business claimed either Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

It is also a requirement of policy that the building is necessary for the efficient use of the holding and that no suitable buildings exist on the holding which can be used. It is evident on consideration of the submitted farm maps that this building has replaced some older and smaller sheds at the site and that the new building is the only shed to serve the holding. It is used as a cattle shed with a slurry tank below. The P1C form submitted notes that the current dwelling location is too far from the farm holding to allow adequate supervision of livestock. On examination of the farm maps it is notable that the applicants dwelling is located at 30 Castletown Road, Aughnacloy which has one field adjacent. The remainder of the land is situated at Carricklongfield Road. I am therefore satisfied the shed is therefore necessary for the agricultural enterprise.

In terms of scale and character the building is reasonable and does not appear incongruent within the landscape. There are a belt of trees and established hedgerows to the rear of the building which screen views of the development and aid integration. There are no built heritage features in the vicinity which are of concern. It is not envisaged that the proposal will result in adverse impact on residential amenity given the separation distances to neighbouring dwellings.

NIEA were consulted in relation to the proposal and have noted that the site is within 7.5km of Rehagy Wood ASSI, Black Lough ASSI, Knocknacloy ASSI and Dummond Quarry ASSI which are of national importance and protected by the Conservation (Natural Habitats, etc.) regulations (NI) 1995 (as amended) and The Environment (NI) Order 2002. NIEA: Natural Environment Division recommend additional information is requested to enable an assessment on the impacts of the ASSI to be undertaken by NIEA. NED recommend an Air Dispersion Modelling is carried out for the emissions expected from the proposal (to include the cattle shed, slurry tank and land spreading) and a drainage plan clearly showing

all washings and run-off from the farm building directed to a dirty water collection tank with no overflow to a waterway or soakaway. A copy of a letter to the applicant, Mr. Colin Mullan from NIEA was submitted to this office along with additional information in relation to farm activity. The NIEA letter, is dated 01 February 2012 and relates to 'The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) regulations (Northern Ireland) 2003 (SSAFO).' It states,

"The SSAFO Regulations cover the design, siting, construction and repair of silage, slurry and agricultural fuel oil storage facilities. The regulations apply to stores, which have been constructed, or substantially altered after 1 December 2003 (controlled structures)....However, if, on inspection they are found to pose a pollution risk, NIEA may require their repair, or improvement."

The letter continues stating,

"Acknowledgement of notification of work, Thank you for the Notification form we received on 23 January 2012, informing us that you have constructed a new below ground slurry tank, in situ at 17 Carriclongfield Road, Aughnacloy. The documentation appears to be in accord with the requirements of current legislation. No inspection will be undertaken at this time."

It is the view of the group, that considering NIEA were notified of the construction of the works in 2012 and considered it unnecessary to carry out an inspection at that time, the request for an Air Dispersion Modelling and a drainage plan some 5 years later is unwarranted. It is noted that potential pollution arising from the farm shed to be retained, is subject to the requirements of the aforementioned legislation. Detrimental impact on the amenity of residential dwellings outside the holding, such as problems arising from noise, smell and pollution is not envisaged.

Policy CTY 12 states, in cases where a new building is proposed applicants will also need to provide sufficient information to confirm there are no suitable existing buildings on the holding or enterprise that can be used and 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.

A survey of orthographic images confirm that proposal has replaced a smaller agricultural shed which was situated on-site. Farm maps supplied indicate no other buildings on the holding to which the proposed shed could cluster with. It is notable that the building does replace some older structures at largely the same position.

Transport NI have no objections.

Conclusion

The proposed development is considered acceptable and I recommend permission is granted subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions.

Conditions

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

Reason: This is a retrospective application.

2. The building hereby permitted shall be limited to agricultural use.

Reason: The site is located in the rural area where it is the policy of the Council to restrict development and the planning permission hereby granted, is to support the operations needs of the active and established agricultural holding.

Informatives

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

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

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

2. The applicant should fulfil their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (Northern Ireland) 2003 and the Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2014.

The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note 4.

Pollution Prevention Guidance, 11. Discharges to the Water Environment and 12. Agricultural

Developments. Standing Advice notes are available at:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

Signature(s)

Date:

ANNEX	
Date Valid	13th May 2016
Date First Advertised	25th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2015/0687/O Proposal: Proposed dwelling and garage Address: 100m North of 17 Carricklongfield Road, Aughnacloy, Decision: Decision Date: Ref ID: LA09/2016/0687/F Proposal: Retention of existing farm building Address: 100m North of 17 Carricklongfield Road, Aughnacloy, Decision: Decision Date:	
Summary of Consultee Responses See above report.	
Drawing Numbers and Title	
Drawing No. 02 Type: Elevations and Floor Plans Status: Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0965/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Lands sited between 103 Killymeal road and 7 Edendork Road Dungannon
Referral Route: Recommendation for refusal.	
Recommendation: Refuse	
Applicant Name and Address: Mr Rodger Jones 63 Newry Road Armagh	Agent Name and Address: 2Plan NI 47 Lough Fea Road Cookstown BT80 9QL
Executive Summary: The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	DETI - Geological Survey (NI)	
Statutory	DAERA - Omagh	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

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

Summary of Issues

4 no. letters of objection were received from owners / occupiers at the following addresses:
 103 Killymeal Road, Dungannon
 7 Edendork Road, Dungannon
 5 Edendork Road, Dungannon
 22 Kingarve Road, Dungannon

The issues raised are discussed as follows:

Site History

A search of the planning portal reveals no historical planning applications on site.

Validity of Application

Representation contests the validity of the application, noting that questions, 14, 15 and 16 of the 'P1A' have not been completed. The application meets the legislative requirements for validation as outlined in the General Development Procedure Order (NI) 2015. Questions 14, 15 and 16 on the P1 form were subsequently completed upon request.

Neighbouring Amenity

Concerns were raised in relation to privacy of adjacent premises. The site is considered to be large enough and sufficiently separated from other residential properties to alleviate concerns in relation to private amenity. It is notable that this is an outline application and design is a matter reserved. If considered necessary a siting condition could be included to mitigate any adverse impact on neighbouring residential amenity.

Planning Policy

Policy CTY 10 of PPS21

Concerns are raised in relation to clustering or visually linking with farm buildings. It is highlighted that the site is sufficiently large so that a dwelling may not satisfy this criterion. It is notable that if considered necessary, in order to satisfy this part of Policy CTY 10, a siting condition restricting the position of the dwelling could be included.

The representation notes the farm buildings are outside the red line. They have however been outlined in blue indicating they are under the ownership of the applicant.

The representation notes the proposal fails to meet the requirements of CTY 13, CTY 14 and CTY16 of PPS21.

Policy requirements are considered in detail and documented in the latter of this report.

Ownership of the Laneway / Right of Way Over Laneway

The occupier of no. 5 Edendork Road, Mr. Kenneth R. Farquhar claims ownership of the laneway to the site. He notes that the right of way which exists is for agriculture and he does not give permission for access to a dwelling house. The agent contests the right of way is only for agricultural use, noting the applicant's solicitors in receipt of the relevant 'instrument' which shows the deed of transfer which can be provided.

It is also noted that Mr Kempton of 22 Kingarve Road notes he has a right of way over the laneway to lands owned by him to the East of what he refers to as 'Farquhar's Farm'. He continues that the land was acquired by the applicant due to a mapping error.

It is notable that planning permission does not confer title and relates to land rather than those persons who own or occupy it. Subsequently, in the event permission were granted it would be the responsibility of the developer to ensure he controls all the lands necessary to carry out the proposed development. Any dispute in relation to land ownership or right of way would be a civil matter.

Farm Activity

It is noted that the application relates to a dwelling on a farm but 'the associated maps do not include a farm as they are outside the boundary.' Farm maps have been received with the application and farm buildings are outlined in blue indicating ownership by the applicant. The representation claims the farm has been disused for many years. DEARA have been consulted and confirmed Single Farm payment was claimed from 2005-2014. No claims were submitted (Basic Payment Scheme) for 2015 or 2016.

Greenbelt

Representations note their view that the area is a greenbelt and development is forbidden. The application site is outside any settlement limits as defined by the Dungannon and South Tyrone

Area Plan (2010) and Planning Policy Statement 21: Sustainable Development in the Countryside is applicable.
<p>Characteristics of the Site and Area</p> <p>The application site is located within an area largely characterised by agricultural land, farm holdings and some dispersed settlement. The red line site encompasses a portion of a larger field and a laneway which abuts the Edendork Road. The topography of the site falls steadily from west to east. To the north west of the site there are a cluster of 3 no. farm sheds, two (the most westerly) of which are under the ownership of the applicant. To the north, is no.7 Edendork Road which is a disused and slightly dilapidated dwelling. The site boundaries to the north and east are marked by well-established hedgerows and trees which provide screening to the site. To the west the boundary is unmarked and to the south, the site is partially abutted by the curtilage of a dwelling – no. 103 Killymeal Road.</p>
<p>Description of Proposal</p> <p>Proposed dwelling and garage – outline application.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <ul style="list-style-type: none"> - Dungannon and South Tyrone Area Plan - SPPS: Planning for Sustainable Development - PPS 3: Access, Movement and Parking - PPS 21: Sustainable Development in the Countryside <p>The site lies in the countryside outside of any settlement limit defined in the statutory Dungannon and South Tyrone Area Plan 2015. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.</p> <p>Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) applies to the development. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It continues to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling on a farm in accordance with Policy CTY10 which is the main policy consideration for the proposal. It states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:</p> <p><i>(a) the farm business is currently active and has been established for at least 6 years;</i></p> <p>It has been confirmed through consultation with DEARA that the farm Business ID identified on Form P1C been in existence for more than 6 years. DEARA also confirmed the farm business claimed either Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes from 2005-2014, however no claims were submitted in 2015 or 2016. (Reponse dated 29th July 2016).</p> <p>Additional information in relation to farm activity was sought from the agent who confirmed by email, the subject lands have been let out to Mr. Davidson from 2010 to date. Accompanying invoices were also submitted titled Brian Wilson, auctioneer, estate agent and valuer from R Jones, noting the letting of 3.5 acres of land to Mr N Davison for a period of the same. A further signed letter from Mr Noel Davidson states,</p>

"I certify that I actively farm the holding at Kingarve Dungannon owner by Mr Roger Jones as per attached map fields I and II. I use the lands for silage, maintain the lands in good order and apply fertiliser as required."

This is further supported by the provision of invoices for fertiliser to Mr Davidson.

I am satisfied that the subject lands are actively farmed by Mr. Davidson and also maintained by him. The farm to which the lands therefore relate is Mr Davidsons farm, not that of Mr Jones.

Paragraph 5.38 of Policy CTY 10 of PPS 21 states, "new houses on farms will not be acceptable unless farming business is both established and active." Paragraph 5.39 states, "For the purposes of this policy, 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition."

Given Mr Noel Davidson has confirmed he both farms the land and maintains the land, it is evident that Mr Jones' farm business is not currently active.

Request was made to the agent for the provision of Mr Davidsons farm maps and an amended P1C to reflect the current farming activity on the land to allow the extent of Mr Davidsons farm to be considered, including any existing groups of buildings on that farm.

This information was not provided but the agent contends that the assessment of the application should be linked to the applicant's farm business ID. The fact however remains, that while Mr Jones' farm is established, it is neither farmed nor maintained by him. The assessment therefore against Mr Jones farm fails to meet the first test of the policy as it is not currently active.

Criterion (b) of Policy CTY10 states,

(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;

A search of the Farm Business ID associated with this application returned no results. A desk top review of the farm land shown the maps, returned no historic planning applications on the said lands. I am therefore satisfied no development opportunities have been sold off the farm holding

Criterion (c) of Policy CTY 10 states,

(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.

The application site is located some 30m south east of 2 no. buildings on the farm. These include a hay shed and byre. The site is located to the rear pf no. 7 Edendork Road and outbuildings associated with it. There is also a shed which borders the northern boundary of the red line site, however it is not under the ownership of the applicant and not part of the farm in question. While the red line site appears somewhat disconnected from the farm group, I consider a dwelling sited in the north western portion of the site would visually link with the group of buildings on the farm. The site is also accessed by the existing laneway. While representations raise concern in relation to land ownership and right of way, it is notable that planning permission does not confer title and any permission granted goes with the land, thus these matters would be a civil issue.

I consider the proposal satisfies criterion (c), provided a siting condition is included if permission were to be granted.

Policy CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character of PPS21 are also applicable and considered.

The site is accessible via an existing laneway and is located some 170m south of the Edendork Road and 230m east of the Killymeal Road. The site is a portion of a larger agricultural field which has well established hedgerow boundaries augmented by trees to the north and east. To the south the field is partially bounded by trees and to the west marked by a fence. There are limited views from the wider surrounding road network due to existing vegetation. The site levels fall from west to east, away from public vantage points and the eastern boundary is heavily treed. To the west the red line site will require a new boundary which should be conditioned to be an indigenous hedgerow in if permission were to be granted.

The character of the area is largely made up of agricultural land, farm holdings and some dispersed settlement. The traditional pattern of development is largely single storey dwellings, some on farm holdings. I therefore consider if permission were to be granted a dwelling should be limited to 6m above ground level to maintain the character of the area.

Transport NI were consulted and returned a response stating,

“Access visibility is substandard on the existing entrance point; please advise if there is a reasonable prospect of the applicant gaining control of the necessary third party land, in order to achieve the requirement of (2.0m * 60.0m), Northeasterly direction and (2.0m * 33.0m), Southwesterly direction.”

It is notable that the Council may attach a negative condition to a planning permission requiring that development shall not take place until works to facilitate it, such as provision of visibility splays and upgrade to the access have been carried out. The SPPS supersedes PPS1 which formerly required there to be a reasonable prospect of the required works being carried out within the period during which the planning permission will remain live where negative conditions were to be included in any permission. The SPPS notes only that conditions should be necessary; relevant to planning; relevant to the development being permitted; precise; enforceable; and reasonable. Considering planning permission n does not confer title I consider a negative condition for the requirement of visibility splays would meet the requirements set out above and address issues in relation to road safety.

Policy CTY 16 – Development Relying on Non-Mains Sewerage states that planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

The application form states that surface water will be disposed of by soakaways and foul sewage by a septic tank. NI Water were consulted and have recommended negative conditions to safeguard against the site and adjacent land against flooding and standing water and in the interest of public health.

Neighbour Notification Checked

Yes

Summary of Recommendation:

In conclusion, I recommend permission is refused as the proposal fails to satisfy criterion (a) of Policy CTY 10 of PPS21, in that the farm business is not currently active.

Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active.

Signature(s)

Date:

ANNEX	
Date Valid	7th July 2016
Date First Advertised	21st July 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 103 Killymeal Road Kingarve Dungannon Pat O'Kane 103 Killymeal Road, Dungannon, Tyrone, Northern Ireland, BT71 6LE J A Kempton 22, Kingarve Road, Dungannon, Tyrone, Northern Ireland, BT71 6LQ The Owner/Occupier, 5 Edendork Road Kingarve Dungannon Kenneth R Farquhar 5 Edendork Road, Kingarve, Dungannon, Tyrone, Northern Ireland, BT71 6LF The Owner/Occupier, 7 Edendork Road, Kingarve, Dungannon, BT71 The Owner/Occupier, 7 Edendork Road Kingarve Dungannon The Owner/Occupier, Kenny Farquhar, 40 Main Street, Castlecaulfield, County Tyrone. BT70 3NP	
Date of Last Neighbour Notification	10th March 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/1977/003601 Proposal: ERECTION OF DWELLING Address: KINGARVE, DUNGANNON Decision: Decision Date: Ref ID: M/1977/0036 Proposal: PRIVATE (SUBSIDY TYPE) DWELLING Address: KINGARVE, DUNGANNON Decision: Decision Date: Ref ID: LA09/2016/0965/O	

Proposal: Proposed dwelling and garage

Address: Lands sited between 103 Killymeal road and 7 Edendork Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/1976/0401

Proposal: ERECTION OF DWELLING

Address: KINGARVE, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

As discussed above.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1086/F	Target Date:
Proposal: 3 Town Houses	Location: Adjacent to 1 The Villas The Rock Dungannon
Referral Route: Planning Objections	
Recommendation:	Approve
Applicant Name and Address: Mr T Gilkinson 57 Beechwood Road Sanderstead South Croydon London CR2 0AE	Agent Name and Address: Shaw Design 34 Grange Road Dungannon BT71 7EQ
Planning Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

The letters of objection are from a single objector, the issues raised will be dealt with in the main body of the report.

Description of proposal

This is a full planning application for 3 no. townhouses located within the development limits of Rock village.

Characteristics of site and area

The site is located in the centre of Rock at the main crossroad junction, and is approx. 7km SW of Cookstown. At present the site contains a vacant single storey flat roofed shop with bricked up windows and doors, and a grassed over vacant forecourt which used to contain petrol filling pumps at the road edge. The derelict shop is attached to the gable of a row of 3 terraced dwellings with red brick chimney stacks. These are currently not being lived in. The area to the

rear of the derelict property is grassed with a mature tree lined hedgerow to the northern boundary.

Located within the development of Rock, the area is defined mostly by mix of residential development. A small convenient store is located to the south of the site. The site fronts onto a central village green within the heart of The Rock.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Cookstown Area Plan 2010: The site is located within the development limits of The Rock within an Area of Townscape Character. The proposal is for housing, Policy provisions of SPPS, PPS7, Addendum to PPS6, and, PPS3 apply. The area plan states 'An Area of Townscape Character is designated based on the quality of the village setting. The design of development proposals in this area should be in keeping with the building traditions of the area in terms of scale, form, massing and design. The characteristic built form displayed in this area can also help inform developers in preparing development proposals elsewhere in the village to reinforce local identity'.

Relevant Planning History

I/2003/1011/O granted permission for 3 no. townhouses 14th July 2005.

I/2008/0461/RM- granted permission for 3 no. townhouses 15th Jan 2009. 9m ridge height with living and kitchen and bathroom areas on the ground floor, 2 bedroom and bathroom on the first floor, and bedroom with en suite on the attic floor. The end terrace dwelling to the NE is stepped forward towards Oughterard Road, while the other 2 retain their own building line and are set behind the rear building line of adjacent terraced 2 storey dwellings (no. 1-3 The Villas).

Key planning Policy

The site is located within the existing development limits of The Rock. The Single Planning Policy Statement advises that the policy provisions of PPS7 will stand until such times as an up-to-date Area Plan is in place. Under Policy QD1 of PPS 7- Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In terms of QD1 of PPS7, Proposals are expected to meet the following criteria:

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

The proposal is for 3 no. 2 storey townhouses with attic conversions and Velux roof lights. The terraced dwellings adjacent to the site have a ridge height of approx 7.5m, and gable depth of 6.5m. The proposed townhouses have a ridge of approx 8.5m and gable depth of 7.5m. While the proposed dwellings are larger, they are still broadly in keeping with the mass, scale, design and proportion of adjacent dwellings.

The existing dwellings have vertical windows on first floor and covered projecting bays on the ground floor. The proposed dwellings have vertical windows on the first floor and large picture windows on the ground floor with covered front doors. The fenestration is largely carried through from the existing properties, albeit the proposed dwellings will be set behind the existing building

line of dwellings to the SW. Given what currently exists on site, a flat roofed single storey shop with large picture windows and attached storage area, with overgrown front and rear yards, it is my view that the proposed layout and design of proposed dwellings will be an improvement to the townscape to what currently exists.

A similar design and layout was granted permission under I/2008/0461/RM where the prevailing planning policy was PPS7.

The building materials and finishes are broadly in keeping with surrounding properties. The windows are white PVC, which is reflective of other surrounding properties. The grey slates and dry dash are in keeping with finishes in the area. White PVC doors and facia are also prevalent in this area and will not have a detrimental impact to the character of this ATC.

The objector raises concern that the design is not in keeping with other dwellings in the village. I disagree with for the reasons stated above.

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

No archaeological or built heritage features identified on GIS search. The large trees to the NW boundary are proposed to be retained.

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

The village green is located opposite the site and is therefore ample public open space to cater for the proposed development.

The rear amenity space to the 2 properties closest to 1 The Villas measure approx. 50m². This falls within the recommended bracket of between 40m² and 70m² contained within Creating Places for private amenity provision to dwellings. Also, the same amenity space was provided for under I/2008/0461/RM, granted under the same prevailing planning policy PPS7 and guidance of Creating Places. This, given the village centre location of this proposal and public open space nearby it is my view that this proposed rear amenity space is acceptable in this instance.

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

The proposal is for 3 No. dwellings located close to public transport links and a local convenience store.

(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;

Transport NI, through amendments to the access layout, are now content with this proposal. The objector has raised various concerns about safe access to this site on a fast bend in the road. Transport NI are aware of these concerns and have no objections to the proposed access as presented on drawing No. 03 rev1 date received 10th November 2016. TNI recommend planning conditions subject to permission being granted.

(f) adequate and appropriate provision is made for parking;

Parking is proposed to the front of the proposed properties, off the existing carriageway. Transport NI are content with these parking arrangements and do not share any concern over road safety which have been raised by the objector.

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

The form, materials and detailing are broadly similar to the surrounding existing properties and what has been previously approved on this site under I/2008/0461/RM.

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

The SW gable of the proposed development will be adjacent to the rear boundary of No. 1 The Villas. The gable depth is 7.5m and ridge height of 8.5m, which is 1m lower than what was previously approved in 2009. As this relationship was assessed and found to be acceptable under PPS7 in 2008/2009 then I am of the opinion that it is acceptable now and the proposal will not have an overbearing impact on existing or proposed private amenity. The impact will be less as the ridge height will be 1m less to what was previously granted.

No 1 The Villas is currently derelict. Any potential occupants will have a chance to view any live planning permissions adjacent to the property and can decide for themselves if this relationship is acceptable or not.

The proposal does not have any overlooking windows. Due to the orientation and siting of the dwelling to The Villas development, it is my view that there will be no detrimental impact on residential amenity by overshadowing. there may be some overshadowing of the rear garden of no. 1, but this will lessen towards mid-day.

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

Security will be provided to the rear of properties though boundary fencing. Proposed dwellings will overlook the existing village green and will deter potential crime.

In terms of PPS 7 (Addendum) - Safeguarding the Character of Established Residential Area, the proposed housing density, design and layout is in keeping with surrounding development.

Addendum to PPS 'Areas of Townscape Character' (ATC)

Policy ATC1 has a presumption in favour of retaining any building which makes a positive contribution to the ATC. In my view the building proposed to be demolished makes no positive contribution to the character of the ATC and can therefore be demolished. The existing building is incongruous to its surrounds with flat roof and large picture windows. In this case, the conditional grant of the proposal for redevelopment of the site after demolition of the existing building is not required in this instance given the non-material contribution of the existing building to the character of this ATC.

Policy ATC2 will only permit new development within an ATC where it enhances or maintains the overall character and respects the built form of the area. As explained above, I am of the view that the proposal will be an improvement from what currently exists on site and this policy is not offended.

Other considerations

The objector raises concerns on matters that are not material to the assessment of this application. The objector wants answers to the developers intentions to renovate the adjacent derelict properties. This does not fall within the remit of my assessment and would be unreasonable for me to address this issue under the platform of this application.

The objector states that the dry stone wall to Tullyodonnell Road should be kept. I am not convinced that this is the case as the wall is not listed and is immaterial to the existing character of this ATC.

The objector states that development will be carried out to the rear garden area of the adjacent row of terraced dwellings. This is not the case.

A historic use of petrol filling pumps are on this site. Environmental Health raised this concern and required a Land Contamination Report to address concerns with developing this site. The agent provided a report and Environmental Health now have no objections to this proposal subject to planning conditions should permission be granted. In my view, these conditions are reasonable and meet the legal tests of a planning condition.

The site is not subject to flooding.

Neighbour Notification Checked: Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions.

Conditions

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.

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

Reason: In the interests of visual amenity.

3.All landscaping comprised in the approved details of landscaping shown in drawing No 06 date stamp received 4th August 2016 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved and any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

4. Prior to the occupation of any of the of the dwellings hereby approved, the boundary treatments defining the curtilage shall be constructed as detailed on Drawings No 08, 09, 10, 11 and 12 which were date stamp received 1st June 2017, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment and in the interest of private amenity.

5.The finished floor level of the dwellings hereby approved shall be as indicated on drawing No. 08 date stamp received 1st June 2017, unless otherwise agreed by Mid Ulster Council in writing.

Reason: To safeguard visual and residential amenity.

6.The site development plan shall be examined by the contractor in accordance with Section 6.1 of Doc1- Land Contamination Report date received 20th March 2017 to determine the need to install a capping layer on the site. Prior to the commencement of development hereby permitted, details of this assessment shall be forwarded to Council for approval should the site not require to be capped.

Reason: In the interest of human health and to safeguard the environment.

7.Should it be necessary to cap the garden areas of the site with clean soil then this shall be undertaken by the method outlined in Section 6.2 of Doc 1- Land Contamination Report date stamp received 20th March 2017, and a capping system validation procedure undertaken in accordance with Section 6.2.2 of the report, details of which to be forwarded to Council for approval prior to the commencement of development hereby permitted.

Reason: In the interest of human health and to safeguard the environment.

8.Underground storage tanks shall be decommissioned in line with relevant guidance PPG27 and above ground storage tanks in line with guidance note PPG2 prior to the commencement of development hereby approved, unless otherwise agreed in writing by Mid Ulster Council.

Reason: In the interest of human health and to safeguard the environment.

9.The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawings No. 03 rev1 date received 10th November 2016, and, 08 date received 1st June 2017, prior to the commencement of any other works or other development hereby permitted.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	5th August 2016
Date First Advertised	18th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Eden Gardens Oughterard The Rock The Owner/Occupier, 1 Rockdale Close, Oughterard, Dungannon, Tyrone, BT70 3PX, The Owner/Occupier, 1 The Villas, Oughterard, The Rock, Dungannon, Tyrone, BT70 3JB, George M Watson 101 Rockdale Road, Rock, Dungannon, BT70 3JD George Watson 101 Rockdale Road, Rock, Dungannon, BT70 3JD The Owner/Occupier, 12 Rockdale Close, Oughterard, Dungannon, Tyrone, BT70 3PX, The Owner/Occupier, 3 The Villas, Oughterard, The Rock, Dungannon, Tyrone, BT70 3JB, The Owner/Occupier, 36 Drumballyhugh Road, Oughterard, The Rock, Dungannon, Tyrone, BT70 3JA, P Watson 4 Tullyodonnell Road, Rock, Dungannon, BT70 3JE The Owner/Occupier, 40 Molesworth Street, Cookstown, Tyrone, Northern Ireland, BT80 8PH The Owner/Occupier, 94 Rockdale Road, Oughterard, Cookstown, Tyrone, BT70 3JD, The Owner/Occupier, 96 Rockdale Road, Oughterard, Cookstown, Tyrone, BT70 3JD, The Owner/Occupier, Rock Post Office 101 Rockdale Road Oughterard	
Date of Last Neighbour Notification	21st June 2017
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: I/2004/0757/F

Proposal: Realignment of junction of Rockdale, Drumballyhugh and Tullyodonnell Roads, kerbing, carriageway resurfacing, provision of new bus lay-by and shelter, undergrounding of overhead NIE lines, ducting, footpath construction, rendered block walling, stone walling, dressed stone wall, piers and railing surround to village pump. Provision of sitting areas, street furniture, grassing, tree and shrub planting.

Address: Rock Village, Dungannon

Decision:

Decision Date: 21.06.2005

Ref ID: I/2008/0461/RM

Proposal: 3 no townhouses

Address: Adjacent to No 1 The Villas, The Rock, Dungannon

Decision:

Decision Date: 22.01.2009

Ref ID: I/2003/1011/O

Proposal: 3 No Townhouses

Address: Adjacent to 1 The Villas The Rock Dungannon

Decision:

Decision Date: 15.07.2005



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1102/RM	Target Date:
Proposal: Erection of 2 class B2 light industrial units	Location: Lands North of 23 Magherafelt Road and opposite 1-8 Rochview Terrace Moneymore
Referral Route: Approval – one objection has been submitted	
Recommendation: Approval	
Applicant Name and Address: Mr Alastair Hayes A H Developments Ltd 146 Pomeroy Road Dungannon	Agent Name and Address: McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT63 6FB
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

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

Statutory	Transport NI - Enniskillen Office	Content
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Summary of Issues

One objection received, points raised are discussed in the following report.

Characteristics of the Site and Area

The site is located alongside Magherafelt Road, Moneymore, on the outskirts of the settlement. Outline approval was granted on 15th August 2013, this reserved matters application was submitted 09.08.2016 and so was submitted within the three years.
The site is located adjacent to a relatively new housing development on the northern boundary and then further industrial units exist to the southern side.

Description of Proposal

Reserved matters application for 'Erection of 2 Class B2 Light Industrial units'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 4 - Planning _ Economic development

Consultees: - Transportni were asked to comment and responded on 21.06.2017 with no objections subject to conditions.

Environmental Health were asked to comment and responded on 26.04.2017 with no objections subject to conditions and informatives.

NI Water were asked to comment and responded on 05.09.2017 with no objections subject to advice.

The use of the proposed units is for Class B2 light Industrial Units:

Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit.

The land lies within the limit of development for Moneymore and there is a designation in the Cookstown Area Plan 2010. The designation is 'lands unsuitable for housing due to adjacent industrial process', this designation related mainly to the existence of a quarry and tar macadam plant on the lands to the north of the site, however this use has ceased and the quarry has closed and an Article 40 agreement has been put in place, since this the land has been cleared for housing and several developments have been approved. The proposal is utilising an existing access that was agreed under I/2013/0027/O, This is to remain unchanged under this Reserved matters application.

In line with PPS4 a development proposal for a Class B2 Light Industrial use or Class B3 general industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use. In this particular case the proposed buildings scale, nature and design is in keeping with the adjacent light industrial uses. There are neighbouring residential properties but these have been considered and with the use of the environmental health conditions and proposed landscaping etc. the impact on neighbouring properties will be controlled.

In addition this proposal needs to be considered against the criteria of PED 9 of PPS 4 and must adhere to all of the following criteria:

- it is compatible with surrounding land uses; - as demonstrated above this proposed use is compatible with the adjoining landuses.
- it does not harm the amenities of nearby residents - the separation distance, proposed finishes, landscaping, operating hours and use of the building is to be conditioned and so protecting nearby residents.
- it does not adversely affect features of the natural or built heritage; - there are no neighbouring natural or built heritage designations which could be potentially affected by the approval of this application.
- it is not located in an area at flood risk and will not cause or exacerbate flooding; - NI Water have been consulted in the consideration of this proposal and have no objections, following a GIS database search no flooding issues have been flagged and so the proposal adheres to this criteria.
- it does not create a noise nuisance; - conditions have been suggested by Environmental Health which if adhered to will protect neighbouring properties by way of limiting operating hours, sound proof cladding, boundary treatments.
- it is capable of dealing satisfactorily with any emission or effluent; - the relevant consultees have been notified of this proposal and offered to objections as discussed above.
- the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- Transportni were asked to comment and responded on 21.06.2017 with no objections subject to conditions and informatives.
- adequate access arrangements, parking and manoeuvring areas are provided; - Transportni were asked to comment and responded on 21.06.2017 with no objections subject to conditions and informatives.
- a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; - a transport assessment form has been submitted with this proposal and deemed acceptable by the relevant consultees and council.
- the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; - a full and detailed landscaping plan has been submitted with this proposal and the finishes proposed are in keeping with the surrounding character of the locality.

- appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; - see drawing No. 02/2 for full landscape and fence details are indicated.
- is designed to deter crime and promote personal safety; and - boundary treatment and fencing has been indicated.
- in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. - this proposal is within the town limits.

In line with legislation this proposal was advertised in the local press during August 2016.

Site History - approval granted under I/2013/0027/O

Neighbours: - The following owners/occupiers were notified of this proposal on 01.09.2016.

- Nos. 1- 8 Gallion View, Nos. 1- 6 Rock View Terrace, Nos. 10 _ 20 Gallion Heights, Nos. 12, 14, 16 _ 18 Gallion Way and No. 23 Magherafelt Road.

One objection has been received from the owner/occupier of No 14 Gallion Way, the main points raised within this are:

- the industrial units would have a direct and severe impact on the quality of enjoyment and natural light which the residents of Gallion Way would reasonably expect to experience in their properties.
- the proposal is of an incompatible use adjacent to existing housing.
- the buildings proposed are large and overbearing industrial units.
- the height of the proposed units is unclear from the plans.

In response to the submitted objection I would comment that outline approval was granted on 15th August 2013 under I/2013/0027/O for 'Erection of 2 no. class B2 Light Industrial Units'. Under this outline application the adjacent housing was taken into consideration and it was felt that the proposed B2 light Industrial Use was compatible with the adjoining housing. No height restriction was conditioned under the outline and the current reserved matters application proposes a max. height of approx. 11metres. A full and detailed planting scheme has been submitted showing a planting buffer zone on the northern boundary along with a 2.2m high paladin fence. All of these are in keeping with the conditions of the associated outline and are considered acceptable now and so in my opinion the objectors points have all been considered.

Full details of finishes of the units has been shown on the submitted plans and these are in keeping with the proposed use thus I consider them acceptable.

Recommendation: Approval

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval recommended

Conditions:

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

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

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

2. The hours of operation of the units shall be limited to 08.00 - 18.00 hours Monday to Saturday.

Reason: To protect the amenity of local residents.

3. Prior to the units hereby permitted being operational the cladding of the rear wall of the units will require to be fitted with a layer of 13mm plasterboard (or other board with a surface mass in excess of 9kg/m³). This should be built 100mm inside the cladding by means of an MF channel framework, and with a 75mm mineral glass fibre quilt slab (nominal density 20 to 45 kg/m³) within the void and be permanently retained thereafter.

Reason: To protect the amenity of local residents.

4. The service plant to each unit such as ventilation extracts, boiler flues, compressors and condensers should not exceed a Combined Rating Level of 58dB Lar at 1m from the plant.

Reason: To protect the amenity of local residents.

5. No engineering works should take place outside of the industrial unit buildings.

Reason: To protect the amenity of the local residents.

6. The vehicular access, including visibility splays of 2.4 x 90m in both directions, and shall be provided in accordance with Drg No. 02/2 dated 24.05.2017, prior to the commencement of any other works or other development hereby permitted.

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

7. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 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 interest of road safety and the convenience of road users.

8. The access gradient shall not exceed 8% (1 in 12.5) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

9. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/2 bearing the date stamp 24/05/2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Informatives

1. Notwithstanding the terms and conditions of the Mid- Ulster Council's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transport NI Section Engineer whose address is Molesworth Plaza, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.
2. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department Infrastructure for which separate permissions and arrangements are required.
3. It is the responsibility of the developer to ensure that:
 - surface water does not flow from the site onto the public road,
 - the existing roadside drainage is accommodated and no water flows from the public road onto the site,
 - the developer should note that this planning approval does not give consent to discharge water into a DfI Transport NI drainage system.
4. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
5. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
6. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation

and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

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

All services within the development should be laid underground.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	9th August 2016
Date First Advertised	25th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Gallion View Moneymore Londonderry The Owner/Occupier, 1 Rock View Terrace Moneymore Londonderry The Owner/Occupier, 10 Gallion Heights Moneymore Londonderry The Owner/Occupier, 12 Gallion Way, Moneymore, Londonderry Seóna Brady and Brian Brady 14 Gallion Way, Moneymore, Londonderry The Owner/Occupier, 14 Gallion Way, Moneymore, Londonderry The Owner/Occupier, 16 Gallion Way, Moneymore, Londonderry The Owner/Occupier, 18 Gallion Way, Moneymore, Londonderry The Owner/Occupier, 2 Gallion View Moneymore Londonderry The Owner/Occupier, 2 Rock View Terrace Moneymore Londonderry The Owner/Occupier, 20 Gallion Heights Moneymore Londonderry The Owner/Occupier, 23 Magherafelt Road Moneymore Londonderry The Owner/Occupier, 3 Gallion View Moneymore Londonderry The Owner/Occupier, 3 Rock View Terrace Moneymore Londonderry The Owner/Occupier, 4 Gallion View Moneymore Londonderry The Owner/Occupier, 4 Rock View Terrace Moneymore Londonderry The Owner/Occupier, 5 Gallion View Moneymore Londonderry The Owner/Occupier, 5 Rock View Terrace Moneymore Londonderry The Owner/Occupier, 6 Gallion View Moneymore Londonderry The Owner/Occupier, 6 Rock View Terrace Moneymore Londonderry	

The Owner/Occupier, 7 Gallion View Moneymore Londonderry The Owner/Occupier, 8 Gallion View Moneymore Londonderry	
Date of Last Neighbour Notification	1st September 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: I/2006/0722/F Proposal: Change of use from vacant land to proposed office, kitchen, toilet, car park and ancillary car valet building in connection with car sales (Ameded description). Amended drawings 01 (rev 01), 02 (rev 01) & 03 (rev 01). Address: Opposite and East of 1 to 8 Rockview Terrace, Magherafelt Road, Moneymore Decision: Decision Date: 26.06.2008 Ref ID: I/1993/6035 Proposal: Site Moneymore Address: Moneymore Decision: Decision Date: Ref ID: I/2009/0527/RM Proposal: Demolition of existing quarry buildings & erection of phase 1 residential development for 51 dwellings comprising detached, semi-detached, townhouses, apartments, associated access & right turning lane Address: Lands at 31 Magherafelt Road Moneymore Decision: Decision Date: 23.06.2010 Ref ID: I/2004/1348/F Proposal: 1 No Workshop & associated ancillary siteworks Address: Site numbers 6,7,8 of Industrial Estate, Magherafelt Road, Moneymore. Decision: Decision Date: 05.01.2009 Ref ID: LA09/2016/0468/PAN Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland	

Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I

Decision:

Decision Date:

Ref ID: LA09/2016/1102/RM

Proposal: Erection of 2 class B2 light industrial units

Address: Lands North of 23 Magherafelt Road and opposite 1-8 Rochview Terrace, Moneymore,

Decision:

Decision Date:

Ref ID: I/1982/0163

Proposal: BASATT ROCK QUARRYING

Address: MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2004/0918/O

Proposal: Residential development, access and associated site works

Address: 31 Magherafelt Road, Moneymore.

Decision:

Decision Date: 11.09.2009

Ref ID: I/2007/0974/Q

Proposal: Housing Development

Address: Moneymore

Decision:

Decision Date:

Ref ID: I/1974/0369

Proposal: QUARRYING

Address: MONEYMORE

Decision:

Decision Date:

Ref ID: I/1979/0533

Proposal: EXTENSION TO OFFICE BLOCK

Address: 31 MAGHERAFELT ROAD, MONEYMORE, CO LONDONDERRY

Decision:

Decision Date:

Ref ID: I/1985/0055

Proposal: QUARRYING AND ASSOCIATED PROCESSING OF BASALT AND PRODUCTION OF COATED

Address: 31 MAGHERAFELT ROAD, MONEYMORE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: I/2011/0409/F

Proposal: Residential development of 19 units change of house type and a reduction by 2 units to sites 20-35 and 39-43 of previous approval I/2009 0527/RM garages carports landscaping and associated site works.

Address: Lands at 31 Magherafelt Road Moneymore.,

Decision:

Decision Date: 24.05.2012

Ref ID: I/1991/6001

Proposal: Residential Development Fairlea Heights Moneymore

Address: Fairlea Heights Moneymore

Decision:

Decision Date:

Ref ID: I/1978/0146

Proposal: PORTABLE PLANT FOR MANUFACTURE OF ASPHALT AND BITMAC

Address: 31 MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: LA09/2015/1215/F

Proposal: ---Erection of 24 no Dwellings consisting of detached and semi detached and associated siteworks

Address: Lands East of No 21 Magherafelt Road and North of No's 15 and 40 Fairlea Heights, Moneymore,

Decision:

Decision Date:

Ref ID: LA09/2015/0386/F

Proposal: Erection of residential development of four dwellings, with associated garages and landscaping (change of house type and a reduction by 1 units (site 26) to sites 21, 27-28 and 34 of previous approvals ref: I/2009/0527/RM and I/2011/0409/F)

Address: Land approximately 125m South East of 4 and 6 Gallion Heights, Moneymore,

Decision: PG

Decision Date: 19.10.2015

Ref ID: I/1994/0320

Proposal: Proposed workshop for the maintenance of lorries

Address: MAGHERAFELT ROAD MONEYMORE

Decision:
Decision Date:

Ref ID: I/1998/0429
Proposal: Proposed Workshop and Showroom
Address: MAGHERAFELT ROAD MONEYMORE
Decision:
Decision Date:

Ref ID: I/2002/0836/F
Proposal: Extension to Supermarket including retail sales, office, ancillary accommodation and proposed coal store.
Address: Spar Supermarket, 23 Magherafelt Road, Money more
Decision:
Decision Date: 01.07.2003

Ref ID: I/2002/0427/F
Proposal: Extension to existing spar supermarket (to include hot food sales)
Address: Spar Supermarket, 23 Magherafelt Road, Money more
Decision:
Decision Date: 15.10.2002

Ref ID: I/2006/0985/Q
Proposal: Extension
Address: Spar Supermarket, 23 Magherafelt Road, Money more
Decision:
Decision Date:

Ref ID: I/1994/0400
Proposal: Fascia and Roadside Sign
Address: ROADSIDE MOTORS MAGHERAFELT ROAD MONEYMORE
Decision:
Decision Date:

Ref ID: I/2006/1012/F
Proposal: Application to vary condition 2 (increase net floor space by 95 sq. m) and Condition 3 (internal subdivision to create separate self contained unit) of approval I/2002/0836/F to provide additional retail unit within existing building.
Address: Spar Supermarket, 23 Magherafelt Road, Money more
Decision:
Decision Date: 27.02.2007

Ref ID: I/1996/0155
Proposal: Shop Unit Extension to side of existing Petrol Station/

Mini Market

Address: MAGHERAFELT ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/2004/0055/A

Proposal: Projecting Sign and Hoarding Type.

Address: Spar Supermarket and Petrol Filling Station, 23 Magherafelt Road, Moneymore.

Decision:

Decision Date: 10.03.2004

Ref ID: I/1998/0178

Proposal: Provision of New Bulk Storage area for peat, coal gas etc. and Alterations to Shop Front

Address: 23 MAGHERAFELT ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/2004/0056/F

Proposal: Proposed New Entrance Lobby and Disabled Access Ramp and Re-Location of Existing Coal Stores and New Boundary Wall.

Address: Spar Supermarket, 23 Magherafelt Road, Moneymore. BT45 7UR

Decision:

Decision Date: 10.03.2004

Ref ID: I/2013/0135/F

Proposal: Alterations to existing access (serving industrial lands and zoned industrial lands)

Address: Land north of no 23 Magherafelt Road and opposite nos 1-8 Rochview Terrace, Moneymore,

Decision: PG

Decision Date: 15.08.2013

Ref ID: I/2002/0593/O

Proposal: Site for new public car-parking facilities

Address: 50 Metres East of No. 1 Rockview Terrace, Magherafelt Road, Moneymore

Decision:

Decision Date: 23.12.2002

Ref ID: I/2005/0311/F

Proposal: Two storey unit comprising retail, storage and workshop space

Address: 50 metres North of 23 Magherafelt Road, Moneymore

Decision:

Decision Date: 01.12.2005

Ref ID: I/2013/0027/O

Proposal: Erection of 2 no. class B2 Light Industrial Units

Address: Lands north of no. 23 Magherafelt Road and opposite nos 1-8 Rochview Terrace, Moneymore,

Decision: PG

Decision Date: 15.08.2013

Ref ID: I/2002/0106/F

Proposal: Industrial Estate Access Road (Re-determination) - Re-Advertisement

Address: Opposite 1-8 Rochview Terrace, Magherafelt road, Moneymore

Decision:

Decision Date: 18.07.2002

Ref ID: I/1990/0420

Proposal: Private Nursing Home

Address: TO REAR OF FAIRLEA HEIGHTS, MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1998/0509

Proposal: Proposed Site for Industrial Estate including Estate Road

Address: OPPOSITE 1-8 ROCHVIEW TERRACE MAGHERAFELT ROAD MONEYMORE

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



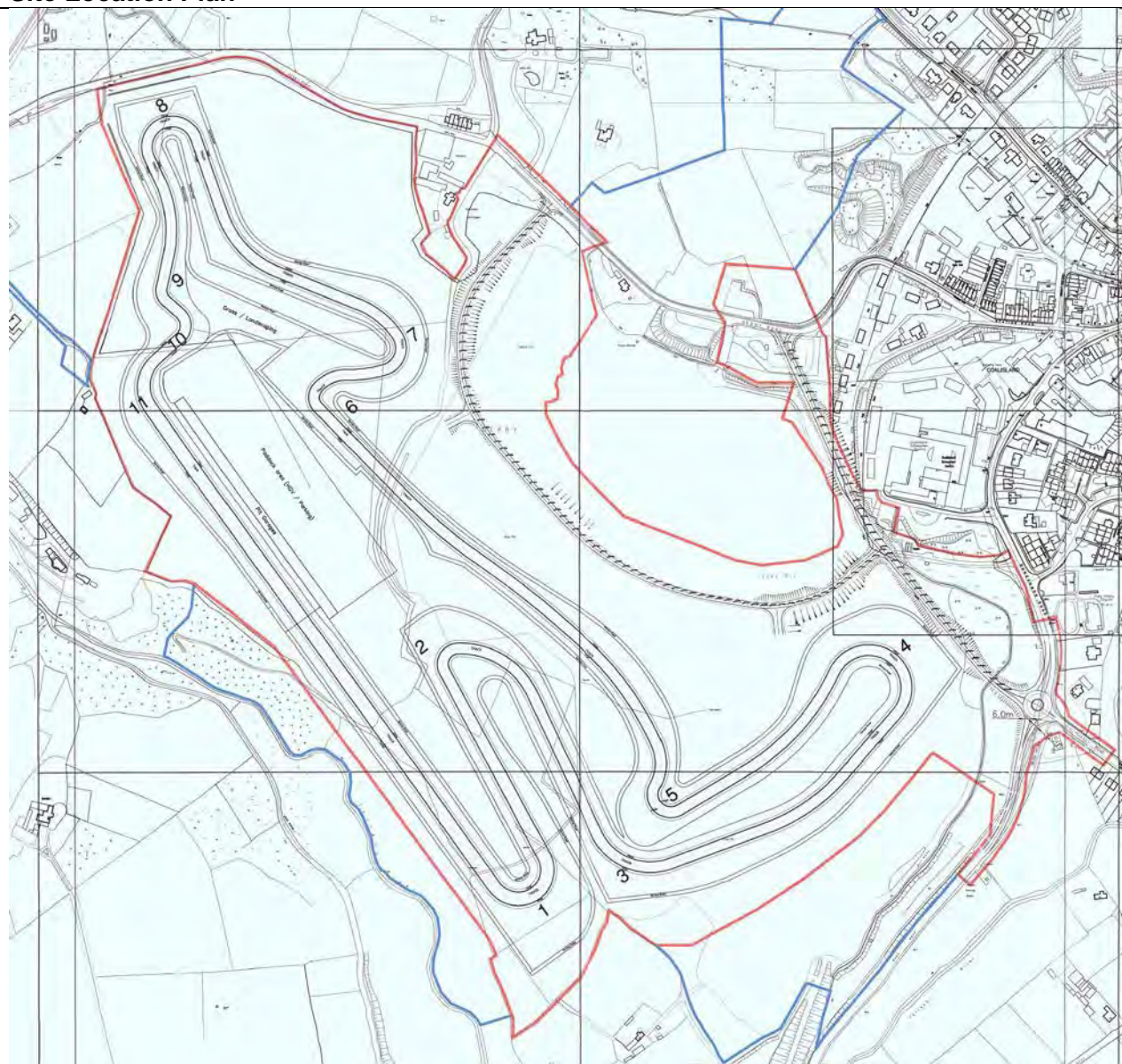
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 August 2017	Item Number:
Application ID: LA09/2016/1307/F	Target Date:
Proposal: Construction of proposed motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; creche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland.	Location: Clay Pits Dungannon Road Coalisland
Referral Route: MAJOR APPLICATION with objections	
Recommendation: APPROVAL	
Applicant Name and Address: Manna Developments 48a Mullaghboy Road Islandmagee Larne BT40 3TR	Agent Name and Address: Clarman & Co Unit 1, 33 Dungannon Road, Coalisland BT71 4HP
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Strategic Applications	Issues to be addressed in future ES

Non Statutory	DETI - Geological Survey (NI)	Add Info Requested
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	Add Info Requested
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Health & Safety Executive for NI	Considered - No Comment Necessary
Non Statutory	DETI - Geological Survey (NI)	Superseded by further Consultation
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Conditions provided
Non Statutory	DETI - Geological Survey (NI)	
Statutory	Historic Environment Division (HED)	Extension Required – no objections
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA: NH	

Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA: NH	Advice

Representations:

Letters of Support	1
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The proposed site is located out with, but directly adjacent to the Settlement Development Limit 'SDL' of Coalisland, on the western edge, as identified within the Dungannon and South Tyrone Area Plan 2010 'DSTAP', which was adopted in March 2005. Within the DSTAP the site is identified as 'Green Belt' (now covered by the policies contained with Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and a portion is also identified as being located within a Minerals Reserve Policy Area (MRPA) along with a Site of Local Nature Conservation Importance (SLNCI) being identified within the site.

The proposed site comprises areas of exhausted clay and coal pits located on the Western edge of Coalisland. The site was previously known as the known as the 'Clay Pits' or 'Tyrone Brickworks site' and which was previously owned by Roadstone plc. Building bricks and clay pipes for construction, were manufactured on site, with aggregates extracted, over a hundred year period.

Prior to this, the site has a long history of industrial workings, including coal mining.

The site itself which covers approximately 57 hectares, comprises grassed agricultural fields and hedgerows to the South and South West quarters untouched by the quarrying. In the central area, steep quarry faces lacking vegetation dominate, with two water-filled deep quarried excavations forming large ponds. The site abuts the Derry Road to the North, the Dungannon Road to the East and the Bush Road to the South East. The site also comprises the existing Coalisland Household Waste Recycling Area which forms part of the site area and which will be relocated under the proposals.

Description of Proposal

Construction of proposed motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; creche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland.

The development proposal will provide a multi-faceted complex, which will provide a facility for motor sport enthusiasts. The motorsport facility will host a range of events throughout the year. The majority of the events (1No. per month) will be small regional racing competitions attracting between 500 – 2,000 spectators. However, 4No. times a year it is anticipated that there will be major events ranging from 15,000 to 30,000 spectators, these include:

- ☐ World Super Bike Championship (WSB);
- ☐ British Super Bike Championship (BSB); and

☐ British Touring Car Championship (BTCC).

On weekdays the circuit will accommodate specialist driver skill training as well as enabling private race car tests and development and at weekends the circuit will be used for club level race events for both motorcycle and race cars.

As part of the development proposal the following key aspects will be provided:

- ☐ Motorsport racetrack;
- ☐ Pit Garages/Hospitality/Media Centre/Press Area: 7,297sqm (Total Floor Area over 2 floors + External Area);
- ☐ Medical Centre Area: (Single Storey): 410sqm;
- ☐ Shower Block Area: (Single Storey): 45sqm;
- ☐ Creche Area: (Single Storey) 209sqm;
- ☐ Mission Hall Area: (Single Storey attached to Restaurant Building): 187.5sqm;
- ☐ Restaurant Area & Spectator Gallery: (3 Storeys Split-level): 1,232sqm;
- ☐ Loop road and public link road between Dungannon Road and Derry Road; and
- ☐ Relocated recycling area.

As part of the application there is provision of a link road between Dungannon Road and Derry Road, improvements to the existing roundabout on the Dungannon Road will also be provided. This will include the upgrading from the existing 3 arm mini roundabout to a standard 4 arm roundabout. The additional arm on the roundabout will form part of the link road allowing for a partial bypass of Coalisland linking to the Derry Road.

The internal loop road will access from the public link road to allow access to the proposed development and will also provide access onto the Derry Road. The provision of the link and loop roads will allow for the improved flow of traffic to facilitate the development proposal and Coalisland as a whole.

Planning Assessment of Policy and Other Material Considerations

In considering the proposed scheme, in light of its magnitude and complexity, limited supporting information and consultation responses, it was considered the application should be accompanied by an Environmental Statement, as there will be a number significant environmental impacts.

A positive EIA determination was carried out on 7th December 2016 and an Environmental Statement was requested. This was received on 2nd May 2017 and advertised on 18th May 2017 in line with EIA Regulations.

Further environmental information was then received on and an advertisement placed on 27th July 2017 and Neighbours re-notified on 18th July 2017 and the public will be given 4 weeks to comment.

The following policies are relevant to the proposal and will be taken into account in the assessment;

Regional

Regional Development Strategy for Northern Ireland 2035 March 2012 (RDS 2035);;

Regional Transportation Strategy (A New Approach to Regional Transportation), June 2011, (RTS)

Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation, March 2011 (ESTF);

Planning Policy Statement 2 Natural Heritage, July 2013, (PPS2);

Planning Policy Statement 3 Access, Movement and Parking, February 2005, (PPS3);

Supplementary Guidance - Development Control Advice Note 15, 2nd edition August 1999 - Vehicular Access Standards, (DCAN 15);

Supplementary Guidance – Parking Standards – February 2006;
 Planning Policy Statement 4 – Planning & Economic Development, in particular PED4, PED5 & PED9.
 Planning Policy Statement 6 Planning, Archaeology and the Built Heritage, March 1999, (PPS6);
 Planning Policy Statement 8 (PPS8) – Open Space, sport and outdoor recreation’;
 Planning Policy Statement 13 Transportation and Land Use, February 2005, (PPS13);
 Planning Policy Statement 15 Planning and Flood Risk (Revised), September 2014, (PPS15);
 Planning Policy Statement 16 - PPS 16 'Tourism' – June 2013
 Planning Policy Statement 21 Sustainable Development in the Countryside, June 2010, (PPS21);
 Planning Strategy for Rural Northern Ireland, March 1997, (PSRNI); and
 Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development, September 2015, (SPPS).

Local

Dungannon and South Tyrone Area Plan 2010 (DSTAP), adopted March 2005.

Supplementary Planning Guidance

Development Control Advice Note 10: Environmental Impact Assessments (DCAN10)
 Development Control Advice Note 10: Access for People with Disabilities (DCAN 11)
 Development Control Advice Note 10: Vehicular Access Standards (DCAN 15)

Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development.

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area.

SPPS supports sustainable economic growth. In paragraph 4.19 it states planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. Large scale investments, such as this proposal, with job creation potential should be given particular priority. However, this must be weighed against the public interest of the local and wider community.

Paragraph 6.208 states that particular attention should be given to development such as motorsports which generate high level of noise. These are activities which are likely to conflict with disturb and cause nuisance to nearby noise sensitive uses. These developments will only be permitted where there is no unacceptable level of disturbance. A number of strict conditions to control the frequency and duration of noisy events have been provided by EH to protect the amenity of nearby residents. This has been further considered in the report under PPS4 & PPS8.

Planning Policy Statement 21 Sustainable Development in the Countryside. June 2010. (PPS21):

The overriding policy relevant to the proposal is PPS21. Policy CTY1 states the range of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

In relation to non-residential development permission will only be granted in the countryside in certain cases;

The main element in this proposal would fall under 'outdoor sport and recreational uses in accordance with PPS8', with the remainder of the proposal involving ancillary buildings including pit garages/media centre/press area, a medical centre, shower block, crèche, mission hall, restaurant & spectator gallery. As these are non-residential uses the policy states it must be shown they are a necessary community facility to serve the local rural population in order to meet PPS21 criteria. It has been stated by the agent these buildings are necessary for the efficient functioning of the main element of the proposal. The medical centre is needed for any injuries caused by those using the track and the mission hall will also be for this used by competitors and their families if ever required. The crèche is proposed with the intention that the racers wife's and children, who will accompany them to the track, have somewhere to go during the day, and there is a soft play area etc as well as the possibility of drop offs. The media centre, press area, restaurant and gallery area are types of development associated with a motor track and would be an intrinsically lined to it. It is accepted the proposed buildings are subsidiary to the main use of the motorsport track.

Policy CTY13 is relevant as it relates to the integration and design of buildings in the countryside. The proposed buildings, none of which are residential in nature, will be visually integrated in the surrounding landscape and they are of a design appropriate for their purpose and location. Due to the existing and proposed landscaping, and their location on the site, the buildings will easily integrate with the overall proposal into the landscape.

Full detailed drawings have been provided of the proposed buildings and their locations shown on the block plan.

The medical centre will be ground floor at 410sqm with render white painted walls and weatherboard cladding.

The shower/toilet facilities will be ground floor with white render walls.

The crèche will be ground floor only at 209sqm in total.

The pit garages are long and narrow and will have first floor above the garages and have light grey walls with a substantial glazed area, it is standard design for this type of development and is adjacent to the paddock area.

The restaurant will have external seating in part with a balcony area, and a spectator gallery on a second floor to look advantage of the views of the track and lake. It has a curved roof and is contemporary in its design with substantial glazing. The restaurant will be 1233sqm in total. The mission hall, which is ground floor only and 188sqm is attached to the rear of the restaurant with a linking door.

The finishes for all the proposed buildings are of a similar style and therefore would remain in keeping with each other and they would be appropriate for this location. Their siting ensures they have no significant visual impact on the surrounding area.

CTY14 relates to rural character, and 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. The proposed buildings will not be prominent in the landscape, and will not result in any build-up or add to a ribbon in the countryside. The impact of any ancillary works will not cause damage to the rural character of the area. All development has regard for the surrounding residential properties and none will be detrimentally impacted upon.

CTY15 – the setting of settlements is relevant, as the proposal sits of the edge of the settlement limits of Coalisland. The principle of drawing a settlement limit is partly to promote and partly to contain new development so as to maintain a clear distinction between the built-up area and the surrounding countryside. Due to the fact this proposal is sited in what was a former quarry/clay pits, it would not be considered open countryside in the ordinary sense, and the proposal on this site would not result in urban sprawl or mar the distinction between town and countryside.

Planning Policy Statement 8 (PPS8)- Open Space, sport and outdoor recreation'

The proposed motorsport racetrack would fall under 'Outdoor sport and recreational uses' and must be in accordance with PPS8. The Committee's attention should be drawn to Policy OS5 – Noise generating sports and outdoor recreational activities. This policy indicates that a suitable site for noisy sports may be a former site of mineral workings.

This application relates to a proposed motor sport centre of excellence and would intend to run a number of events including the following at 4 times per year attracting 15,000 to 30,000 spectators.

World Superbikes Events (WSB).

British Superbike Championship (BSC).

British Touring car Championship (BTCC).

In addition to the above it is also envisaged that there will be 12 regional racing competitions working out at 1 per month and attracting between 500 and 2,000 spectators. The venue will also be used for club level races events for both motorcycles and race cars. These events will take place at the weekends including Sundays.

The venue is also proposed to accommodate a private race car testing and specialist driver skill training during the week.

In principle this site is acceptable as it meets the following policy criteria;

- (i) There should be no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses. Environmental Health again note the words outlined in the applicants own Acoustic report which states, 'Motorsport, by its very nature, is a noisy activity and indeed part of the enjoyment for those attending is the amount of noise generated'. Therefore noise from racetrack activities are typically controlled by conditions to allow the operators to maximise their business opportunities while limiting the number of events per year which are likely to give annoyance to local residents.

The proposal will have to potential to impact negatively on the amenity of nearby residents with regard to noise was the issue was raised by objector. The submitted Environmental Statement outlines the potential impact from the operational stage is moderate to significant, but this can be reduced to moderate with the appropriate noise reduction measures. The main issue with motorsport noise is that there is no accepted standard for assessing noise. Whilst the noise report makes reference to WHO Guidelines, these only consider 'steady, continuous noise' and motorsport would not fit into this definition. Noise form this type of racing is distinctive and would be audible above the background level of Coalisland, and has the potential to give rise to significant noise concerns. It should be noted there is no historical use of the site as a motor racing venue, and that the local community would be unfamiliar with this type of development in the vicinity.

Appropriate sites for regular use by noise generating sport are not easy to identify and much will depend on a number of factors including mitigation measures.

EHO have recommended a phased approach be taken with the number of days of race activity. It should be initially restricted with regard to the number of events per year. The anticipated use of the track is mainly between March and October. A number of strict conditions have been provided by EH to ensure there will minimal disturbance to the nearby residents.

- (ii) There is no unacceptable level of disturbance to farm livestock and wildlife. No local landowners have objected in relation to any impact on their livestock. NIEA: Natural Heritage initially objected to the proposal on the basis of PPS2, however the applicant has forwarded additional information to address these issues. I am confident these concerns can be addressed within a reasonable timeframe, however under The Environmental Impact Assessment Regulations the further environmental information received had to be re-advertised and neighbours re-notified to order for the public to be given the opportunity to comment. No objections were received on technical grounds to the Environmental Statement, although some were submitted in relation to noise and nuisance, so there should be no reason to assume any technical objections would be received at this stage. However the Council is not permitted to make a final decision until the expiry of the advertisement which would end on c.24th August 2017.
- (iii) There will be no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude in or adjacent to the site.

The Planning (General Permitted Development) Order (NI) 2015 – Part 5 – Temporary Buildings and Uses, Under Class B – permitted development, the use of any land for any purpose for not more than 28 days in total in any calendar year, or which not more than 14 days in total may be for any purpose referred to paragraph B.2 and the provision of the land on any moveable structure for the purposes of the permitted use. The purposes mentioned in B.2 include in part (b) motor car and motor cycle racing, including trials of speed, and practising for these activities.

Planning Policy Statement 2 Natural Heritage, July 2013. (PPS2):

The application site is hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar/Lough Neagh ASSI (hereafter referred to as the designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Natural Environment Division (NED) has considered the impacts of the proposal on the designated sites and advises that due regard is given by the competent authority, Mid Ulster District Council, to the recommendation outlined below, in undertaking the Habitats Regulations Assessment on Lough Neagh and Lough Beg SPA/Ramsar to overcome any NIEA concerns with the proposal. This should ensure compliance with the requirements of the Habitats Directive and The Environment (Northern Ireland) Order 2002.

NED requested further information relating to the management of habitats, status the bats and whether the badger sett which will require closure will be likely to get a licence. The agent has provided this information and NED have not yet provided comment. I am confident that these issues will be resolved through care and attention to wildlife issues, for example, badger setts can be relocated.

This planning application was considered by Shared Environmental Services (SES) in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

SES note the submitted Preliminary Construction Environmental Management Plan and Outline Construction Method Statement submitted (Appendix 3.2). Provided that the proposed mitigation within this document, and other submitted information within the Environmental Statement is adhered to, it is unlikely that there will be any adverse effects on the site integrity of Lough Neagh and Lough Beg SPA/Ramsar or any other European site.

**Planning Policy Statement 3 Access, Movement and Parking, February 2005. (PPS3):
Supplementary Guidance - Development Control Advice Note 15, 2nd edition August 1999
Vehicular Access Standards. (DCAN 15):**

As part of the application there is provision of a link road between Dungannon Road and Derry Road, improvements to the existing roundabout on the Dungannon Road will also be provided. This will include the upgrading from the existing 3 arm mini roundabout to a standard 4 arm roundabout. The additional arm on the roundabout will form part of the link road allowing for a partial bypass of Coalisland linking to the Derry Road.

The internal loop road will access from the public link road to allow access to the proposed development and will also provide access onto the Derry Road. The provision of the link and loop roads will allow for the improved flow of traffic to facilitate the development proposal and Coalisland as a whole. This will provide direct access to the facility as well as diverting existing traffic from Coalisland town resulting in reduced traffic congestion and improved traffic progression and journey times.

An integrated transport strategy has been provided to accommodate all scales of attendance at events. A plan has been provided in relation to the proposed park and ride facilities proposed to aid in the additional patrons attending the events at the motorsports site. The applicant has advised this land is under his control. This indicates 8 off site park and rides/pedestrian routes, with a total off site car parking of 7,525 and 2,000 bicycle spaces. On site (in five separate areas) in total there will be 1,347 car spaces. This leaves an overall total of 8,872 car spaces and 2,000 bicycle spaces. TNI are generally content with the proposed sites shown on this plan.

Although further detail may be required relating to the travel plan and transport assessment, conditions are to be provided by TNI in relation to the link road, car parks and access details.

Planning Policy Statement 4 – Planning & Economic Development

The planning policy consideration relates to outdoor sport and recreation, however it is arguable that other policies apply because of the economic and tourism implications of the proposal.

PPS4 indicates proposals for redevelopment of industrial sites for outdoor sport and recreation will be viewed sympathetically where the criteria of PED4 is met. The criteria being;

- (a) The scale and nature of the proposal does not harm the rural character or appearance of the local area;

Due to the location and existing nature of the site, the character and appearance of Coalisland is not being harmed due to this proposal in the short or long term. Over a 15 year period the proposed planting plan will ensure mitigation of any significant viewpoints, and will be conditioned as such. The long views from Mouse Hole Road, Annagher Road & St. Mary & St. Joseph's Church will be reduced with the proposed planting, and views from the Churches on barrack Street will be reduced by the proposed tunnel with turf mitigation screens, leaving an improved landscape.

Also the short term visual impact on Derry Road & Dungannon Road will be resolved by mitigation planting. With the retention and enhancement of the woodlands on Eastern &

Southern boundaries, which currently screen short views of the site along Derry Road & Dungannon Road, visual impact will remain limited. Furthermore the clay pits have been worked out and there are visual benefits to this racetrack resulting in management of the land.

The mature hedging on the Northern boundary with Derry Vale Road will be enhanced with additional tree planting.

(b) There would be environmental benefits as a result;

There will be significant long term benefits due to the proposal in terms of environmental benefits;

Currently the site is a derelict Clay Pits, this proposal will provide much regeneration and incorporate community access to an upgraded site and facilities which will have major long term benefits for the site and the area.

On the periphery of the site, a link road between the Derry & Dungannon Road will be provided meaning a partial bypass for Coalisland town, this is in order to deal with the additional traffic generated by the proposal. It will significantly reduce congestion in the centre of the town and pollution.

Proposed Walkways and cycle paths will offer potential usage to the wider community, creating opportunities for improving general health & wellbeing.

The lakes will be fully stocked with fish and there will be a peatlands area for habitats to enjoy.

The proposal involves the relocation of an existing recycling site to a better location removed from the main development.

(c) The scheme deals comprehensively with the full extent of the existing site;

Detailed plans have been provided to how the full extent of the site will be developed, including a block plan of all proposed buildings. It is understood there will be additional phases to the scheme which will be submitted at a later date.

(d) The overall visual impact of replacement buildings is not significantly greater than that to be replaced.

Currently the site is a derelict Clay Pits with no buildings. This proposal will provide the upgrading and regeneration of the site. The buildings will be of a greater visual impact than what is existing but not so much as to cause detrimental harm to the amenities of any neighbouring properties.

The proposal also goes on to state proposal for outdoor sport and recreation will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate, which would be the case in this instance. There will no loss of land for industrial purposes.

The policy goes on to say, where a proposal is judged acceptable in principle in a countryside location, an edge of town location will be favoured, which is the case with this site.

PED9 of PPS4 is the general criteria required for economic development in the countryside. Points (a) – (m) provide the tests and the proposal meets all of them. The key tests as discussed in detail are set out in PPS8.

PPS 6- Archaeology and the Built Heritage. March 1999.

The application site is located in an sensitive area close to a number of sites of local importance protected by Policy BH 2 of PPS 6 applies, which relates to the protection of archaeologically remains of local importance and their settings.

The archaeological study carried out has identified the site to be an area of archaeological potential and a watching brief will be carried out by a qualified archaeologist under license to HED during the construction phase.

In terms of built heritage and policy BH11 and the development affecting the setting of listed buildings, the proposed development would involve only a moderate impact at the construction and operations stages, on listed Grade B building – Holy Trinity Church, grade B St. Marys Church. B2 Gortnaskeagh Bridge and the Weaving Factory.

Historic Environment Division: Historic Monuments (HED: HM) has considered the Archaeological Impact Assessment (AIA) submitted as part of the EIA for this application. We agree with the findings and suggested mitigations measures presented within this document. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

Planning Policy Statement 15 Planning and Flood Risk (Revised). September 2014. (PPS15);

The main objective of PPS15 is to seek to prevent inappropriate new development that may increase flood risk and ensure adequate and appropriate mitigation measures are put in place. As part of the Environmental Statement, the flood risks were identified and any drainage issues addressed for this proposal.

There are sufficient WwTW facilities available to serve the proposed development. Consent to discharge and connection will be obtained from NI Water prior to implementation of the construction stage.

Regarding drainage and potential flooding, which an objector also raised as a potential issue, the agent provided a Flood Risk Assessment. The majority of the proposed development will be on land predicted 1:100 year flood plain apart from one road crossing. However subject to the mitigation proposed any negative impacts associated with flood risks will be minimised. Subject to the implementation of the mitigation measures detailed for storm water drainage, foul drainage and flood risk, the proposed development will have a neutral or positive residual impact.

Rivers Agency were consulted and while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Agency cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

Planning Policy Statement 16 - PPS 16 'Tourism'

Tourism makes an important contribution to the NI economy in terms of the revenues it generates, the employment opportunities it provides and the potential it creates for economic growth. As well as direct spending, tourism plays an important role in helping to support the viability of many local suppliers and services.

Sustainable tourism development is brought by balancing the needs of tourists and the tourism industry with those of the destination. It is important to ensure the development is sustainable and achievable without damaging those qualities in the environment which are of acknowledged public value.

Paragraph 7.5 of PPS16 goes on to state a tourist amenity is defined by the Tourism (NI) Order 1992 'as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation'. This proposal will undoubtedly have a spin off impact on tourism in Coalisland and there is no specific tourism accommodation proposed, however it is not 'provided primarily for tourists' and so PPS16 would not be given significant weight at this time.

Other material considerations:

- **Health & Safety :**

Following a site visit, Health & Safety Executive had no concerns relating to safety on the site and offer no objections to the development.

The proposed development is located in an area of historic mine workings therefore land stability issues need to be investigated. Geological Survey of NI (GSNI) were consulted in relation to land stability issues at the site due to the numerous abandoned mines.

A land stability assessment was submitted and a Coal Mining Assessment. Further details have been requested by Geological Survey NI (GSNI) in order for them to adequately determine any land stability concerns.

- **Representations**

One letter of support has been received in relation to the generation of employment and benefit to the local economy. It is also felt this proposal will help in aiding current anti-social behaviour related to car racing in Coalisland town.

A total of 7 objection letters have been received in relation to the proposal, and of these, two of the objectors have sent in two letters each. This is a relatively low number of objections to such a large complex scheme.

The main issues raised by the objectors relate to noise & disturbance, Pollution & health concerns, road safety/parking concerns, change to the character of the area and flooding. These have all been fully explored in the planning assessment and have been taken into account.

- **Concerns over hotel development on site:**

One of the issues raised by an objector related to the development of a hotel on the site, and the noise, traffic and anti-social behaviour that could stem from this.

However a hotel is not included as part of the proposal under this planning application and so cannot be assessed at this time. The initial Masterplan indicated there may be future plans for a hotel on the site, and if an application is submitted for this it will be fully assessed against relevant policy and consultations sent at that time, with any objections to it taken into account.

Neighbour Notification Checked

Yes

Conditions :

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

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

2. A Final Construction Environmental Management Plan/Construction Method Statement must be submitted to Mid Ulster Planning Department by the appointed contractor for agreement prior to any works commencing. This should include detail of all construction and earthworks to be undertaken and pollution prevention measures to be employed on site during construction works to prevent contamination/pollution entering watercourses that are hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar.

Reason: To ensure that the appointed contractor undertaking the work is aware of the mitigation measures required, and ensure that the final CEMP has Council approval prior to works commencing, thus protecting the integrity of Lough Neagh and Lough Beg SPA/Ramsar.

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

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

4. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

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

5. The existing natural screenings of the site as shown on approved drawing ref 89 date stamped received 31 May 2017, 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.

6. During the first available planting season after the occupation of the site for its permitted use, planting shall be carried out as shown on stamped approved drawing 89 date stamped 31 May 2017.

Reason: In the interest of visual amenity.

7. All noise barriers and acoustic berms shall be put in place in accordance with stamped approved plan 18A dated 2 May 2017 prior to operation of the development hereby approved.

Reason: To protect the amenity of nearby residents.

8. The hours of operation of the track shall be 9am to 5pm Monday to Saturday with a lunch break of 1 hour duration taken between noon and 2pm, and 1pm to 6pm on a Sunday.

9. The use of the circuit shall be limited to the following per calendar year:

- 12 Race Day Events (RDE). These are defined as a day on which participating vehicles must adhere to the noise controls specified by the appropriate motorsport governing body and where there is no limit applied outside of the circuit.
- 12 additional Track Day Events (TD) where the noise levels from vehicles on the track does not exceed 51dB LAeq 30mins measured in any continuous 30 minute period at any residential property in the vicinity of the circuit.
- 100 Quiet Days (QD) where the noise level from motor vehicles on the circuit does not exceed 38dB LAeq 30 mins measured in any continuous 30 minute period at any residential property in the vicinity of the circuit.

Weekends

10. There shall be no more than 4 weekends per annum with two consecutive Race Day Events or Track Day Events.
11. There shall be a maximum of 1 weekend per calendar month where there is a Race Day Event or a Track Day Event.
12. There shall be at least two Quiet Days following any weekend where there is a Race Day Event or a Track Day Event.

Weekdays

13. There shall be a maximum of 1 Race Day Event or 1 Track Day Event per week (Mon-Fri).

Reason for 1- 13 - To protect residential amenity and ensure noise imissions accord with the noise report as submitted as part of the application.

General

14. The Lake Torrent circuit shall be operated in accordance with the Noise Management Plan submitted on the 23rd June 2017. This shall be reviewed on an annual basis in agreement with Mid Ulster District Council Planning Department and Environmental Services Department.
15. As outlined in the Noise Management Plan a Drive-by Noise Monitoring System calibrated to identify individual vehicles exceeding the vehicle equivalent static test or other agreed noise limit shall be installed at the circuit. This shall be used to identify those vehicles exceeding the required noise level and action shall be taken by the operator to remove the vehicle from the track. The details of the system, location and the action levels shall be submitted to and approved by Mid Ulster District Council prior to the operation of the circuit. The data from this system shall be provided to Mid Ulster District Council on request, and

direct access allowed.

16. As outlined in the Noise Management Plan noise measurement equipment will be installed outside the circuit at representative locations. The location of the noise measurement equipment will be agreed with Mid Ulster District Council prior to installation. The data from these monitors shall be provided to Mid Ulster District Council on request, and direct access allowed.
17. Within 4 weeks of a written request by the Planning Authority, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator of the circuit shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the racing circuit at the complainant's property. Details of the noise monitoring survey shall be submitted to the Planning Authority for written approval prior to any monitoring commencing. The Planning Authority shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.
18. The operator of the circuit shall provide to the Planning Authority the results, assessment and conclusions regarding the noise monitoring required by Condition 10, 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 10 unless, in either case, otherwise extended in writing by the Planning Authority.

Reason for 14-18: To control the noise levels from the development at noise sensitive locations.

Informatives

This planning permission grants permission for the racetrack, ancillary buildings and road ways as contained within the red line. Any other development such as provision of temporary car parks or roadways to that carpark are still subject to planning regulations and therefore either the extent of use must be such as to fall under permitted development under The Planning (General Permitted Development) Order (NI) 2015 or a separate planning permission be obtained under section 41 of The Planning Act 2011.

Signature(s)

Date:

ANNEX	
Date Valid	16th September 2016
Date First Advertised	6th October 2016
Date Last Advertised	18 th May 2017 (EIA Regs)
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14 Ballynakilly Road, Coalisland The Owner/Occupier, 2 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX, The Owner/Occupier, 37 Derry Road, Coalisland The Owner/Occupier, 58 Derry Road, Coalisland The Owner/Occupier, 60 Derry Road, Coalisland The Owner/Occupier, 64 Derry Road, Coalisland The Owner/Occupier, 86 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP, The Owner/Occupier, 1 Ballynakilly Road, Gortgonis The Owner/Occupier, 1 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX, The Owner/Occupier, 1 Mill View Cottages, Derrywinnin Glebe, Dungannon, Tyrone, BT71 6EX, The Owner/Occupier, 1 Mountcairn Drive, Gortgonis, Coalisland Anthony Conway 1 Weavers Brae, Derryvale Road, Coalisland, Tyrone, Northern Ireland, BT71 4SH The Owner/Occupier, 100 Derryvale Road, Coalisland The Owner/Occupier, 104 Derryvale Road, Coalisland, Co Tyrone The Owner/Occupier, 11 Brackaville Road, Coalisland The Owner/Occupier, 11 Laurel Grove Gortgonis Coalisland The Owner/Occupier, 11a Brackaville Road, Coalisland The Owner/Occupier, 12 Laurel Grove, Gortgonis, Coalisland, Tyrone, BT71 4SA, The Owner/Occupier, 13 Ballynakilly Road, Coalisland The Owner/Occupier, 13 Brackaville Road, Coalisland	

The Owner/Occupier,
13 Laurel Grove, Gortgonis, Coalisland, Tyrone, BT71 4SA,
The Owner/Occupier,
14 Laurel Grove, Gortgonis, Coalisland, Tyrone, BT71 4SA,
The Owner/Occupier,
15 Brackaville Road, Coalisland
The Owner/Occupier,
17 Brackaville Road, Coalisland
The Owner/Occupier,
199 Bush Road, Coalisland
The Owner/Occupier,
2 Mill View Cottages, Derrywinnin Glebe, Dungannon, Tyrone, BT71 6EX,
The Owner/Occupier,
2 Mountcairn Drive, Gortgonis, Coalisland
The Owner/Occupier,
25 Derryvale Road, Coalisland
The Owner/Occupier,
270 Coalisland Road, Co Tyrone
The Owner/Occupier,
280 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
282 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
3 Derry Road, Coalisland, Co. Tyrone
The Owner/Occupier,
3 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
The Owner/Occupier,
3 Mountcairn Drive, Gortgonis, Coalisland
The Owner/Occupier,
31 Derry, Road, Coalisland
Thomas W Marshall
314 Coalisland Road Derrywinnin Glebe Drumcoo Dungannon
The Owner/Occupier,
314 Coalisland Road, Drumcoo, Dungannon.
The Owner/Occupier,
318 Bush Road, Coalisland
The Owner/Occupier,
318 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
323 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
36 Derry Road, Coalisland
The Owner/Occupier,
36 Derry Road, Coalisland
The Owner/Occupier,
4 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
The Owner/Occupier,
4 Ballynakilly Road, Coalisland
The Owner/Occupier,
4 Ballynakilly Road, Gortgonis

The Owner/Occupier,
4 Derry Road, Coalisland BT71 4HY.
The Owner/Occupier,
4 Mountcairn Drive, Gortgonis, Coalisland
The Owner/Occupier,
4 Station Yard, Coalisland
Pamela Nicholl
4, Derry Row, Coalisland, Tyrone, Northern Ireland, BT71 4NX
The Owner/Occupier,
41 Derry Road, Coalisland
The Owner/Occupier,
46 Derry Road, Coalisland
The Owner/Occupier,
46 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
46a Derry Road, Coalisland
The Owner/Occupier,
48 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
5 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
The Owner/Occupier,
50 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
Frank McCabe
6 Derry Road, Coalisland, Co Tyrone, BT71 4NX
The Owner/Occupier,
6 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
Frank McCabe
6, Derry Road, Coalisland, Tyrone, Northern Ireland, BT71 4HY
The Owner/Occupier,
60 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
Robert Magee
60, Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HT
Samuel McKay
60, Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HT
The Owner/Occupier,
62 Derry Road, Coalisland
The Owner/Occupier,
64 Derry Road, Coalisland
The Owner/Occupier,
68 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
7 Brackaville Road, Coalisland
The Owner/Occupier,
8 Ballynakilly Road, Gortgonis
The Owner/Occupier,
82 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
84 Dungannon Road, Coalisland
The Owner/Occupier,
86 Bush Road, Coalisland

The Owner/Occupier,
 88 Derryvale Road, Coalisland
 The Owner/Occupier,
 9 Brackaville Road, Coalisland
 The Owner/Occupier,
 90 Derryvale Road, Coalisland, BT71 4PB
 The Owner/Occupier,
 92 Derryvale Road, Coalisland
 The Owner/Occupier,
 94 Derryvale Road, Coalisland
 The Owner/Occupier,
 Coalisland Enterprise Centre, 2 Dungannon Rd, Coalisland, Dungannon BT71 6JT
 The Owner/Occupier,
 Drumreagh House, Derryvale Rd, Coalisland
 Anthony Conway
 Email
 The Owner/Occupier,
 Gold Star Engineering, Derry, Road, Coalisland
 The Owner/Occupier,
 Holy Trinity Church, Brackaville Parish, Coalisland

Date of Last Neighbour Notification

12th May 2017

Date of EIA Determination

7th December 2016

ES Requested

Yes

Planning History

Ref ID: LA09/2016/1307/F

Proposal: Lake Torrent Motor Sport Centre of Excellence. Motor Sport Use/Commercial, Medical Centre, Mission Hall, Pit Garages, Offices, Shower Block, Coffee Shop and Crèche

Address: Clay Pits, Dungannon Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2015/1098/F

Proposal: Proposed 2 Detached bungalow dwelling houses

Address: Lands 50m to the North West of 8 Brackaville Road, Coalisland,

Decision: RL

Decision Date:

Ref ID: LA09/2016/0419/F

Proposal: Extension to existing workshop unit and additional rear yard/space proposed works as described below in Question 21

Address: 135m NE of 11 Derryvale Park, Derry Road, Coalisland, BT71 4NT,

Decision:

Decision Date:

Ref ID: M/2014/0325/PREAPP

Proposal: Centre of Excellence Development

Address: Lands at Dungannon Road, Coalisland,

Decision: EOLI

Decision Date:

Ref ID: M/1988/0475

Proposal: Residential Development (14 No semi-detached Dwellings)

Address: OPPOSITE 8 BALLYNAKILLY RD GORTGONIS COALISLAND

Decision:

Decision Date:

Ref ID: M/1988/0475B

Proposal: Residential development (14 Dwellings)

Address: OPPOSITE 8 BALLYNAKILLY ROAD GORTGONIS COALISLAND

Decision:

Decision Date:

Ref ID: M/2006/1254/F

Proposal: Erection of sunroom extension

Address: 14 Laurel Grove, Coalisland

Decision:

Decision Date: 25.08.2006

Ref ID: M/2005/2365/F

Proposal: Extension to a dwelling house.

Address: 14 Laurel Grove, Coalisland.

Decision:

Decision Date: 15.03.2006

Ref ID: M/2004/1465/F

Proposal: proposed demolition of existing filling station & rebuild of new supermarket & filling station

Address: existing filling station at junction of Ballynakelly Road & Bush Road, Coalisland

Decision:

Decision Date: 09.05.2005

Ref ID: M/1977/0608

Proposal: INSTALLATION OF 6,000 GAL PETROL STORAGE TANK

Address: BUNGALOW FILLING STATION, CHURCH CORNER, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0005

Proposal: Installation of underground petrol tanks

Address: OLIVERS FILLING STATION DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1986/0519

Proposal: CAR/LORRY WASH AREAS AND ASSOCIATED WORKS

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0203

Proposal: RE-CONSTRUCTION OF FILLING STATION

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0006

Proposal: Erection of sign

Address: OLIVERS FILLING STATION DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0496

Proposal: PETROL PUMP CANOPY

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1995/0715

Proposal: Replacement and extension of garage and stores

Address: 86 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2006/1443/F

Proposal: Extension to existing parish hall

Address: Holy Trinity Parish Church Hall (ie Brackaville Parish Hall)

Decision:

Decision Date: 15.08.2006

Ref ID: M/1991/0590

Proposal: Erection of new Church of Ireland Rectory

Address: 82 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1991/6007

Proposal: New Rectory Coalisland

Address: Coalisland

Decision:

Decision Date:

Ref ID: M/2005/1431/F

Proposal: Proposed retail development consisting of 5 no units with mezzanine floor.

Address: Site opposite to No 36-56 Dungannon Road, Coalisland

Decision:

Decision Date: 14.03.2007

Ref ID: M/1991/0248

Proposal: Erection of double temporary classroom

Address: ST JOSEPHS HIGH SCHOOL BRACKAVILLE ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0369

Proposal: DWELLING HOUSE

Address: GORTNASKEA, COALISLAND

Decision:

Decision Date:

Ref ID: M/1976/0607

Proposal: ERECTION OF 2 NO. MOBILE HOMES

Address: BRACKAVILLE, COOKSTOWN

Decision:

Decision Date:

Ref ID: M/1994/0649

Proposal: Extension to Dwelling

Address: 1 KILLOWEN BRACKAVILLE ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2004/0622/O

Proposal: 1 no. Dwelling with Detached Garage
Address: adjacent to 1 Killowen, Brackaville Road, Coalisland
Decision:
Decision Date: 09.09.2004

Ref ID: M/2006/1956/RM
Proposal: Proposed detached dwelling
Address: Aadjacent to 1 Killowen, Brackaville Road, Coalisland
Decision:
Decision Date: 17.05.2007

Ref ID: M/1992/0320
Proposal: Extension to Dwelling
Address: 17 BRACKAVILLE ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1981/0535
Proposal: ERECTION OF DWELLING
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/2007/0292/O
Proposal: Proposed two storey dwelling and domestic garage.
Address: Adjacent to 17 Brackaville Road, Coalisland.
Decision:
Decision Date: 05.06.2007

Ref ID: M/1977/0342
Proposal: LIVING ACCOMMODATION
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1990/0037
Proposal: Extension to dwelling
Address: 11 BRACKAVILLE ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1996/0617
Proposal: Dwelling
Address: SITE ADJACENT TO 9 BRACKAVILLE ROAD COALISLAND

Decision:
Decision Date:

Ref ID: M/1974/0404
Proposal: SUBSIDY BUNGALOW.
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1974/040401
Proposal: ERECTION OF BUNGALOW
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1995/0547
Proposal: Site for dwelling
Address: ADJACENT TO 9 BRACKAVILLE ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2000/1094/O
Proposal: Site for dwelling and garage
Address: Adjacent to 36 Derry Road Coalisland
Decision:
Decision Date: 14.02.2001

Ref ID: M/1995/0437
Proposal: Site for dwelling
Address: ADJACENT TO 36 DERRY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1991/0439
Proposal: Skip amenity site
Address: DERRY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1988/0696
Proposal: 33 KV Diversion
Address: DERRY COALISLAND
Decision:
Decision Date:

Ref ID: M/1974/0476
Proposal: MINERAL EXTRACTION
Address: PLANT NO 3, COALISLAND
Decision:
Decision Date:

Ref ID: M/1977/0311
Proposal: CONSTRUCTION OF NEW ACCESS AND HAULAGE ROAD FROM CLAY PIT
Address: DUNGANNON ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1979/0933
Proposal: 33KV (UN) DIVERSION
Address: DERRY, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1990/0468
Proposal: Machinery Store for Excavation Equipment
Address: 40M SOUTH OF 51 DUNGANNON ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2014/0075/O
Proposal: Proposed community building including community based office space, shared community meeting and activity and new build child care facility and associated car-parking
Address: Site 75m S E of Coalisland Enterprise Centre 51 Dungannon Road Coalisland,
Decision: PG
Decision Date: 17.04.2014

Ref ID: M/1986/0652
Proposal: ADDITIONAL 8 NO WORKSHOP UNITS
Address: 51 DUNGANNON ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1989/0476
Proposal: Factory Units
Address: ADJACENT TO 51 DUNGANNON ROAD COALISLAND
Decision:

Decision Date:

Ref ID: M/1988/0434

Proposal: 3 Hoardings

Address: ADJACENT TO 51 DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1990/0322

Proposal: Proposed 14 No Additional Workshop Units (Various Commercial Uses)

Address: 51 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2008/0633/F

Proposal: Change of use from existing coffee shop to proposed licensed restaurant

Address: Unit 4, Coalisland Enterprise Centre, Dungannon Road, Coalisland, Tyrone.
BT71 4HP

Decision:

Decision Date: 22.10.2008

Ref ID: M/1996/0528

Proposal: Change of use of vacant building to visitors centre

Address: 51 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2010/0711/A

Proposal: Free standing pole signage

Address: 31 Dungannon Road, Coalisland

Decision:

Decision Date: 03.02.2011

Ref ID: M/1989/0419

Proposal: Office Block

Address: 51 DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/2000/0189

Proposal: Proposed Housing Development

Address: Adjacent to Derryvale Park Coalisland

Decision:

Decision Date:

Ref ID: M/1980/0052

Proposal: ASSOCIATION FOOTBALL CAR PARK AND PAVILION, PITCH

Address: DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1975/0019

Proposal: MANUFACTURE OF MOBILE CLASSROOMS

Address: DERRY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1974/0565

Proposal: ERECTION OF WORKSHOP AND STORES

Address: DERRY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0394

Proposal: REINSTATEMENT OF EXISTING WORKSHOP AND STORE

Address: 46 DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1994/0317

Proposal: Alterations to Dwelling

Address: THE GRANGE DERRY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1999/0838

Proposal: Extension/Alteration to existing dwelling and new garage

Address: 37 Derryvale Road Coalisland

Decision:

Decision Date: 23.06.2000

Ref ID: M/1999/1015/F

Proposal: Replacement Dwelling

Address: 37 Derryvale Road Coalisland Co Tyrone

Decision:

Decision Date: 03.03.2000

Ref ID: M/1999/0753/F

Proposal: Extension and alteration to existing dwelling

Address: 37 Derryvale Road, Coalisland, Co Tyrone

Decision:

Decision Date: 29.11.1999

Ref ID: M/2006/1937/F

Proposal: Proposed site storage shed

Address: Land approximately 80m south of 37 Derry Road, Coalisland

Decision:

Decision Date: 22.10.2007

Ref ID: M/1978/0245

Proposal: REINSTATEMENT OF BOMB DAMAGED DWELLING

Address: DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1985/0640

Proposal: BUNGALOW

Address: 15 DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0359

Proposal: Replacement Dwelling

Address: 4 DERRY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2004/0934/O

Proposal: Proposed Retail outlet - for the sale of mechanical power tools

Address: 80M NE of Amenity Site Derry Road Coalisland

Decision:

Decision Date: 19.02.2005

Ref ID: M/1998/0008

Proposal: Erection of Dwelling Derry Road Coalisland

Address: Derry Road Coalisland

Decision:

Decision Date: 30.08.2002

Ref ID: M/1992/0042

Proposal: 33/11 KV system improvement (Part 5)

Address: CULLION, EDENDORK, DERRY, BRACKAVILLE, ANNAGHER GORTGONIS
DUNGANNON

Decision:

Decision Date:

Ref ID: M/2001/1364/F

Proposal: Excavation of Brick Shale and Fireclay

Address: Derry Road, Gortnaskea, Derryvale Road,,Drumreagh Etra,
Coalisland.,,,Coalisland

Decision:

Decision Date: 02.09.2005

Ref ID: M/1976/0046

Proposal: 33 KV O/H LINES

Address: DRUMREAGH ETRA, DERRY AND BRACKAVILLE, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2015/0550/F

Proposal: To increase the area to serve food and to cater for small functions

Address: Coalisland Enterprise Centre, 51 Dungannon Road, Coalisland,

Decision: PG

Decision Date: 06.10.2015

Ref ID: LA09/2015/0968/LDP

Proposal: Importing of inert material for the purposes of making secure the steep bank
along the Lower Lake through the operation of filling in the interest of land stability

Address: Brick Pits, approx 90m SW of Enterprise Centre, Dungannon Road, Coalisland,

Decision: PG

Decision Date:

Ref ID: LA09/2015/0145/PAN

Proposal: Sporting Centre of Excellence

Address: Lands at Dungannon Road Coalisland,

Decision:

Decision Date:

Ref ID: M/1997/0347

Proposal: Fish Farm and Ancillary Store

Address: 314 COALISLAND ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/6099
Proposal: Fish Farm Bush Road
Address: Bush Road
Decision:
Decision Date:

Ref ID: M/1986/0402
Proposal: IMPROVEMENTS TO DWELLING
Address: 318 COALISLAND ROAD, DERRY, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1994/0112B
Proposal: Replacement Dwelling
Address: 314 COALISLAND ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2001/1285/O
Proposal: Builders Store for Storage of Plant and Equipment
Address: Land 20 M North of 314 Dungannon Road, Derrywinnin, Coalisland
Decision:
Decision Date: 05.03.2002

Ref ID: M/1994/0112
Proposal: Site for replacement dwelling
Address: 314 COALISLAND ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2011/0198/F
Proposal: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.
Address: Tamnamore Grid Substation Drumkee Road Dungannon and townlands of Drumkee, Drumnaspil, Cavan, Coash, Lederg and Keenaghan,
Decision:
Decision Date: 08.12.2011

Ref ID: M/2001/0626
Proposal: Proposed meter sites
Address: Dungannon
Decision:
Decision Date:

Summary of Consultee Responses
Await final responses from TNI, NED & GSNI.
Notification to Department (if relevant)
Date of Notification to Department: Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1444/F	Target Date:
Proposal: Proposed dwelling of new approved access road	Location: lands opposite Tullyallen Graveyard Tullyallen Road Dungannon
Referral Route: Recommend refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Martin Hamill Construction 99 Killeeshil Road Ballygawley BT70 2HX	Agent Name and Address: McKeown & Sheilds 1 Annagher Coalisland BT71 4NB
Executive Summary: The proposal is contrary to the Dungannon and South Tyrone Area Plan (2010), in that it is not compatible with the character of the settlement. The proposal is contrary to Planning Policy Statement 7, Quality Residential Environments, Policy QD1 Quality in New Residential Development in that; - the proposed development does not respect the surrounding context and is not appropriate to the character and topography of the site. - adequate provision has not been made for private open space as an integral part of the development. - the design of the development does not draw upon the best local traditions of form, materials and detailing; - the design and layout will create unacceptable adverse effect on existing properties in terms of loss of privacy, loss of light and overshadowing.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The site is located in the small village of Tullyallen which is situated approximately 3.5km west of Granville and lies mid-way between Aghaginduff /Cabragh to the west and Castlecaufield, to the northeast. The village extends west from a crossroads in a loose form and comprises a sewage treatment works, a church, a parochial house, cemetery, public house, post box and a number of detached dwellings.

The application site is located along the roadside, opposite the cemetery and adjacent to a single storey detached dwelling. The Tullyallen road rises steadily from southwest to north west and the site, a roadside plot, rises from the public road in a south easterly direction. The land forms a small parcel at the entrance to a larger site on which dwellings are being constructed. These dwellings are located on elevated land to the rear.

Description of Proposal

Proposed dwelling off new approved access road – full application.

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement
- Dungannon and South Tyrone Area Plan
- PPS3: Access, Movement and Parking
- PPS7: Quality Residential Environments
- PPS7 (Addendum): Safeguarding Quality in Residential Areas
- Creating Places

The proposal seeks permission for an outline site for one detached storey and a half dwelling located on a roadside plot at the entrance to a larger development site comprising of detached dwellings which at the time of site visit were under construction.

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

The Dungannon and South Tyrone Area Plan (2010) identifies the site within the settlement limits of Tullyallen which gives favourable consideration to development. The aforementioned policies are considered and outlined as follows.

The proposal is located within an area characterised by loose residential development, namely detached dwellings on spacious plots, there is also a church, cemetery, public house and post office within the settlement. The site is situated directly between no.59 Tullyallen Road and the entrance to the development to the rear. Immediately opposite is a cemetery. Dwellings in the area vary from single to two storey with some located along the roadside and others set back.

Policy QD1 – Quality in New Residential Development states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. However, it continues that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. All proposals for residential development will be expected to conform to all of the following criteria:

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

The proposed dwelling is located on a parcel of land which extends to 0.05hectares. The site is located on the roadside adjacent to no. 59 Tullyallen Road. The dwelling proposed is orientated to the south west toward the adjacent entrance. The plot size of the red line site, is much smaller than plots in the surrounding area. Consequently private amenity space is confined, however attempt to alleviate this has been made by providing land from the neighbouring plot on which a detached dwelling has been granted permission. This land is outlined in blue indicating it is under the ownership of the applicant. This parcel of land however forms part of the amenity attributed to the dwelling granted permission. It is notable that the dwelling permitted adjacent (not yet constructed) is situated on a steeply sloping site which renders some of the surrounding land unusable. Thus, the land in question outlined in blue on this application, forms an important contribution to the amenity of this neighbouring dwelling. The proposed dwelling appears to be

'squeezed' into a small parcel of land between the access road and no. 59 Tullyallen Road. It is my view the subject site which is notably smaller than other residential sites in the vicinity, at just does not respect the surrounding context which is very low density with loose forms of development.

The proposed dwelling is situated some 3m from the rear boundary fence which separates the dwelling from the rear private amenity of no.59 Tullyallen Road. The footprint of the dwelling measures approximately 7.5m x 12m and has a ridge height of 6.5m from finished floor level. The site is located on land which is higher than the adjacent property, no.59 – a single storey dwelling with a frontage of 11m facing the public road and a rear return extending approx. 15m. It is my view that the dwelling proposed does not respect the character of the site and surrounding area with limited private amenity space and potential overshadowing on the private amenity of no.59 caused by the both the height of the proposed development and the higher site levels.

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

No such features have been identified.

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

The proposal is for a single dwelling located at the entrance to the site on which 4 no. dwellings have been approved and are under construction. The private space attributed to the proposed development is limited due to the constricted nature of the site and the layout of the proposal. Considering the adjacent permissions, it is also likely given the topography of the site which rises to the south west, that there could be potential overlooking from the dwellings being constructed into the proposed site.

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

The proposal is for a single dwelling and there are neighbourhood facilities in proximity to the dwelling.

(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;

No concerns are raised in relation to movement patterns. The proposal is situated along a public road and to be accessed via a driveway approved under permission M/2015/0118/F. Consultation with Transport NI returned a response requesting clarification if the drive was to remain 'private' or if a private streets determination would be requested at some time in the future. They note that a road serving five or more houses will need to be determined, however if to remain private this should be noted. The agent has indicated that the proposal is to be remain a private drive.

(f) adequate and appropriate provision is made for parking;

Although not indicated on the site plan, it appears that parking provision could potentially be provided within the curtilage of the site, however in curtilage parking will further reduce the private amenity of the proposed dwelling which already appears limited.

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

The dwelling proposed has a rectangular footprint with a front projection. It appears as a single storey which has been stretched upward to provide an additional floor. The raised eaves, skew the proportions which is particularly evident from the front elevation. The front projection is also untypical of the vernacular building tradition, which although a settlement is evident in the area. Despite this, it is notable that at least one bungalow, hosts a similar front projection. However, I am of the view this is not the 'best' of local traditional form. The materials proposed are common of that found in the vicinity.

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

The restricted nature of the site forces the applicant to extend upwards to provide first floor accommodation. It is notable that potential overlooking has been addressed by avoiding window openable to habitable rooms to the rear however it is apparent that there will be potential overshadowing on the private amenity space of the neighbouring dwelling. In addition, dwellings permitted on the site to the southwest, as previously mentioned have potential to cause overlooking on the proposed development.

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

The proposal raises no concerns in relation to crime or personal safety.

Creating Places

Creating Places is intended to help developers achieve high quality and greater sustainability in the design of all new residential developments. In relation to the levels of private open space, creating places states, that on green-field sites and in lower density developments all houses should have an area of private open space behind the building line and back garden provision should be around 70sqm or greater. Considering the land within the red line application site, the proposal fails to provide adequate private open space.

In relation to privacy, paragraph 7.16 of Creating Places, states that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites. The proposal provides a separation distance of 3m to the separating boundary with no.59 Tullyallen Road. Furthermore, the proposal is located on ground higher than its neighbour which would suggest a distance of greater than 10m would be required to the separating boundary.

Re-consultation with Transport NI was not carried out given the proposal does not satisfy policy criteria.

In conclusion I consider the proposal fails to meet policy criteria and I recommend permission is refused.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse.

Refusal Reasons

1.-The proposal is contrary to the Dungannon and South Tyrone Area Plan (2010), in that it is not compatible with the character of the settlement.

2.-The proposal is contrary to Planning Policy Statement 7, Quality Residential Environments, Policy QD1 Quality in New Residential Development in that the proposed development does not respect the surrounding context and is not appropriate to the character and topography of the site.

3.-The proposal is contrary to Planning Policy Statement 7, Quality Residential Environments, Policy QD1 Quality in New Residential Development in that adequate provision has not been made private open space as an integral part of the development.

4.-The proposal is contrary to Planning Policy Statement 7, Quality Residential Environments, Policy QD1 Quality in New Residential Development in that the design of the development draws upon the best local traditions of form, materials and detailing;

5.- The proposal is contrary to Planning Policy Statement 7, Quality Residential Environments, Policy QD1 Quality in New Residential Development in that the design and layout will not create unacceptable adverse effect on existing properties in terms of loss of privacy, loss of light and overshadowing.

Signature(s)

Date:

ANNEX	
Date Valid	11th October 2016
Date First Advertised	27th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 47 Tullyallen Road Tullyallen Dungannon The Owner/Occupier, 59 Tullyallen Road Tullyallen Dungannon	
Date of Last Neighbour Notification	21st October 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2015/0118/F Proposal: Proposed new access road Address: Lands opposite Tullyallen Grave Yard, Tullyallen Road, Dungannon, Decision: PG Decision Date: 12.08.2015 Ref ID: M/2008/0644/RM Proposal: Proposed dwelling Address: To the rear of 47 Tullyallen Road, Dungannon Decision: Decision Date: 19.08.2008 Ref ID: M/2007/0307/O Proposal: Proposed dwelling. Address: To the rear of 47 Tullyallen Road, Dungannon. Decision: Decision Date: 11.05.2007 Ref ID: M/2006/1211/RM Proposal: Proposed dwelling and domestic garage Address: To rear of 47 Tullyallen Road, Dungannon Decision: Decision Date: 15.09.2006	

Ref ID: M/2005/0887/O
 Proposal: Renewal of M/2002/0612/O
 Address: To the rear of 47 Tullyallen Road, Dungannon
 Decision:
 Decision Date: 16.06.2005

Ref ID: M/2004/0264/O
 Proposal: 1No. Dwelling
 Address: 80m South East of 47 Tullyallen Road Dungannon
 Decision:
 Decision Date: 02.10.2004

Ref ID: M/2003/0697/O
 Proposal: Dwelling with domestic garage.
 Address: Rear of 47 Tullyallen Road, Dungannon
 Decision:
 Decision Date: 22.07.2003

Ref ID: M/2002/0612/O
 Proposal: Site for one and a half storey dwelling & domestic garage.
 Address: Land to rear of 47 Tullyallen Road, Dungannon.
 Decision:
 Decision Date: 24.07.2002

Ref ID: M/1999/0868/A41
 Proposal: Renovations to Dwelling
 Address: 47 Tullyallen Road, Dungannon
 Decision:
 Decision Date:

Ref ID: LA09/2016/1444/F
 Proposal: Proposed dwelling of new approved access road
 Address: lands opposite Tullyallen Graveyard, Tullyallen Road, Dungannon,
 Decision:
 Decision Date:

Summary of Consultee Responses

TNI – confirmation sought on whether the drive will remain ‘private’.

Drawing Numbers and Title

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

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/08/2017	Item Number:
Application ID: LA09/2016/1550/F	Target Date: 13/02/2017
Proposal: Single Storey Dwelling with Disability Adaptations under Policy CTY6 Development in the Countryside	Location: 200m NE of 159 Tullyvar Road, Ballygawley
Referral Route: Application recommended for refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Raymond Gilmour 67 Main Street Ballygawley BT70 2HD	Agent Name and Address: Paul Douglas 16 Collegelands Road Charlemont Moy, BT71 7SE
Executive Summary: 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. It is also contrary to CTY 6 of PPS 21 – Personal and Domestic Circumstances	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

There have been no third party objections to this proposal. Transport NI have been consulted and have requested amendments. Despite several requests for the agent to submit these amendments they have not been received. The letter of support referred to above is actually the supporting statement of case submitted by the applicant.

Characteristics of the Site and Area

The application site is a 0.3 hectare parcel of land located approximately 200m North East of number 159 Tullyvar Road, Ballygawley. It is outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan (2010). Foundations of a dwelling have been dug out on the ground however there are no historical planning approvals on this site. Access to site is via an existing laneway coming off the Tullyvar Road. The laneway is used to access two other dwellings and ancillary agricultural buildings. One of these dwellings/farm buildings belongs to the applicant's brother and is only a short distance away from the site. The site is relatively flat and its Northern boundary is defined by semi mature conifers and a small mound of rising land. The remaining boundaries are generally undefined.

This area is rural in character with a low dispersed settlement pattern. The predominant form of development are detached dwellings and agricultural outbuildings. There is also a hard rock quarry

in the locality. The landscape is undulating and the main Ballygawley to Omagh Road (A5 - Protected Route) runs to the SW of the site.

Description of Proposal

This is a Full Planning Application for a Single Storey Dwelling with Disability Adaptations. An application for a replacement dwelling on this site was refused on the 20/07/2001 under (M/1999/0647/O). It would appear however that the dwelling to be replaced was demolished and the foundations dug out for the proposed replacement dwelling. An enforcement case for the unauthorised erection of concrete foundations, partial erection of walls & laying of hard core was opened on this site (M/2000/0017CA) and was subsequently closed. There are no other relevant planning histories to be considered in this assessment.

Planning Assessment of Policy and Other Material Considerations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert for this development was placed in local newspapers. There are no adjoining occupied properties to be consulted by letter. No representations have been received to date.

- Dungannon and South Tyrone Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS21 - Sustainable Development in the Countryside

Dungannon and South Tyrone Area Plan 2010

This site is outside any settlement defined in the DSTAP, therefore relevant existing planning policy must be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS gives specific provision for development in the countryside subject to a number policy provisions. This includes a dwelling where there are personal and domestic circumstances presented. There has been no change in policy direction in the SPPS in respect of dwellings for personal and domestic circumstances therefore CTY 6 of PPS 21 remains my primary policy consideration in this assessment.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. Transport NI have been consulted with the proposed layout and have requested that the applicant provide a lay-by at the junction with the public road, as well as 2.4m x 70m splays to the North and 2.4m x 45m to the South. These amendments have been

requested by MUDC on the 25/01/17, the 08/02/17 and again on the 07/06/17. To date they have not been received so I cannot be satisfied at this point in time that road safety is not an issue in this instance. The proposal does not involve direct access onto the A5 Protected Route.

PPS21 - Sustainable Development in the Countryside

The primary policy consideration in this assessment is Policy CTY 6 (Personal and Domestic Circumstances). Planning permission will be granted for a dwelling under this policy to meet the long term needs of the applicant, where there are compelling and site specific reasons for this related to the applicant's personal or domestic circumstances. The applicant must provide evidence that a new dwelling is necessary to their particular circumstances and that genuine hardship would be caused if permission were refused. They must also demonstrate that there are no alternative solutions.

This application was submitted without any case of need. This was subsequently requested on the 14/11/2016 and a supporting statement was submitted on the 09/02/2017. This statement indicates that the applicant currently resides in a first floor flat in Ballygawley village. It states that the applicant has certain medical complications which require him to reside in a bungalow. A letter has been provided from the applicant's medical practice which confirms that he has certain medical complications and that he would benefit from ground floor accommodation. It does not state that a single storey dwelling is a necessary requirement and that genuine hardship will be caused if he doesn't move in to alternative accommodation immediately.

It is also my opinion that alternative solutions have not been explored in this case. Whilst I accept that the location of first floor flat prevents any sort of acceptable extension to meet his needs, the applicant has not demonstrated that the existing farm house on the holding, currently occupied by his brother, cannot be extended at ground floor level to accommodate his needs. The possibility of applying for a farm dwelling has also not been presented for consideration.

Furthermore, the supporting document submitted makes a generalised statement that single storey properties for sale in this area are very limited. No evidence has been provided to back up this statement.

Finally, the dwelling proposed is a substantial family sized 3 bed bungalow. No justification has been given as to why the applicant now requires a 3 bed bungalow when he currently resides in a first floor flat.

For these reasons it is my opinion that the proposal fails to meet the policy requirements of CTY 6 of PPS 21. I have no concerns in respect of design and integration (CTY 13) and rural character (CTY 14).

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse – Proposal fails to comply with CTY 1 and CTY 6 of PPS 2

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this

development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

Signature(s)

Date:

ANNEX	
Date Valid	31st October 2016
Date First Advertised	17th November 2016
Date Last Advertised	17th November 2016
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2016/1550/F Proposal: Single Storey Dwelling with Disability Adaptations under Policy CTY6 Development in the Countryside Address: 200m NE of 159 Tullyvar Road, Ballygawley, Decision: Decision Date: Ref ID: M/1974/0009 Proposal: 11KV O/H LINE Address: TULLYVAR AND CAVANKILGREEN, DUNGANNON Decision: Decision Date: Ref ID: M/1997/0607 Proposal: Replacement dwelling Address: APPROX 200M NORTH EAST OF 159 TULLYVAR ROAD BALLYGAWLEY Decision: Decision Date: Ref ID: M/1997/0047 Proposal: Replacement dwelling Address: 200M NE OF 159 TULLYVAR ROAD, BALLYGAWLEY	

Decision:
Decision Date:

Ref ID: M/2005/1734/Q
Proposal: Replacement Dwelling
Address: Tullyvar Road, Derrycush, Aughnacloy
Decision:
Decision Date:

Ref ID: M/1996/0189
Proposal: Dwelling
Address: 210M SE OF 162 TULLYVAR ROAD, BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1999/0647/O
Proposal: Proposed Replacement Dwelling
Address: 180 M West of 151A Tullyvar Road, Ballygawley
Decision:
Decision Date: 20.07.2001

Ref ID: LA09/2016/0468/PAN
Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland
Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I
Decision:
Decision Date:

Summary of Consultee Responses

TNI – Have requested minor amendments in respect of a lay-by provision and splays

Drawing Numbers and Title

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

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

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



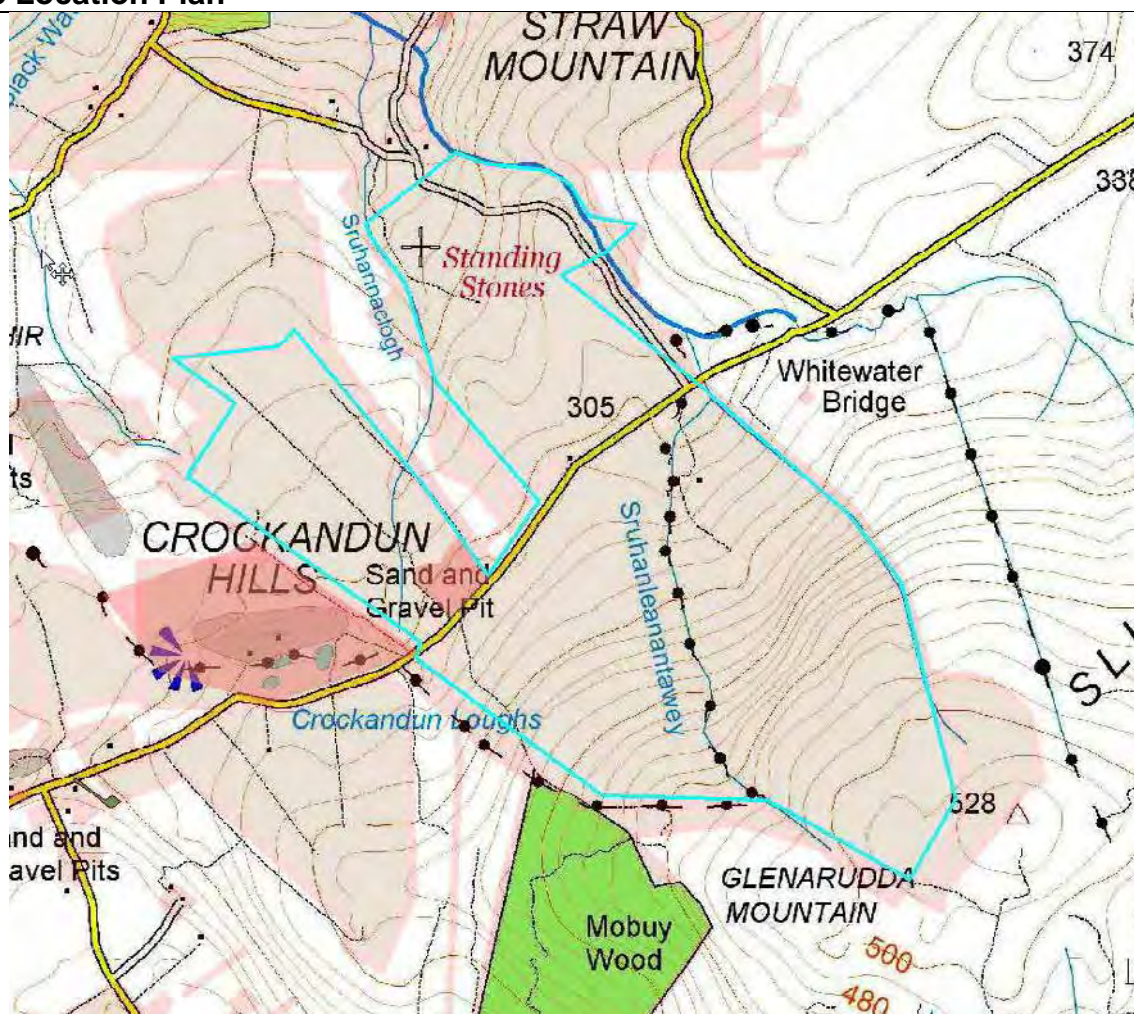
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1568/F	Target Date:
Proposal: Variation of condition 19 on Planning Approval H/2010/0009/F	Location: Crockandun approximately 450m WSW of junction of Cullion Road and Drumard Road Draperstown Magherafelt
Referral Route: 2 objections received.	
Recommendation: Approval	
Applicant Name and Address: Tom O'Donnell Brookfield Renewable Ireland Level 5 City Quarter Building Cork T12 A2XD	Agent Name and Address:
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

2 Objections received.

Characteristics of the Site and Area

The site is located approximately 6 km south of Draperstown in the open countryside as defined by the Magherafelt Area Plan 2015. A planning application for a six turbine windfarm has been approved previously under H/2010/0009/F. Work on the windfarm appears to have commenced on site. The site is located in an area characterised by upland terrain, with little development in the locality. The site lies within the Sperrins AONB, the Sruhanleanantaway ASSI and SLNCI.

Description of Proposal

Full application for 'Variation of condition 19 on Planning Approval H/2010/0009/F'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:
 Magherafelt Area Plan 2015
 Strategic Planning Policy Statement (SPPS)
 PPS 18 Renewable Energy

The proposal is for the variation of condition no. 19 of H/2010/0009/F. The proposed wording of Condition 19 is:

'The level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables attached shall be those of the physically closest location listed in the tables, unless otherwise agreed by the Department.'

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

Description	dB LA90, 10min Criterion at Various Wind Speeds at 10m height (m/s)								
	4	5	6	7	8	9	10	11	12
H01(P)	32.4	35.1	38.3	40.3	41.4	41.4	40.1	39.8	39.9
H28(P)	31.1	33.7	36.9	38.9	40.1	40	38.7	38.4	38.5
H29(P)	32.4	35.1	38.3	40.3	41.4	41.4	40.1	39.8	39.9

H/2010/0009/F was granted for 'Amendment to proposed windfarm including reduction from 11 to 6 wind turbines (hub height 80m, blade diameter 90m) with an overall height from ground to blade tip of 125m, 2 borrow pits, 110kv substation and compound, construction of internal site tracks and associated works' on 28th November 2012.

This application was approved subject to conditions. Condition 19 states:

'The level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables attached shall be those of the physically closest location listed in the tables, unless otherwise agreed by the Department.'

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

Description	dB LA90, 10min Criterion at Various Wind Speeds (m/s)								
	4	5	6	7	8	9	10	11	12
H01	24.3	26.9	30	32.1	33.3	33.3	32	31.7	31.8
H28	17.9	20.3	23.4	25.5	26.7	26.6	25.4	25	25.1
H29	23.7	26.4	29.6	31.7	33.0	32.9	31.7	31.4	31.5
H49	7.7	10.3	13.5	15.6	17.2	17.3	16.1	16.7	15.8
<p>The condition refers to a noise issue, therefore the relevant consultee for comment is Mid Ulster District Council Environmental Health. I have consulted EHO who returned comment ON 30.01.2017 of no objection to the proposal. Similarly, NIEA had no objection to the proposal.</p> <p>As an EIA determination was carried out on the previous associated approvals on this site a further assessment is not required. The number or type of turbines is not to alter and so consideration of this variation of condition can be done through the normally processing of the application and with consultation with Environmental Health.</p> <p>One objection has been received from the owner/occupier of No 51 Drumard Road dated 8.12.2016 – the objector 'Mary Gray' is against this variation of condition as she does not want an increase to noise levels.</p> <p>In response to this objection the agent stated that 'while the noise limits are increasing, the noise monitoring locations are moving closer to the turbines. The turbines will not emit any more noise than is allowed under the planning condition, or best practice, but for technical reason it is standard now to take this 'proxy location' approach and recalculate the noise limit accordingly.'</p> <p>Environmental Health responded on 30th January 2017 commenting that they understand that there are challenges associated with undertaking compliance measurements, and the concept of using proxy measurement locations closer to the turbines is recognized in the Institute of Acoustics Supplementary Guidance Note 5, therefore no objections is offered.</p> <p>A further objection was then received from Mrs Bernie Gray of No 53 Drumard Road, Draperstown dated 28.03.2017. This correspondence asked for an objection to the proposal to be noted however no details as to why where included.</p> <p>There are no ecological, flooding or visual amenity issues associated with this proposal.</p> <p>I recommend the application be approved.</p>									
Neighbour Notification Checked									Yes
Summary of Recommendation: Approval									
Conditions: 1. The permission hereby granted permits the variation of Condition 19 of planning approval H/2010/0009/F and should be read in conjunction with that decision notice. Reason: To ensure that all other conditions of the previous approval are adhered to.									

2. The level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables attached shall be those of the physically closest location listed in the tables, unless otherwise agreed by the Department.

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

Description	dB LA90, 10min Criterion at Various Wind Speeds at 10m height (m/s)								
	4	5	6	7	8	9	10	11	12
H01(P)	32.4	35.1	38.3	40.3	41.4	41.4	40.1	39.8	39.9
H28(P)	31.1	33.7	36.9	38.9	40.1	40	38.7	38.4	38.5
H29(P)	32.4	35.1	38.3	40.3	41.4	41.4	40.1	39.8	39.9

Signature(s)

Date:

ANNEX	
Date Valid	7th November 2016
Date First Advertised	24th November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Mobuy Road, Cookstown The Owner/Occupier, 35 Bally Briest Road, Mobuy, Cookstown The Owner/Occupier, 51 Drumard Road, Straw Mary Gray 51, Drumard Road, Magherafelt, Knockcloghrim, Londonderry, Northern Ireland, BT45 7JU The Owner/Occupier, 53 Drumard Road, Straw The Owner/Occupier, 54 Drumard Road, Straw The Owner/Occupier, 55 Drumard Road, Straw The Owner/Occupier, 57 Corick Road, Draperstown The Owner/Occupier, 57 Drumard Road, Straw The Owner/Occupier, 59 Corick Road, Corick Draperstown The Owner/Occupier, 59 Drumard Road, Straw The Owner/Occupier, 62 Corick Road, Corick, Draperstown The Owner/Occupier, 65 Corick Road, Corick, Draperstown The Owner/Occupier, 67 Corick Road, Corick, Draperstown The Owner/Occupier, 70 Corick Road, Corick, Draperstown The Owner/Occupier, 75 Corick Road, Corick, Draperstown The Owner/Occupier, 8 Mobuy Lane, Mobuy, Cookstown The Owner/Occupier, 8A Mobuy Lane, Mobuy, Cookstown Bernie Gray Email The Owner/Occupier,	

Fish Hatchery, Corrick Road, Draperstown	
Date of Last Neighbour Notification	25th November 2016
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2016/1410/DC Proposal: Discharge of Planning Condition No 10 with Planning Approval H/2010/0009/F Address: Crockandun, approximately 450m WSW of junction of Cullion Road and Drumard Road, Draperstown, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: LA09/2016/1568/F Proposal: Variation of condition 19 on Planning Approval H/2010/0009/F Address: Crockandun, approximately 450m WSW of junction of Cullion Road and Drumard Road,,Draperstown, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: LA09/2016/1567/DC Proposal: Discharge of Condition No 20 of Planning Approval H/2010/0009/F Address: Crockandun, approximately 450m WSW of junction of Cullion Road and Drumard Road, Draperstown, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: LA09/2015/0521/NMC Proposal: Increase in the building height from 5050mm to 5776mm, Decrease in the footprint of the outdoor compound area from 1260m² to 588m², decrease in the substation building with from 9.7m to 7.5m and inclusion of 3 double doors 3 single doors and 1 window to the front of the building and 1 double door and window to the rear of the building Address: Crockandun Wind Farm, Draperstown, Magherafelt, Decision: CG Decision Date:</p> <p>Ref ID: H/2012/0156/F</p>	

Proposal: 33kv Overhead Powerline

Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick,

Decision: PG

Decision Date: 19.11.2012

Ref ID: LA09/2015/0891/DETEI

Proposal: Upgrade an Existing Access Track and Associated Access Point to Access Wind Farm

Address: Townland of Crockandun, near Draperstown, Magherafelt,

Decision: NRES

Decision Date:

Ref ID: H/1979/0049

Proposal: WATER INTAKE STRUCTURE AND ACCESS ROAD

Address: CORICK AND STRAW MOUNTAIN, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: LA09/2016/0159/F

Proposal: Amendment of Condition 25 of Planning Approval H/2010/0009/F

Address: Crockandun, approx. 450m west south-west of junction of Cullion Road and Drumard Road, Draperstown, Magherafelt,

Decision: PG

Decision Date: 25.05.2016

Ref ID: LA09/2015/1116/F

Proposal: Planning application to facilitate an alternative access route into the consented Crockandun Wind Farm. Upgrade of existing site access on the cullion road and approximately 400m of existing access track to provide an additional point of entry into the approved wind farm layout

Address: Area between Crockandun Hills and Straw Mountain, 4km South of Draperstown, 11km West of Magherafelt, 43km South West of Londonderry and 11km North West of Cookstown.,

Decision: PG

Decision Date: 18.04.2016

Ref ID: H/2010/0278

Proposal: Potential site for windfarm

Address: Land in the vicinity of Corrick Road, Draperstown, BT45 7NA

Decision:

Decision Date:

Ref ID: H/2009/0501/F

Proposal: Erection of 225kw wind turbine with tower height of 30m

Address: Approx 750m North West of Drumard Road/Cullion Road Junction, Straw Mountain, Draperstown

Decision:

Decision Date: 21.01.2010

Ref ID: H/2010/0009/F

Proposal: Amendment to proposed windfarm including reduction from 11 to 6 wind turbines (hub height 80m, blade diameter 90m) with an overall height from ground to blade tip of 125m, 2 borrow pits, 110kv substation and compound, construction of internal site tracks and associated works.

Address: Crockandun, approximately 450m west south-west of junction of Cullion Road and Drumard Road, Draperstown, Magherafelt.

Decision: PG

Decision Date: 30.11.2012

Ref ID: H/2009/0407/E

Proposal: Scoping Report: Proposed Crockandun Windfarm.

Address: Crockandun, near Draperstown, Co Londonderry

Decision:

Decision Date:

Ref ID: H/1979/0048

Proposal: WATER INTAKE STRUCTURES AND ACCESS ROADS

Address: CORICK AND STRAW MOUNTAIN, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2008/0684/F

Proposal: Erection of 1 no temporary meteorological mast of 70m in height for the purpose of monitoring wind speed.

Address: Crockandun, 1000m SW of junction of Cullion Road & Drumard Road, Magherafelt. Site entrance located on Cullion Road.

Decision:

Decision Date: 21.05.2009

Ref ID: I/2010/0935/F

Proposal: Retention of 1 no. meteorological mast of 70m in height for the purpose of monitoring wind and climate conditions for a period of 5 years

Address: Crockandun, approx, 975m west of junction of Cullion Road And Drummond Road, Magherafelt, BT80 9UB,

Decision:

Decision Date: 23.06.2011

Ref ID: LA09/2015/0973/NMC

Proposal: Reconfigure the hob height and rotor diameter dimensions of the turbine to a hub height of 75m and a rotor diameter of 100m ,complying with a tip height of on more than 125m.

Address: Crockandun Wind farm, Draperstown,,

Decision: CR

Decision Date:

Ref ID: LA09/2016/0244/DETEI

Proposal: Crockandun Quarry Restoration - re-use surplus excavated material extracted during the construction of the A6 Road scheme

Address: Crockandun Quarry, Cullion Road, Draperstown, Magherafelt,

Decision: NRES

Decision Date:

Ref ID: LA09/2015/1125/F

Proposal: 21.5km 3 x200mm Overhead line on wooden poles for Crockandun Wind Farm. (separate application for pole 4001 with Fermanagh Omagh Council)

Address: 440m North of 28 Loughnamarve Road, Pomeroy BT70 2SJ to 2.0km North East of 45Cullion Road, Cookstown BT80 9UA crossing the townlands of Gortsraheen ,Lime Hill.Moymore, Moboy, Lough Bracken, Clogfin, Knockaleery, Drumshambo glebe,Corkhill,

Decision: PG

Decision Date: 13.01.2016

Ref ID: LA09/2016/0735/F

Proposal: Variation of Condition No 7 of Planning Approval H/2010/0009/F

Address: Crockandun, approximately 450m WSW of junction of Cullion Road and Drumard Road, Draperstown, Magherafelt.,

Decision: PG

Decision Date: 05.08.2016

Summary of Consultee Responses

Drawing Numbers and Title

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1640/F	Target Date:
Proposal: Agricultural Shed	Location: 90m South of 54 Gortlenaghan Road Dungannon
Referral Route: Recommendation for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Martin McCool 15 Ardglena Dungannon BT71 7TN	Agent Name and Address: Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
<p>Executive Summary:</p> <p>The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>The proposal is contrary to policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that</p> <ul style="list-style-type: none"> • It has not been demonstrated that it is necessary for the efficient use of the agricultural holding. • It fails to visually integrate into the local landscape and additional landscaping has not been provided • It has not been demonstrated that the proposal at this location is essential for the efficient functioning of the business. <p>The proposal is contrary to CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that,</p> <ul style="list-style-type: none"> (a) It is a prominent feature in the landscape; (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; 	

- (c) It relies primarily on the use of new landscaping for integration;
- (d) ancillary works do not integrate into their surroundings;
- (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

The proposal is contrary to CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that,

- (a) It will be unduly prominent in the landscape and
- (e) the impact of ancillary works would damage rural character.

Signature(s):

Case Officer Report		
Site Location Plan		
See drawing 01rev1		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	DAERA - Enniskillen	Consulted in Error
Non Statutory	DAERA - Omagh	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
No representations received.		
Characteristics of the Site and Area		
<p>The application site is located 90m south of 54 Gortlenaghan Road, Dungannon. It is in an area largely characterised by agricultural land, farm holdings and dispersed settlement. The site extends 0.55Ha and is a roadside plot with a field gate to the public road. The site is elevated above lands to the east and is visible from the surrounding road network, particularly from Cabragh Road. The ground level falls steadily from the roadside in an easterly direction and site boundaries are marked by hedgerows. To the south on land adjacent is a neighbouring two storey dwelling, no. 71 Cabragh road.</p>		
Description of Proposal		
Agricultural Shed		
Planning Assessment of Policy and Other Material Considerations		
<ul style="list-style-type: none"> • Strategic Planning Policy Statement • The Dungannon and South Tyrone Area Plan (2010) • PPS21: Sustainable Development in the Countryside 		
<p>The site lies in the countryside outside of any settlement limit defined in the Dungannon and South Tyrone Area Plan 2015. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter. No representations were received. There is no relevant planning history.</p>		

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

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 agricultural development on an active and established farm holding in accordance with Policy CTY12.

The first test of the policy is that the agricultural holding must be active and established. Paragraph 5.56 of PPS 21 says that for the purposes of Policy CTY 12 the determining criteria for an active and established farm will be those set out under Policy CTY 10. That policy requires that the farm business is currently active and has been established for at least 6 years. As such, a P1C form was requested and subsequently received along with a farm map which is in the name of the applicant's father, Mr Michael McCool. The map dated 18/9/2012, outlines 4 no. fields and includes an applicant ref. but no business ID. The Farm Business ID noted on the P1C form relates to a farm business owned by a Mr Martin Hughes who leases the land. Also provided is a letter from DARD to Mr Hughes, dated 5/8/13 referring to single farm payment – entitlement statement. Consultation with DEARA confirms that the Business ID identified on Form P1C has been in existence for more than 6 years. DEARA also confirmed the farm business claimed either Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. While, it has been confirmed that Mr Hughes farm business is active and established, the proposed agricultural shed is for Mr. Martin McCool who wishes to farm the lands himself. It has been confirmed by that Mr McCool's farm is not active nor has it been demonstrated that it has been established for 6 years. (I also note the farm map of Mr Michael McCool is dated 18/9/2012). The proposal therefore does not meet the fundamental requirement of Policy CTY 12.

Criterion (a) of Policy CTY 12 requires it to be demonstrated that the proposed development is necessary for the efficient use of the agricultural holding.

The proposed agricultural shed is for Mr. Martin McCool who wishes to farm the lands himself and would require a shed for the storage of tractors, trailers, hay and silage. In a letter from the agent, it continues stating, at present there is no facility for animal testing and it is intended to provide a cattle crush at the rear of the shed. The agent explains Mr Hughes, who currently leases the land does not have any farm buildings or lands hence why he rents lands for grazing's from Mr McCool. Mr Hughes presently buys and sells animals so he does not need to 'house same in winter'. I note that while a farm business ID belonging to Mr Hughes has been provided, along with associated farm maps. Such maps do not convey ownership, therefore it cannot be firmly established whether Mr Hughes has existing farm buildings or not without know the full extent of land under his ownership. Nonetheless, it has been made clear that Mr Hughes does not require the shed and is not essential for the efficient functioning of his farm. The proposed shed is for Mr McCool, however considering he does not currently farm the lands, sufficient evidence has not been provided to demonstrate that the proposed development would be necessary for the efficient use of the agricultural holding.

CTY 12 requires it be demonstrated that,

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

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

*(d) it will not have an adverse impact on the natural or built heritage; and
(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

The character and scale of the building is not untypical for that of agricultural use. Agricultural buildings are predominantly located in the countryside, I therefore do not consider that the proposal would be inappropriate to a rural location. However, the site is elevated and lacks vegetation to new site boundaries. The building proposed is sizable, measuring 20 x 10m and has a ride height of 7m. It has a 4.5m high roller shutter door to the gable and is finished in blockwork to the lower walls and black agristeel cladding to the upper walls and roof. The proposal is located at the top of a slope with a skyline backdrop which I consider, as per paragraph 5.54 (CTY 12) to be unacceptable. I do not consider that it would visually integrate into the local landscape and additional landscaping has not been provided. The application site is located adjacent to 71 Cabragh Road, Gortlenaghan. Environmental Health were consulted and responded requesting further clarification of the proposed use of the building. While information was subsequently received, it is clear that the proposal fails to meet the fundamental requirement, - to be on an active and established farm, thus re-consultation was not warranted.

Policy CTY 12 requires that where a new building is proposed, the applicant will also need to provide sufficient information to confirm all of the following,

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

The agent states that there are no other buildings on the farm that could be used. I note there are no buildings on the lands identified on Mr Michael McCools farm maps. Mr Michael McCools address is noted as 54 Gortlenaghan Road, Dungannon which is some 50m north of the proposed site. At this address is a bungalow and building to the rear which shares the site curtilage of the dwelling but also has a separate access. The building is relatively small and is unlikely to serve the purpose of storing tractors and hay. It is notable while the design and materials to be used are sympathetic to the locality and commonly found in such buildings, there are no existing farm buildings to site beside.

The policy continues, stating 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.*

The agent notes the applicant's home is a significant distance from the farm lands and it would be impractical for animals, machinery and hay to be stored off the farm lands. The applicants address provided on the P1, is 15 Ardglenna, Dungannon. The applicant's father's address to which the farm map relates is, 54 Gortlenaghan Road, Dungannon which is some 50m north of the proposed site. It includes a dwelling house and small building to the rear. The building is accessible via a separate access from the public road. I consider these buildings to be a group of buildings on the farm. It is notable that farm maps do not convey ownership, therefore it cannot be fully established that there are no other sites available at this group. Furthermore given the applicant does not currently farm the lands and in the absence of detailed particulars of the intended use, should the applicant commence farming, it has not been demonstrated that the proposal at this location is essential for the efficient functioning of the business.

While, the needs outlined by the agent could potentially be satisfied by erecting a new standalone building, the fundamental issue remains that the farm business is not active or established.

I refer to planning appeal 2016/A0144 for a farm building and site works which was dismissed on 19/4/17. Similarly in this case the farm was not active or established and the appellant sought permission for a farm shed to allow him to commence farming. The commissioner states in their report,

“Although subsidiary requirements of Policy CTY 12 could potentially be met, the fact remains that the agricultural holding is not active and established. As this fundamental requirement is not met, the proposal is not in accordance with Policy CTY 12. It does not fall within any of the types of development that are identified as acceptable in principle in the countryside in Policy CTY 1 of PPS21.”

The commissioner concludes,

“the difficulty the appellant faces is that current planning policy makes no provision for new sheds that are not active and established....Allowing the appeal would create widespread precedent that would undermine the policy. The proposal is not in accordance with Policy CTY 1 and, to the extent specified, the Council’s first reason is sustained. As the development is not acceptable in principle in the countryside, the appeal must fail.”

I therefore consider the proposal I contrary to Policy CTY 1 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. The proposal is contrary to policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that:

- It has not been demonstrated that it is necessary for the efficient use of the agricultural holding.
- It fails to visually integrate into the local landscape and additional landscaping has not been provided
- It has not been demonstrated that the proposal at this location is essential for the efficient functioning of the business.

Policy CTY 13 – Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It states, a new building will be unacceptable where:

- (a) It is a prominent feature in the landscape; or*
- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate into their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;*

I consider the proposal, an agricultural shed located on the top of a slope which will be visible from both short and long distant vantage points, particularly along the Cabragh Road and it will be a prominent feature in the landscape. The proposal is located in a larger agricultural field, however lacks long established natural boundaries to the proposed site curtilage along the south and east. The proposal includes an access lane from Gortlenaghan road which abuts the road in the south western corner of the site and sweeps across to provide access to the shed located to

the north of the site. I consider these ancillary works fails to integrate with their surroundings. The siting position of the shed also fails to blend with the landform. The proposal is therefore contrary to CTY 13, a, b, c, d, f.

Policy CTY 14 – Rural Character 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. I consider the proposal will be unduly prominent in the landscape and the impact of ancillary works, namely the access drive would damage rural character. The proposal is contrary to CTY 14 (a) and (e).

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposed development is contrary to policy and I recommend a refusal.

Reasons for Refusal:

The proposal is contrary to Policy CTY 1 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.

The proposal is contrary to policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that

- It has not been demonstrated that it is necessary for the efficient use of the agricultural holding.
- it fails to visually integrate into the local landscape and additional landscaping has not been provided
- It has not been demonstrated that the proposal at this location is essential for the efficient functioning of the business.

The proposal is contrary to CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that,

- (a) It is a prominent feature in the landscape;
- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- (c) It relies primarily on the use of new landscaping for integration;
- (d) ancillary works do not integrate into their surroundings;
- (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

The proposal is contrary to CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that,

- (a) It will be unduly prominent in the landscape and
- (e) the impact of ancillary works would damage rural character.

Signature(s)

Date:

ANNEX	
Date Valid	22nd November 2016
Date First Advertised	7th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 48 Gortlenaghan Road Gortlenaghan And Derrykeel Dungannon The Owner/Occupier, 71 Cabragh Road Gortlenaghan And Derrykeel Cabragh	
Date of Last Neighbour Notification	2nd December 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2002/1105/O Proposal: Proposed dwelling house Address: Opposite 48 Gortlenaghan Road Dungannon Decision: Decision Date: 05.12.2002 Ref ID: M/2002/1409/RM Proposal: Proposed dwelling house Address: Opposite 48 Gortlenaghan Road, Dungannon Decision: Decision Date: 12.02.2003 Ref ID: M/1995/0449 Proposal: Site for dwelling Address: APPROX 150M NW OF 64 CABRAGH ROAD DUNGANNON Decision: Decision Date: Ref ID: LA09/2016/1640/F Proposal: Agricultural Shed Address: 90m South of 54 Gortlenaghan Road, Dungannon, Decision:	

Summary of Consultee Responses

Consultations

Transport NI were consulted and returned a response requesting amended drawings.
Environmental Health were consulted and requested further information detailing the use of the proposal.

Considering the proposal is not acceptable in principal I consider requests for additional information would be futile.

Drawing Numbers and Title

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1672/O	Target Date:
Proposal: Dwelling and garage (infill)	Location: Between 1 and 3 Brackaghreilly Road Maghera
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Mrs M Convery 75 Lisnamuck Road Maghera BT46 5LA	Agent Name and Address: Russell Finlay Building Design Consultant 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues: Laneway ownership.

Characteristics of the Site and Area

The site is located 3 miles west of Maghera in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 30m northwest of No 3 Brackaghreilly Road and contains a cut out portion of an agricultural field. The north-eastern and north-western boundaries are defined by a post and wire fence, the eastern boundary is defined by a 2m high mixed species hedge and the western boundary is undefined. The site slopes gently from the edge of the Brackaghreilly Road to the rear of the site and beyond. The site is also located on a hilly section sloping in north westerly direction, following the line of the public road.

The surrounding area is characterised by an undulating landscape. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in the locality.

Description of Proposal

The application seeks outline planning permission for a site for a dwelling and garage. The P1 application form indicates this is an infill dwelling.

Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

The site is located within the same field but not indicated to be within the applicant's ownership H/2005/0544/O - Site of dwelling & garage for farm retirement. Refused for the following reasons:

1. Located within a green belt or countryside policy area and not considered as an exceptional case for a retirement dwelling.
2. Detrimental change to the rural character of this area of countryside by reason of build-up.

The decision was appealed and upheld by the PAC on the 8th August 2010.

Representations:

2 neighbour's notification letter were sent to the occupiers of Nos 1 & 3 Brackaghreilly Road, Maghera.

1 letter of representation has been received from Patrick & Siobhan Convery who resides at No 1 Brackaghreilly Road the property 40m west of the site.

The objection relates to the ownership of a private laneway used to access the site. The issue was raised with the applicant and a revised location plan was received showing the site accessing directly off the Brackaghreilly Road and the laneway which original outlined in blue is now highlighted in yellow. The objectors were re-neighbour notified on 5th May 2017 and to date no further objections have been received.

Development Plan and Key Policy Consideration:

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning

Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside CTY1, CTY8, CTY13 & CTY14 are applicable.

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

The application is seeking an infill site between numbers 1 and 3 Brackaghreilly Road. The property at No 1 consists of a dwelling and garage setback approximately 60m from the Brackaghreilly Road and access is via a tarmac laneway. An agricultural field separates the property from the Brackaghreilly Road. Although No 1 is visible to the west of the proposal site, it would not contribute to an impression of ribbon development given that neither the dwelling nor the garage has a frontage to the Brackaghreilly Road. The property at No 3 consists of a dwelling and garage and is setback 30m from the Brackaghreilly Road. Whilst the dwelling at No 3 has a frontage to the Brackaghreilly Road, the garage does not because of its setback position to the rear of the proposal site. In the absence of a substantial and built up frontage consisting of a line of 3 or more buildings along a road frontage, the proposal is contrary to CTY 8.

Integration

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am satisfied a dwelling with a ridge of 5.5m can visually integrated into the surrounding landscape and that the raising landscape north of the site would provide a backdrop. The mature vegetation along the eastern boundary would help to screen the site when travelling in north westerly direction and when travelling in the opposite direction the raising landform would result in only fleeting views of the site.

Impact on Character and Appearance of the Area

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new dwelling would visually link with the buildings at Nos 3 and 1 on approach to the site from the north-west. Approaching the site in the opposite direction it would also visually link with building at Nos 1 and 3 along with a farm dwelling and farm buildings located to the rear of the site. Accordingly, the proposal would create a ribbon of development resulting in a suburban style build-up of development to the detriment of rural character.

Other Matters

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced that the proposed development could not be located in a settlement. Therefore the proposal is contrary to CTY1 of PPS21.

Other Material Consideration.

I am also satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Neighbour Notification Checked **Yes**

Summary of Recommendation: I recommend refusal on the bases of non-compliance with CTY 1, 8 & 14 of PPS 21

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Brackaghreilly Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this stretch of the Brackaghreilly Road and therefore result in a detrimental change to the rural character of the countryside.

Signature(s) Sean Diamond

Date: 17/07/2017

ANNEX	
Date Valid	25th November 2016
Date First Advertised	15th December 2016
Date Last Advertised	18th May 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Brackaghreilly Road Bracaghreilly Maghera The Owner/Occupier, 3 Brackaghreilly Road, Bracaghreilly, Maghera, Londonderry, BT46 5LE, The Owner/Occupier, 5 Brackaghreilly Road Bracaghreilly Maghera Hastings & Co Solicitors 6A Charlotte Street, Ballymoney, Antrim, Northern Ireland, BT53 6AY The Owner/Occupier, 7 Brackaghreilly Road Bracaghreilly Maghera The Owner/Occupier, 75 Lisnamuck Road Bracaghreilly Maghera	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1672/O Proposal: Dwelling and garage (infill) Address: Between 1 and 5a Brackaghreilly Road, Maghera, Decision: Decision Date: Ref ID: H/2005/0544/O Proposal: Site of dwelling & garage for farm retirement Address: 40m North West of 7 Brackaghreilly Road, Maghera Decision: Decision Date: Ref ID: H/2000/0254/F Proposal: Bungalow And Garage Address: 100m NW of 7 Brackaghreilly Road, Maghera Decision:	

Decision Date: 21.05.2000

Ref ID: H/1999/0754/O

Proposal: Site Of Bungalow

Address: Adjacent to laneway of 7 Brackaghreilly Road Maghera

Decision:

Decision Date: 02.06.2000

Ref ID: H/2000/0811/RM

Proposal: Dwelling and garage

Address: Adjacent laneway of 7 Brackaghreilly Road, Maghera

Decision:

Decision Date: 24.01.2001

Ref ID: H/1997/0094

Proposal: SITE OF DWELLING

Address: 70M NORTH OF 7 BRACAGHREILLY ROAD MAGHERA

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 0
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1693/O	Target Date:
Proposal: Proposed farm dwelling and garage	Location: 195m South West of 146 Gulladuff Road Bellaghy
Referral Route: Refusal recommended - Contrary to CTY 1, 8, 13 and 14 of PPS 21.	
Recommendation:	REFUSE
Applicant Name and Address: Seamus McCorry 6 Clarkes Court Gulladuff Magherafelt BT45 8RH	Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Refusal recommended - Contrary to CTY 1, 8, 13 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.9km north west of the village of Bellaghy and is within the open countryside as defined by the Magherafelt Area Plan 2015. The application is for an outline application for a dwelling and garage within a large agricultural field with no apparent farm buildings on it. The site located within a large field which is relatively flat in nature with access to the site through an existing agricultural access. The site is bounded on all sides with tall existing mature trees. The immediate location is predominately agricultural land uses with the wider setting being defined by a mix of residential dwellings and agricultural land uses.

Representations

No representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed farm dwelling and garage. The site is positioned within a large agricultural field and is stated to be 195m south west of 146 Gulladuff road, Bellaghy.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a farm dwelling and garage. 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'.

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.

With respect to (a) DAERA were consulted and responded to state that the farm business number has not been in existence for more than 6 years and that the business does not claim Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. This response was passed on the agent who later supplied various invoices to show agricultural activity during this time. The invoices included those from NI Water, NIE, for hedge cutting, farm machinery repairs and for wire and fencing. However in review of the invoices these dated from 31st May 2017 to 15th May 2013, from this it has failed to show agricultural activity for the 6 years and from this fails this criteria.

With respect 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) there are no buildings on the site for the proposed dwelling to cluster or visually link with however the agent stated that he has chosen the best integrated site on the farm holding. Concern arose over the ownership of No.146 Gulladuff Road which is the registered address on the farm maps however the address of applicant differs on the submitted P1 form. Further concern arose that the fact No.146 Gulladuff Road was not included within the submitted blue line confirming it was under the applicant's ownership. It is worth noting that the applicant attained a planning approval for a site south of No.146 Gulladuff Road under planning reference H/2001/0702/O which appears to have subsequently sold on. Whilst the site may have the capacity to integrate into the site however the policy states that if the site is to be located away from the farm complex that there must be either health and safety reasons or verifiable plans to expand the farm business however none of which has been submitted. Therefore on this basis and in addition to failing to demonstrate that the farm business has been established and active for six years the proposal has failed to comply with CTY 10 of PPS 21 and therefore refusal must be recommended.

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. A dwelling on this site will avail of a good backdrop of the existing mature trees around the site and would be capable to visually integrate into the landscape in that all trees are to be retained. Despite this the site still fails the final criteria of CTY 13 in that in the case of a dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm and therefore does not fully fulfil CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this application has failed to show its compliance under CTY 10 therefore it is felt that as a result the proposal would create a ribbon development and therefore fails under CTY 14 and 8 of PPS 21.

Consultations were sent to TNI, NI Water and Environmental Health, all of which came back with no objection subject to conditions and informatives.

From this refusal is recommended on the basis the proposal fails CTY 1, 8, 13 and 14 of PPS 21 respectively.

Neighbour Notification Checked

Yes

Summary of Recommendation:

From this refusal is recommended on the basis the proposal fails CTY 1, 8, 13 and 14 of PPS 21 respectively.

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active (and has been established for at least six years and the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

4. 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 the Gulladuff Road.

5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that (the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	29th November 2016
Date First Advertised	15th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1693/O Proposal: Proposed farm dwelling and garage Address: 195m South West of 146 Gulladuff Road, Bellaghy, Decision: Decision Date: Ref ID: H/1993/6054 Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT Address: NEAR BELLAGHY Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/08/2017	Item Number:
Application ID: LA09/2016/1793/F	Target Date: 05/04/2017
Proposal: Housing development of 19 detached dwellings, associated site works and landscaping	Location: Lands opposite (South East) of 17-31 Benburb Road, Moy
Referral Route: Recommended for refusal. Objections also received.	
Recommendation: Refuse	
Applicant Name and Address: Chris Traynor 84 Armagh Road Dungannon BT71 7JA	Agent Name and Address: McCreanor & Co Architects 85 Plantation Road Craigavon BT63 5NN
Executive Summary: Despite 3 separate requests for amended plans, the applicant has failed to submit any revisions and as it stands the current proposal fails to comply with the Dungannon and South Tyrone Area Plan 2010, Paragraph 6.137 of the Strategic Planning Policy Statement, Policy QD 1 of PPS 7, Policy QD 2 of PPS 7 and Policy AMP 2 of PPS 3.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Multi Units West - Planning Consultations	
Non Statutory	Shared Environmental Services	
Statutory	NIEA	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Shared Environmental Services	
Non Statutory	NI Water - Multi Units West - Planning Consultations	
Non Statutory	Shared Environmental Services	

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
<p>Summary of Issues</p> <p>In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining landowners were consulted by letter. 3 no. objections have been received to date.</p> <p><u>Objection No. 1 (25 Benburb Road, Moy).</u> Issues raised are summarised and considered as follows:</p> <ul style="list-style-type: none"> • Flooding - The applicant has submitted a Drainage Assessment. Rivers Agency have accepted the logic of this Drainage Assessment and its findings that there will be no development in the Q100 flood plain. • No Consultation with Schools and Church opposite the site - All relevant neighbours have been notified in line with the Councils Statutory Obligation. This is a not a Major Application and therefore no Pre-Application Community Consultation is necessary. • Concern in respect of Architectural and Historical significance - The site is outside the designated Conservation Area of Moy. Proposed dwelling designs will be further considered in my report. • Lack of Open Space provision - Provision of public and private amenity space will be considered in my report. • Impact on Badgers in the locality - NIEA Natural Heritage are content that badgers and their setts are highly unlikely to be impacted as a result of this proposal. • Ambiguity in respect of the location of the designated flood plain and issues surrounding flooding • Water pollution - Rivers Agency are content that the proposal is outside the Q100 flood plain. Natural Environment Division have acknowledged that the site is located close to the flood plain of an area which has a hydrological link to Lough Neagh (SPA) and (ASSI). They are content that the proposal is unlikely to have a significant effect on this designated site. • Housing Density and proposed boundary details - This will be considered further in my report. • Road safety - Transport NI have been consulted with the proposal and have requested amendments. These have been requested by MUDC on the 28/02/17, the 27/04/17 and again on the 24/05/17. To date they have not been received so I cannot be satisfied at this point in time that road safety is not an issue. <p><u>Objection No. 2 (4A The Square, Moy).</u> Issues raised are summarised and considered as follows:</p> <ul style="list-style-type: none"> • Impact from Flooding on health and safety - The applicant has submitted a Drainage Assessment. Rivers Agency have accepted the logic of this Drainage Assessment and its findings that there will be no development in the Q100 flood plain. 	

Objection No. 3 (17 Benburb Road, Moy). Issues raised are summarised and considered as follows:

- Flooding - The applicant has submitted a Drainage Assessment. Rivers Agency have accepted the logic of this Drainage Assessment and its findings that there will be no development in the Q100 flood plain.
- Increase in traffic and the impact of such on school children - Transport NI have been consulted with the proposal and have requested amendments. These have been requested by MUDC on the 28/02/17, the 27/04/17 and again on the 24/05/17. To date they have not been received so I cannot be satisfied at this point in time that road safety is not an issue.
- Designated green belt - This site is not a designated greenbelt. It is within the development limits of Moy Village.
- Devaluation of adjacent properties - This is not a material planning consideration.

The above issues have been fully considered and I would advise members that these representations raise no material planning issues which would merit the refusal of this application.

Characteristics of the Site and Area

The application site is a 1.1 hectare parcel of undeveloped land cut out of a larger field and located opposite and South East of number 17-31 Benburb Road, Moy. It is within the development limits of Moy as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The site is relatively flat and low lying, albeit there is a slight slope towards the NE boundary. The roadside boundary with the Benburb Road is void of any vegetation and is defined by a simple wire and post fence and grass verge. The NE boundary is defined by a high hedgerow and intermittent semi mature trees. The remaining boundaries are undefined on the ground.

This area is predominantly residential in character. Opposite the site are a row of detached dwellings on fairly generous sized plots and to the SW of the site is a housing development of detached dwellings "Clover Hill". There is a GAA playing field (zoned as existing recreation and open space) located further to the SW of the site and there is a Primary School to the NW of the site. To the immediate NE of the site is a Presbyterian Manse and to the East is a large detached dwelling. The River Blackwater flows to the SE of the site, along which is a designated Local Landscape Policy Area. Part of the site falls within a designated flood plain and the small section of the NW corner of the site is located within an Area of Archaeological Potential (TYR 062:011). There is a Listed Building (St John the Baptist RC Church) located to the North of the site.

Description of Proposal

This is a full application for a housing development of 19 detached dwellings, associated site works and landscaping. An application for 39.5km of pipeline (M/2008/0997/F) to transfer drinking water cuts through the site and was approved on the 7/12/09. There are no other relevant planning histories on the site to be considered in this assessment.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- DCAN 8 - Housing in Existing Urban Areas
- PPS 15 - Planning and Flood Risk

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

In the DSTAP there is a presumption in favour of development within settlement limits provided there is compliance with relevant planning policies and guidance documents. As the site is not specifically zoned for housing there are no key site requirements to be adhered to. The plan does recognise that there is a portion of land SE of the Benburb Road and North of the playing fields that has been affected by flooding. It also advises that development adjacent to the designated Conservation Area should have regard to the Moy Conservation Area Guide. The plan states that housing development will normally be permitted provided the scale, layout and detailed design are compatible with the scale and character of the settlement. All residential proposals within the village should be guided and informed by the historic built forms displayed within the Conservation Area. Standard suburban layouts or the use of designs and materials unrelated to the traditional village character will not be acceptable. These are all matters that will be assessed further into my report.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Following consultation with NIEA, I am satisfied that this development will not negatively impact on the natural environment however the proposal as it currently stands is not acceptable in terms of its impact on the built environment.

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. Similar to PPS 7, paragraph 6.137 of the SPPS does state that it is imperative to ensure the proposed density of new housing, together with form, scale, massing and layout respects local character. It is my opinion that the proposed development does not reflect the general character of a small village like Moy. Given the size of the detached dwellings and their limited plot size it could be deemed overdevelopment of this site in area characterised by detached dwellings on generous sized plots. Paragraph 6.137 also states that applications for housing developments must be accompanied by a Design Concept Statement. This has not been submitted in this instance.

PPS 2 - Natural Heritage

It has been acknowledged by NIEA that the site is located close to the flood plain of an area which has a hydrological link (River Blackwater) to Lough Neagh (SPA and ASSI). On the basis of the information contained in the applicants Drainage Assessment, NIEA are satisfied that the site is outside the Q100 flood plain and are satisfied Rivers Agency do not object to the proposal from a

drainage or flood risk perspective. As such NIEA are content that the development is unlikely to have a significant effect on the aforementioned designated site. Shared Environment Service have also been consulted but their response remains outstanding. One of the objection letters received to this application makes reference to the impact of the proposal on badgers which are a protected species, NIEA have considered this objections and are content that badgers and their setts are highly unlikely to be impacted as a result of this proposal. On the basis of this consultation advice I am satisfied that the proposal is in compliance with Policy NH 3 of PPS 2 (Sites of Nature Conservation Importance - National) and Policy NH 5 of PPS 2 (Habitats, Species or Features of Natural Heritage Importance)

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. Transport NI have been consulted with the proposed layout and have requested internal and external amendments. These have been requested by MUDC on the 28/02/17, the 27/04/17 and again on the 24/05/17. To date they have not been received so I cannot be satisfied at this point in time that road safety is not an issue. The Benburb Road is not a Protected Route.

PPS 6 - Planning, Archaeology and the Built Heritage

Part of this site falls within the historic settlement of Moy. Historic Environment Division (HED) have been consulted and have considered that the archaeological potential of this site is low and so no mitigation is required. HED have also considered the impacts of the proposal on the nearby Listed Building and they are satisfied that that the development will not have any negative impact on the building or its setting. On the basis of this advice from HED, I am satisfied that the proposal is in compliance with PPS 6.

PPS 7 - Quality Residential Environments

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 policy QD 1. I will deal with these as they appear in the policy.

The first is that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas - The proposed development is residential in nature and is in an area where residential development is prevalent. The proposed layout however gives me reason to be concerned. The large detached dwellings appear to dominate their small plots and there is limited separation distance between each unit. It is my opinion that this layout is an over development of the site and is not in keeping with the general character of a small village like the Moy nor is it in keeping with the other residential development in the area, which is characterised by detached dwellings on large, generous sized plots. It would be advisable to reduce the total number of units proposed. There should also be greater variation in house types as the proposed variation is very minimal as it stands. Dwellings on corner plots should be specifically designed to reflect their position within the development (dual aspect), especially those at the entrance to the development. Whilst it is advised to have a 20m separation distance where dwellings back on to each other little appreciation is ever given to the separation distance between dwellings that front onto each other. To ensure a quality residential development consideration should be given to providing a greater separation distance between the dwellings within the development that front onto each other. This would ensure the provision of more adequate front gardens and it would be more representative of the character of the village and the other developments in the area. No retaining structures are proposed.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development - As already acknowledged, part of this site falls within the historic settlement of Moy. Historic Environment Division (HED) have been consulted and have considered that the archaeological potential of this site is low and so no mitigation is required. HED have also considered the impacts of the proposal on the nearby Listed Church and they are satisfied that that the development will not have any negative impact on the Church or its setting. The site does not benefit from any important landscape features which require to be protected or integrated as part of the scheme.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area - In line with Creating Places each dwelling has in excess of 40m² private amenity space. However in order to ensure a quality residential development there should be some provision of communal open space within the development. This has not been provided as part of this proposal. Either an open green area or a children's park should be considered in the overall layout. This is something that Mid Ulster Council looks very favourably on and is requirement of Policy QD 1 of PPS 7, paragraph 4.30. A landscaping plan has been submitted which proposes some planting which will soften the visual impact of the proposed development.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - The minor nature of this development would not merit the provision of stand-alone local neighbourhood facilities. The site is within the development limits of Moy and there is neighbourhood facilities already available in the locality.

QD1 requires a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - As the site is in a village location there is an existing movement pattern in the immediate area in terms of footpaths. Transport NI however have yet to approve the development.

PPS 7 requires adequate and appropriate provision is made for parking. In-curtilage parking has been provided at a minimum of 2 and 3 spaces per dwelling. This is in compliance with Parking Standards

The design of the development must draw upon the best local traditions of form, materials and detailing - There is no particular architectural style in this immediate area. Further towards the village centre and within the Conservation Area there is more defined architectural style. The proposed dwellings all have hipped roofs, large chimneys extending from the ridge lines, single storey flat roof porches and large windows that are relatively vertical in their proportions. Whilst I have no major concerns regarding the house types I do feel there should be more variety in a development of this scale. Dwellings on corner plots should be specifically designed to reflect their position within the development (dual aspect), especially those at the entrance to the development.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance - The nearest third party properties to the proposed development are 17-23 Benburb Road as well as the Presbyterian Manse located at number 6 Benburb Road. I am satisfied that there is an acceptable separation distance between the proposed dwellings fronting onto the Benburb Road and the dwellings at 17-23 Benburb Road

(approximately 45m) to ensure there is no overlooking, loss of light or overshadowing. The proposed dwellings on site numbers 16 and 17 are the nearest proposed dwellings to the adjacent Manse (approximately 15m), however these dwellings are not backing onto the Manse and as such this distance gives me no reason for concern in respect of residential amenity. Given the residential nature of the proposal I have no concerns regarding unacceptable levels of noise or odours.

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

Policy QD 2 of PPS 7 requires a Design Concept Statement to be submitted with all applications for residential development. None has been submitted with this application.

PPS 15 - Planning and Flood Risk

According to Council Spatial Maps the site in question appears to be located with a Q100 flood plain. Rivers Agency have been consulted with a Drainage Assessment which includes a detailed topographical survey of the site. A Q100 level of 15.65mAOD has been plotted on this survey which indicates that all built development will be outside the Q100 flood plain. The report also states that road and finished floor levels will be set at a minimum of 600mm above the Q100 level. On the basis of this information Rivers Agency have no reason to disagree with the conclusions of the Drainage Assessment which considers the development to be in compliance with policy FLD 1 of PPS 15.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse - Despite 3 separate requests for amended plans, the applicant has failed to submit any revisions and as it stands the current proposal fails to comply with the Dungannon and South Tyrone Area Plan 2010, Paragraph 6.137 of the Strategic Planning Policy Statement, Policy QD 1 of PPS 7, Policy QD 2 of PPS 7 and Policy AMP 2 of PPS 3.

Refusal Reasons

1. The proposed development is contrary to the Dungannon and South Tyrone Area Plan 2010 in that the proposed layout is not compatible with the scale and character of the settlement of Moy.
2. The proposed development is contrary to paragraph 6.137 of the SPPS in that the density and layout of the proposed housing development does not respect local character and a Design Concept Statement has not been submitted with the application.
3. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 - Quality Residential Environments in that:
 - The proposed development is not appropriate in terms of its layout and is considered an overdevelopment of the site. In terms of the appearance of the proposed dwellings, limited variation in house type has been proposed.

- Adequate public open space has not been provided.
- 4. The proposed development is contrary to Policy QD 2 of Planning Policy Statement 7 - Quality Residential Environments, in that the application has not been accompanied by a Design Concept Statement.
- 5. The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated that road safety is not prejudiced by this development.

ANNEX

Date Valid	21st December 2016
Date First Advertised	12th January 2017
Date Last Advertised	12th January 2017

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
 1 Clover Hill Moy Tyrone
 The Owner/Occupier,
 10 The Square Moy Tyrone
 The Owner/Occupier,
 11 The Square Moy Tyrone
 The Owner/Occupier,
 12 The Square Moy Tyrone
 The Owner/Occupier,
 12 The Square Moy Tyrone
 The Owner/Occupier,
 17 Benburb Road, Moy, Tyrone, BT71 7SQ,
 B Sage
 17, Benburb Road, Moy, Tyrone, Northern Ireland, BT71 7SQ
 The Owner/Occupier,
 19 Benburb Road Moy Tyrone
 The Owner/Occupier,
 2 Clover Hill Moy Tyrone
 The Owner/Occupier,
 21 Benburb Road Moy Tyrone
 The Owner/Occupier,
 23 Benburb Road, Moy, Tyrone, BT71 7SQ,
 The Owner/Occupier,
 25 Benburb Road Moy Tyrone
 Angela McAnespie
 25, Benburb Road, Moy, Tyrone, Northern Ireland, BT71 7SQ
 The Owner/Occupier,
 27 Benburb Road Moy Tyrone

The Owner/Occupier,
 29 Benburb Road Moy Tyrone
 The Owner/Occupier,
 31 Benburb Road Moy Tyrone
 The Owner/Occupier,
 4 The Square, Moy, Tyrone, BT71 7SG
 The Owner/Occupier,
 4A, The Square, Moy, Tyrone, Northern Ireland, BT71 7SG
 The Owner/Occupier,
 4A, The Square, Moy, Tyrone, BT71 7SG,
 The Owner/Occupier,
 5 The Square, Moy, Tyrone, BT71 7SG
 The Owner/Occupier,
 6 Benburb Road Moy Tyrone
 The Owner/Occupier,
 6 The Square Moy Tyrone
 The Owner/Occupier,
 7 Benburb Road Moy Tyrone
 The Owner/Occupier,
 7 The Square Moy Tyrone
 The Owner/Occupier,
 8 The Square Moy Tyrone
 The Owner/Occupier,
 9 The Square Moy Tyrone
 The Owner/Occupier,
 Moy Tir na Nog GAC, Benburb Road, Moyard, Moy, Tyrone, BT71 7QA
 The Owner/Occupier,
 St John The Baptist RC Church, Benburb Road, Moyard, Moy, Tyrone, BT71 7QA
 The Owner/Occupier,
 St John's Primary School, Benburb Road, Moyard, Moy, Tyrone, BT71 7QA

Date of Last Neighbour Notification

11th January 2017

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: LA09/2016/1793/F

Proposal: Housing development of 19 detached dwellings, associated site works and landscaping

Address: Lands opposite (South East) of 17-31 Benburb Road, Moy,

Decision:

Decision Date:

Ref ID: M/2008/0997/F

Proposal: 39.5km of pipeline to transfer drinking water from Ballydougan Service Reservoir, near Bleary, Co Down to Carland Service Reservoir, near Newmills, Co Tyrone via a water pumping station at Moy.

Address: Pipeline from Ballydougan Service Reservoir to Carland Service Reservoir via Moy PS

Decision:

Decision Date: 07.12.2009

Ref ID: M/2000/0793/O

Proposal: Site for New Manse

Address: Beside 4 Benburb Road, Moy, Dungannon (Moy Presbyterian Church)

Decision:

Decision Date: 08.12.2000

Ref ID: M/2000/1243/RM

Proposal: Erection of manse and garage

Address: Beside no 4 Benburb Road Moy Dungannon

Decision:

Decision Date: 24.03.2001

Ref ID: M/1994/0713

Proposal: Site for Housing Development

Address: OPPOSITE ST JOHNS PRIMARY SCHOOL BENBURB ROAD MOY

Decision:

Decision Date:

Ref ID: M/2001/0983/O

Proposal: Proposed 2 No. dwellings

Address: Approx 200m South West of 12 The Square Moy

Decision:

Decision Date: 02.12.2002

Ref ID: M/1989/0306

Proposal: Housing Development

Address: 100M SOUTH OF 3B THE SQUARE BRICKROW MOY

Decision:

Decision Date:

Summary of Consultee Responses

See page 2 above

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Landscaping Proposals
Status: Submitted

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

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 06
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 07
Type: Proposed Elevations
Status: Submitted

Drawing No. 08
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 09
Type: Proposed Elevations
Status: Submitted

Drawing No. 10
Type: Garage Plans
Status: Submitted

Drawing No. 11
Type: Technical Specification
Status: Submitted

Drawing No. 12
Type: Roads Details
Status: Submitted

Drawing No. 13
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 14

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1st August 2017	Item Number:
Application ID: LA09/2017/0272/F	
Proposal: A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F)	Location: Beltonanean Mountain Beltonanean TD Cookstown Co. Tyrone.
Referral Route: Objections	
Recommendation:	Approval
Applicant Name and Address: Ross Planning	Agent Name and Address: Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan:



Representations:

Letters of Support	1
Letters of Objection	1

Summary of Issues

Description of proposal

This is a full planning for A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F).

Characteristics of Site and Area

The site is located in the townland of Beltonanean some 9km north west of Cookstown on Beltonanean Mountain (at 296m elevation) immediately north of Corvanaghan Mountain. In the immediate environs, the site is accessed off Beltonanean Road on rising ground close to old

derelict farm buildings and some sheds with some mature trees and hedges. A 60m met mast is already located close to the site of the proposed turbine. The turbine is located on the lower slopes of this upland area which includes Beltonanean Mountain, Corvanaghan, Oughtmore and Evishbrack Mountain. To the north and east beyond lies the main body of the Sperrins AONB. This site lies metres just within that designated landscape. A quarry and associated buildings, plant and machinery is located immediately south of the site on Corvanaghan Road.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Cookstown Area Plan 2010- the site is located within an Area of Outstanding Natural Beauty.

Planning History

I/2010/0211/F- A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain. Granted: 17.05.2012.

Assessment of Policy

Policy provision of PPS18 is applicable in this case, except where it differs from SPPS. The fourth paragraph of PPS18 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. This differs to the wording of the SPPS which requires that 'appropriate' weight be attached to such benefits. In accordance with the transitional arrangements outlined in the SPPS, as detailed above, appropriate weight will be attached to the specified benefits in the overall planning balance. The SPPS also states that 'a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONB'S'.

Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning consideration;

- Public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality/quantity;
- public access to the countryside

Public safety, human health, or residential amenity;

The turbine is greater than its base to tip height, plus 10% from the public road. Human Health will not be impacted by this clean energy development. There are no dwellings within 500m of the proposed turbine and it is not expected that ice throw will impact on residential property. Shadowflicker will not have a detrimental impact on residential amenity. These considerations were also assessed under I/2010/0211/F the impacts of which were found to be acceptable, and the proposal has not changed and is an in-time renewal. Environmental Health are content subject to planning conditions.

Visual amenity and landscape character;

The site is located on the southern fringes of the AONB, north east of Dunnamore within LCA 41 - Slieve Gallion which includes land within counties Derry and Tyrone and is on the eastern edge

of the Sperrins between Cookstown and Draperstown. This LCA has a 'High to Medium' sensitivity to wind energy development. This varied sensitivity reflects the LCA's varied character. The preferred location for turbines is generally to the north west of Slieve Gallion as it is considered to be less sensitive. The south-western outlier hills are quite visually prominent which increases their sensitivity. However, at this particular location I consider that the existence of the quarry reduces the sensitivity of the landscape and when viewed from the south from Dunnamore) the landscape shows considerable development including the quarry buildings, farm complexes and single dwellings. Views from within the AONB (e.g. from the north west and west including Beaghmore) will be largely screened by topography. I do not consider that this single turbine would create an unacceptable adverse impact in landscape character terms at this location. In my view a cautious approach as been taken in assessment

Biodiversity, nature conservation or built heritage interests;

NIEA Natural Heritage and NIEA Built Environment have no objections to this proposal. NIEA NH did raise an issue about potential impacts on Curlews. The applicant provided additional information and this concern was dropped by NIEA.

Local natural resources, such as air quality, water quality/quantity;

The proposal will not have a detrimental impact on natural resources, including air and water quality. Situated on the side of a rocky slope, the site is not located within a protected N2K site, nor is it hydrologically linked to one. NIEA and SES have no objections to this proposal.

Public access to the countryside

The proposal will not have a detrimental impact on public access to the countryside. There is inconclusive evidence to suggest that wind turbines stop people from visiting the countryside. There is some body of evidence to suggest that larger wind farms may actually act as a tourism attraction and encourage people to visit the countryside in these location. Single turbines acting as a stand alone tourist attraction is less conclusive but I am satisfied that there is not enough persuasive evidence that this turbine in this location would stop people visiting this area of countryside.

The wider environmental, economic and social benefits of the development must also be taken into consideration as required by SPPS and given appropriate weight in determining if planning permission should be granted, as opposed to significant weight under PPS18. Whilst the development is small in comparison with most wind farm proposals, it will nonetheless provide in the region of an additional 2.3MW of power from a renewable source and will contribute to the overall targets for renewable energy. It will also provide income to the landowners involved as well as potential income to those involved in the construction. Local rates are also likely to be payable. The issues of health impacts and potential devaluation on property values are also noted. To date there is little/no empirical evidence that indicates there are health issues regarding turbines - particularly when they are sited more than 10 rotor distance from properties. This is not to say, however, that some people are not more sensitive to turbines in terms of noise etc. However, these are likely to be in the minority. The matter of devaluation of property is not considered to be a material planning consideration, particularly where all other considerations (e.g. residential amenity) are considered to be in line with planning policy. It is my view that appropriate weight has been given to the wider benefits of this proposal and permission should be granted subject to planning conditions.

THIRD PARTY REPRESENTATIONS

A 3rd party objection has been received and raises the following concerns;

1. that previous conditions be attached to this permission should permission be granted. In my view this is a reasonable request should permission be granted.
2. that this new assessment takes account of the AONB and a cautious approach is adopted. This has been addressed above.

3. That the light at the tip of the turbine will have a detrimental impact on the Dark Sky status that the area is trying to establish. There is no other evidence to prove that Dark Sky status will not be achieved should the light be attached to the turbine for safety measures.

NIEA-NH has assessed the application under PPS 2 - Planning and Nature Conservation. They have no objection to the proposal subject to appropriate conditions.

NIEA-PHM has considered the application and has no objections to the proposal.

PPS 3 - (revised) Access, Movement and Parking – Transport NI has no objection to the proposal subject to conditions.

Telecommunications/Television/Aircraft Traffic- There are no concerns in terms of aircraft safety. No issues have been raised in terms of potential impacts on telecommunication links.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted for this in-time renewal of permission.

Conditions

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.

2. Prior to the commencement of development, a Construction Method Statement detailing site investigations to assess site stability, all construction activity, including the removal, dumping or storage of materials and machinery, and Avoidance, Remedial and Reductive Measures for managing groundworks, shall be submitted to and agreed in writing with Council

Reason: To protect the habitats for the benefits of the species in the area.

3. The developer shall notify the Council in writing of the date of commencement of works on site and of the date when the turbine has become operational in terms of supplying energy to the national grid.

Reason: To ensure compliance with appropriate conditions.

4. The level of noise immissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1.

Reason: To control the noise levels from the development at noise sensitive locations so as to safeguard residential amenity.

Table 1. ETSU-R-97 Derived Noise limits to be achieved at all noise sensitive properties

Wind speed at 10m height (m/s):

	4	5
	6	7
	8	9
	10	
House Reference	Night-time Limits, dB, LA90,10min	
H4	43.0	43.0
	43.0	43.0
	43.0	43.0
	43.0	
H64	43.0	43.0
	43.0	43.0
	43.0	43.0
	43.0	
H67	43.0	43.0
	43.0	43.0
	43.0	43.0
	43.0	
H89	43.0	43.0
	43.0	43.0
	43.0	43.0
	43.0	
	Day-time Limits, dB, LA90,10min	
H4	35.0	35.0
	35.0	36.0
	38.0	40.5
	43.0	
H64	35.0	35.0
	35.0	36.0
	37.5	39.5
	41.5	
H67	35.0	35.0
	35.0	35.5
	38.0	40.5
	43.0	
H89	35.0	35.0
	35.0	36.0
	38.0	40.5
	43.0	
<p>5. No wind turbine shall be operated on site until the Council has approved in writing a scheme submitted by the wind farm operator, providing for the measurement of noise immissions from the wind turbine, at locations to be agreed with the Council. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels in a representative range of wind speeds and directions. Monitoring shall be carried out within six months of the wind turbine first becoming fully operational and at the wind turbine operator's expense in accordance with the approved monitoring scheme and the results provided to the Department within 3 months of its completion unless otherwise extended in writing by the Council. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.</p> <p>Reason: To assess compliance with noise immission limits as required by Condition No.4. and to safeguard residential amenity.</p>		
<p>6. Within 28 days of being notified by the Council of a reasonable complaint from the occupant of a dwelling which lawfully exists or has planning</p>		

permission at the date of this consent, the wind farm operator shall, at his/her expense employ a consultant, approved by the Council, to assess the level of noise immissions from the wind turbine at the complainant's property following the procedures as agreed within the submitted scheme as per condition 5. The Department shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations and to safeguard residential amenity.

7. The wind turbine operator shall provide to the Council the consultant's assessment and conclusions regarding the said noise complaint, 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 Council unless otherwise extended in writing by the Council.

Reason: To control the noise levels from the development at noise sensitive locations and to safeguard residential amenity.

8. Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind turbine. This data shall be retained for a period of not less than 12 months. At the request of the Council, the recorded wind data, measured or converted to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be made available to them.

Reason: To facilitate assessment of monitoring exercises and complaint investigation, and to safeguard residential amenity.

9. No wind turbine shall be operated on site until the Council has approved in writing a scheme submitted by the wind farm operator, providing for the assessment of aerodynamic modulation from the wind turbine, at locations to be agreed with the Council. Within 28 days of being notified by the Council of a reasonable complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a consultant, approved by the Council, to assess the level of aerodynamic modulation from the wind turbine at the complainant's property against the agreed scheme. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To measure amplitude modulation from the development at noise sensitive locations so as to protect residential amenity.

10. No wind turbine shall be operated on site that produces aerodynamic modulation that exceeds that agreed with the Council as per the scheme submitted in relation to condition 9.

Reason: To control amplitude modulation from the development at noise sensitive locations and to safeguard residential amenity.

11. All mature trees and building/structures to be removed shall be inspected for the presence of bats by an experienced bat worker or surveyor on the day of felling. If evidence of bats is found during inspection, all work shall cease immediately and advice shall be sought from the Northern Ireland Environment Agency Wildlife Officer.

Reason: To minimise the impact of the proposal on bats.

12. All construction activity shall take place outside the bird breeding season (1st March - 31st August) in any year.

Reason: To protect breeding birds.

13. Ornithological monitoring shall be carried out in years 1 (year of construction), 2, 3, 5 and 10. The survey methodology shall be agreed with Council prior to the occurrence of any site preparation or construction activity. A report shall be submitted to Council at the end of each survey period.

Reason: To allow the local bird populations to be assessed and protected.

14. Prior to the commencement of work on site, a Habitat Management Plan (HMP) encompassing the mitigation measures outlined in Environmental Information received on 28th May 2010 under planning application I/2010/0211/F shall be submitted to and agreed in writing with Council. A report highlighting the achievement of the actions of the HMP shall be submitted to Council 12 months after the site becomes operational (supplying energy to the national grid) and subsequently in years 3, 5 and 10.

Reason: To ensure that the development proceeds in a manner that provides for the conservation and enhancement of the local environment including provision for compensatory habitat management for snipe.

15. Prior to the commencement of development, procedures for storage of fuels and chemicals, routine plant inspections and reporting of pollution incidents shall be submitted to and agreed in writing with Council.

Reason: In the interests of safeguarding habitat quality.

16. All power lines within the site outlined in red as per Drawing No. 02 submitted under planning application I/2010/0211/F on 12th May 2010 shall be located underground.

Reason: In the interests of visual amenity.

17. No turbines shall be erected until a scheme for the remediation of any interference with domestic television reception that may be caused by the operation of the windfarm has been submitted to and approved in writing by Council.

Reason: To safeguard television receptions in the locality.

18. Prior to the commencement of development, a report detailing measures to mitigate the effects of shadow flicker on nearby residential properties, should such problems arise within 5 years of the development being commissioned, shall be submitted to and agreed in writing with Council. The report and mitigation measures shall include timescales within which resolution of a problem shall take place.

Reason: In the interests of residential amenity.

19. No part of the development hereby permitted shall be commenced until the site access, including visibility splays and any forward sight lines have been constructed in accordance with Drawing 08 received on 12th May 2010 under planning permission I/2010/0211/F and permanently retained thereafter.

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

20. The area within the visibility splays and any forward site lines 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 interest of road safety and the convenience of road users.

21. Prior to commencement of construction and during the construction stage, the developer shall liaise with Traffic Management Section, Co. Hall, Omagh regarding Traffic Safety Measures.

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

22. All above ground structures shall be dismantled and removed from the site 25 years from the date when the wind turbine is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme.

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

23. At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with Council. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

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

Informatives

1. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of bat. It is also an offence;

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

2. If there is evidence of a bat roost on the site, all work must cease immediately and further advice must be sought from the Wildlife Officer, Northern Ireland Environment Agency.

3. The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which states that it is an offence to intentionally kill, injure or take any wild bird. It is also an offence to take or damage or destroy the nest or egg(s) of these birds or to disturb bird(s) while they are building, in or at a nest, or whilst they have dependant young. It is therefore advised that tree and hedge loss should be kept to a minimum and removal should not be carried out during the bird-breeding season between 1st March and 31st August. Where the bird is included in Schedule 1 of the Order any offence is liable to a special penalty.

4. The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to intentionally kill, injure or take any wild animal included in Schedule 5 of this Order which includes the badger (*Meles meles*). It is also an offence to disturb these animals or damage or obstruct access to their place of refuge, or damage or destroy anything which conceals or protects their place of refuge.

5. If there is evidence of badger on the site, all work must cease immediately and further advice must be sought from the Wildlife Officer, Northern Ireland Environment Agency.

6. The site is within the catchment area of the Ballinderry River which supports populations of salmonids, trout and migrating dolly. The river is also subject to important restoration work on native white clawed crayfish and fresh water pearl mussel, both protected under European legislation. The developer should therefore ensure that pollution from construction works (e.g. construction materials, chemicals, fuel, suspended solids) should not enter waterways. Works should not be carried out on the bed or banks or within 10m of watercourses in the area. Any water discharges from works should be consented by NIEA-Water Management Unit. All works near watercourses must be carried out in line with Pollution Prevention Guidelines 5. Storm water from the development should not be discharged to nearby watercourses unless first passed through comprehensive pollution interception and flow attenuation measures in line with SUDS principles.

It is an offence under Section 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

Where temporary approvals for met masts have expired, or where these meteorological masts are no longer required, they should be removed from the site as soon as practicable.

The BBC has launched a web-based tool so that wind-farm developers can carry out assessments of interference to domestic reception for themselves. Any wind farm enquiries to the BBC or Ofcom now result in the enquirer being directed to this web-based tool. The wind farm assessment tool can be found at <http://windfarms.kw.bbc.co.uk>.

With regard to microwave links you should contact Ofcom at windfarmenquiries@ofcom.org.uk

7. Please consult with Mark Smailes of Directorate of Airspace Policy at marks.smailes@dap.caa.co.uk and Enniskillen Airport regarding the necessity of aviation lighting.

8. The applicant is obliged to do checks for the proposal with the CAA, the MoD, and NATS. More information is available on the British Wind Energy Association website www.bwea.com.

9. There is a requirement in the UK for all structures over 300 feet high to be charted on aviation maps. You should contact Defence Geographic Centre, AIS Information Centre, Jervis Building, Elmwood Avenue, Feltham, Middlesex, TW13 7AH with details as appropriate.

10. Please advise Defence Estates Organisation of the following information:

- (a) Date of commencement of construction;
- (b) Date of completion of the construction;
- (c) The height above ground of the tallest structure;
- (d) The maximum extension height of any construction equipment;
- (e) The position of the masts in latitude and longitude;
- (f) If the site will be lit;
- (g) Any changes to the scheme as re-evaluation may be required.

This information will be promulgated to military aircrew who will endeavour to avoid direct overflight of the site. Construction workers, particularly those working at height, should be aware that essential military low flying training may be conducted in the vicinity.

Please contact a member of the Safeguarding Windfarms team if you wish to discuss this further.

11. With regard to Condition 2, the slope stability and risk assessment study should include details of (i) the quantity and type of material to be excavated (ii) How the material will be stored or used (iii) How long the material will be stored in this way (iv) and what are the ultimate plans/proposals for the materials.

12. Any incidences of peat slides or spoil slumps should be reported as soon as possible to the Planning Authority.

13. The applicant must apply to Transport NI for a licence indemnifying the Planning Authority against any claims arising from the implementation of the proposal.

14. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the DfI is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.

15. The applicant should contact the appropriate Transport NI Section Office in order that an agreement may be reached regarding maintenance costs.

16. Notwithstanding the terms and conditions of the approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer (Molesworth Plaza, Molesworth Street, Cookstown) . A deposit will be required.

17. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

18. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by Council BEFORE any such signs are erected.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	24th February 2017
Date First Advertised	9th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	5th June 2017
ES Requested	No
Planning History <p>Ref ID: LA09/2017/0272/F Proposal: A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain. Address: Beltonanean Mountain, Beltonanean TD, Cookstown, Co. Tyrone., Decision: Decision Date:</p> <p>Ref ID: I/2008/0684/F Proposal: Wind farm consisting of 2 wind turbines of up to 1.3 megawatt power output (2.6 MW total) each with a maximum overall base to blade tip height of 81 metres; Ancillary developments will comprise a single meteorological mast of up to 50 metres in height, turbine transformers; turbine hardstands, site entrances with sight line provision; 2 no. electrical control kiosks, construction of new access tracks and junctions; communications antennae; underground electrical cables and communications lines connecting wind turbines to electrical control kiosks; on site drainage works; temporary site compounds and all ancillary and associated works at Beltonanean Mountain. Address: Beltonanean Mountain, Beltonanean TD, Co Tyrone. Decision: Decision Date: 08.02.2010</p>	

Ref ID: I/2010/0211/F

Proposal: A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain.

Address: Beltonanean Mountain, Beltonanean TD, Cookstown, Co. Tyrone.

Decision:

Decision Date: 17.05.2012

Ref ID: I/2013/0348/PREAPP

Proposal: A wind farm consisting of 11 no wind turbines each with a maximum overall blade to tip height of 119 metres; turbine transformers; electrical control building; communications antennae on control building, widening of existing tracks, construction of new access tracks, junctions and site entrance; turbine hardstands; underground electrical cables and communications lines; drainage works; a temporary site compound; and all ancillary developments and associated works.

Address: Beltonanean Road, lands west of cookstown, Co. Tyrone.,

Decision: EOLI

Decision Date:

Ref ID: I/2013/0188/F

Proposal: Planning application to amend the previously approved Beltonanean Mountain Wind Turbine (Planning Ref I/2010/0211/F) by relocating the turbine 54 metres to the north/northwest from the previously approved position; increasing the overall base to blade tip height to 119 metres; and with the addition of a proposed new electrical substation with underground electrical cables and communication lines connecting the wind turbine to electrical substation.

Address: Beltonanean Mountain, Beltonanean Townland, Cookstown, Co Tyrone,

Decision: PR

Decision Date: 28.01.2015



Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0304/F	Target Date:
Proposal: Proposed redevelopment existing Lidl Store	Location: 38 Castledawson Road Magherafelt
Referral Route: Major planning application	
Recommendation: Approve	
Applicant Name and Address: Lidl Northern Ireland GmbH Dundrod Road Nutts Corner Crumlin BT29 4SR	Agent Name and Address: Clarman Partnership Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary: This application is for the redevelopment of an existing out of town centre supermarket. The proposal involves an increased retail sales floor area. No objections have been received.	
Reporting Officer: Karen Doyle	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Out of town centre location for the redevelopment of an existing Lidl supermarket, traffic and noise.

Characteristics of the Site and Area

The site is within the development limits of Magherafelt as identified in the Magherafelt Area Plan 2015 and is designated as white land and is adjacent to a Major Area of Existing Industry. The site is accessed off the Castledawson Road and currently houses the existing Lidl store which is to be redeveloped.

Description of Proposal

This application is for the redevelopment of the existing Lidl store which involves the demolition of the current building and its replacement with a new and more modern store.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking

DCAN 15 - Vehicular Access and Standards

The site is within the development limits of Magherafelt as identified in the Magherafelt Area Plan 2015 and currently houses the existing Lidl Store.

The SPPS was published in September 2015 and states that the objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This planning application is categorised as a Major application given the site exceeds the thresholds of The Planning (Development Management) Regulations (NI) 2015, Para 7. Major developments have important social, economic and environmental implications for a council area. The SPPS provides a regional framework of planning policy that will be taken into account in the preparation of MUDC's Local Development Plan. This LDP has not yet been adopted and existing planning policies, with the exception of PPS 1, PPS 5 and PPS9 which have been cancelled with the publication of the SPPS.

One aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland and it has adopted a town centre first approach for the location of future retailing. This application seeks approval for the redevelopment of an existing store, and given the proposed floor space is in excess of 1,000 square metres and is not proposed in a town centre location with the absence of an LDP is required to undertake a full assessment of retail impact as well as need and a retail impact statement accompanied this application.

The existing Lidl store has a gross external area of 1,322 square metres and it is proposed that the new store will have a gross external area of 2,114 square metres. Previously MUDC approved permission for an extension to the existing store which proposed a total gross external area of 2,100 square metres.

The applicant has provided a retail impact statement detailing that the current store operates with a sales floor space of 986.6 square metres. The approved extension increased this to 1325.5m and the current application wishes to increase this by a further 13.5 square metres to a total of 1339 square metres.

In terms of the differences in non-sales area this stands at 335.5 square metres in the existing store, 774.9 square metres in the approved extension and 775 in the proposed redeveloped store.

	Existing	Approved	Proposed
Production		66.5	53.8
Sales	986.6	1325.5	1339
Offices	10.5	20.5	28.3
Storage	204.3	403.1	513
Ancillary Uses	120.7	284.7	180.1
Total	1322.1	2100.4	2114.2

It is stated in the retail statement that, unlike the approved extension where a reduced percentage of the store sales density was applied (66%) it is assumed that the new store will trade at the same sales density as the existing store. Hence with a larger net retail area, this increase the proposed store turnover above both the existing shop, and indeed the extension approval. The Retail Statement as submitted adopts a sales density approach and it applies a 2012 price year, a base year of 2017 and a design year of 2020. The approach applied in this assessment incorporates the approach provided in support of approved application LA09/2015/1213/F which was previously found to be acceptable. The Public Inquiry of 2015 set out and agreed the turnover levels for all stores in the catchment which included the figures for Lidl. Based on sales density estimates the Retail Statement asserts that the current net sales area of 986.6 square metres would have a sales density of £3,622 per square metre in 2017 giving the store a current turnover of £3.57 million. The sales density will increase slightly and thus applying this approach the 2020 sales density would be £3,633 per square metre giving the existing store a turnover of £3.58 million. It is assumed the sales density of £3,633 would give the new store a turnover of about £4.86 million in 2020 which is an increase of £1.06 million (+36%) over what the current store will achieve.

I have calculated these figures based on the amended floor space figures. The retail statement is based on a larger sales floor space but over the course of the planning application this has been reduced down by the agent. The conclusion of the larger floor space of 1,421 square metres together with the cumulative impact of the Forbes' application which has not yet been implemented is that the cumulative impact on Magherafelt town centre will not be harmful. It is therefore my conclusion that with a slightly smaller net retail floor space of 1,339 square metres there will not be a harmful effect on Magherafelt town centre.

The SPPS at para 6.290 sets out the factors to be addressed in a retail impact and assessment of need which the agent has addressed in their submission.

- The impact of the on-site replacement store has been assessed and it has been shown that its turnover will impact at only minor levels on any single convenience trader. The overall impact on the town centre is less than 3.5%.
- There has been no objections raised to this application. The agent is unaware of any investment in any town centre that this proposal would deter and there is no public sector investment planned for the town centre that will be affected.
- The on-site replacement does not affect the Magherafelt Area Plan
- Magherafelt has been assessed as healthy and vibrant and the proposal will not impact on the vitality and viability of the town centre.
- The Forbes approved site is a committed site that must be considered and it is in close proximity to this application. The cumulative impacts will not adversely affect the town centre.
- The proposed replacement will sustain the existing jobs and create additional opportunities. It is stated that it will support the construction industry and there will be indirect positive impacts for the economy by allowed increased NI produce to be displayed and sold in the store.

It has been demonstrated that any impact on these criteria is not considered significantly adverse and the proposed development has not been judged to be harmful.

The redeveloped store is largely on the same footprint as that of the existing building with the extra footprint being proposed to the north west and the east/north east of the existing footprint. Aside from the increase in sales area the most significant increase in space is the storage area which is more than doubling in size from 204 square metres to 513 square metres. Office space is almost tripling in size but at a much lower level at 28 square metres from the existing 10 square metres of office space. There is also the introduction of customer toilets to the new store. The existing access to the site is retained with customer parking reconfigured. The overall length of the proposed store will be 10 metres longer than the existing store. The new store will have a height of 7.7 metres which is some 1.36 metres lower than the existing store height. A monopitch design has been proposed and the roof line reduces gradually to a height of 5.4m at the lower end of the gable.

The P1 form states there are currently 10 staff vehicles at the premises on a daily basis which is expected to increase to 13, there are 800 visitor/customer vehicles daily which is expected to increase to 1050 and goods vehicles will remain the same. Transport NI were consulted and following the submission of amended plans they find the proposal satisfactory and have suggested conditions should the application be approved.

The Environmental Health Department of MUDC had requested further details to demonstrate that plant and equipment shall not cause nuisance or loss of amenity to the staff and pupils at the adjacent nurse school. The agent then submitted a noise report which was considered by Environmental Health. They confirm the report addresses the main potential sources of noise and having considered the contents of the report and given that the overall impact from the proposed development will result in minimal change in noise levels at the receptor locations will accept the noise levels presented. The existing supermarket has been in operation for a number of years and there is no record of any complaints in relation to its operation at the existing site. No letters of objection from neighbouring residents have been received in relation to this consultation. They have suggested conditions and informatives should planning permission be granted.

Following an assessment of the retail impact, the impact on traffic and parking and the initial noise concerns I am satisfied that an approval of this application can be recommended.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approve subject to the conditions listed.

Conditions:

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

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

2. The floorspace comprised in the retail store hereby extended shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purposed, including any other purposed in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015:-
 - (a) Food, alcoholic drink;
 - (b) Tobacco, newspapers, magazines, confectionery;
 - (c) Stationery and paper goods;
 - (d) Toilet requisites and cosmetics;

- (e) Household cleaning materials; and
- (f) Other retail goods as may be determined in writing by the Council as generally falling within the category of “convenience goods” or as generally being appropriate to the trading in these premises.

Reason: To ensure the comparison functions of the neighbouring town centres are not adversely affected by this development.

- 3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 03/1 bearing date stamp 22 May 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

- 4. The net retail sales area shall be limited to 1,339 square metres and other uses in the building shall be limited to offices, storage and other ancillary uses.

Reason: To ensure that adequate consideration is given to the impact on the town centre in accordance with the Strategic Planning Policy Statement.

Signature(s)

Date:

ANNEX	
Date Valid	28th February 2017
Date First Advertised	16th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 36 Castledawson Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, Forbes Furniture, Station Road Industrial Estate, Station Road, Magherafelt. The Owner/Occupier, Magherafelt Primary School, 32 Castledawson Road, Magherafelt	
Date of Last Neighbour Notification	15th March 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/2005/0762/O Proposal: Site of 14 Classroom Base Primary School and Nursery Unit. Address: Land at former RIR Base Station, Station Road, Magherafelt with new access from the Castledawson Road, Magherafelt Decision: Decision Date: 19.05.2006 Ref ID: H/2007/0916/RM Proposal: New Primary School & Nursery School Address: Land at former R.I.R base, Station Road, Magherafelt, with new access from Castledawson Road Decision: Decision Date: 04.02.2009 Ref ID: H/2009/0569/F Proposal: Amendments to Primary School and nursery school previously approved Application No. H/2007/0916/RM Address: Land at former RIR base, Station Road, Magherafelt with access from Castledawson Road. Decision: Decision Date: 03.11.2009 Ref ID: H/2005/0878/A Proposal: Shop sign Address: 36 Castledawson Road, Magherafelt, Co Londonderry Decision: Decision Date: 14.12.2005	

Ref ID: LA09/2015/1213/F

Proposal: Proposed extension to existing Lidl store

Address: 38 Castledawson Road, Magherafelt,

Decision: PG

Decision Date: 12.09.2016

Ref ID: H/2014/0210/A

Proposal: Advertising Hoarding

Address: 10m NW of 36 Castledawson Road Magherafelt,

Decision: CR

Decision Date: 23.03.2015

Ref ID: H/2014/0354/F

Proposal: Alterations to existing retail building involving extension, elevational changes, roof changes and removal of part of first floor (no increase in total floorspace). Provision of new car park and service yard. Amendments to road layout involving improved access to Castledawson Road, improved accesses to Lidle and new link road to Station Road Industrial Estate.

Address: Forbes Furniture Retail Building (Station Road Industrial Estate) and land to the immediate south of it bounded by the existing Lidl Store and Castledawson Road Magherafelt,

Decision: AU

Decision Date:

Ref ID: LA09/2016/1566/PAN

Proposal: Proposed demolition of existing Lidl store to provide new store

Address: 38 Castledawson Road, Magherafelt,

Decision: PANACC

Decision Date:

Ref ID: LA09/2017/0304/F

Proposal: Proposed redevelopment existing Lidl Store

Address: 38 Castledawson Road, Magherafelt,

Decision:

Decision Date:

Ref ID: H/2001/0782/F

Proposal: 3 No. Shop Units And demolition Of existing shop

Address: 36 Castledawson Road, Town Parks Of M'Felt, Magherafelt, Northern Ireland, BT45 6PA

Decision:

Decision Date: 15.11.2001

Ref ID: H/1976/0135

Proposal: REPLACEMENT FILLING STATION

Address: CASTLEDAWSON ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1986/0192

Proposal: ALTERATIONS AND ADDITIONS TO PETROL FILLING STATION INCLUDING NEW CANOPY

Address: STAR PETROL STATION, CASTLEDAWSON ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1982/0271

Proposal: NEW DIESEL PUMP AND STORAGE TANK

Address: STAR SERVICE STATION, CASTLEDAWSON ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/1597/F

Proposal: New ramped access to link foodstore to existing footpath

Address: Lidl Foodstore, Castledawson Road, Magherafelt.

Decision:

Decision Date: 17.06.2008

Ref ID: H/2003/0404/F

Proposal: Proposed Extension to South East Side of Existing Showroom to Include Bulky Goods Retail Unit and Furniture Showroom. Also Proposed Bulky Goods Unit to South of Existing Showroom.

Address: Units 1 & 2 Station Road Industrial Estate and lands to the south east fronting Castledawson Road.

Decision:

Decision Date: 01.11.2006

Ref ID: H/2011/0065/PREAPP

Proposal: Pre-Application meeting for 60,000 sq ft retail unit, fast food takeaway unit and realignment of Castledawson Road

Address: Castledawson Road, Magherafelt,

Decision: ESA

Decision Date:

Ref ID: H/2004/0145/A

Proposal: Shop sign and flag sign.

Address: Castledawson Road, Magherafelt.

Decision:

Decision Date: 21.05.2004

Ref ID: H/2011/0019/PREAPP

Proposal: 60,000 sq ft retail unit, fast food takeaway unit and re alignment of Castledawson Road

Address: Castledawson Road, Magherafelt,

Decision:

Decision Date:

Ref ID: H/2011/0104/O

Proposal: Demolition of existing furniture store and erection of supermarket, associated parking and amended access

Address: Lands including Forbes Furniture Store the existing Lidl store and vacant site to its immediate east at Castledawson Road Magherafelt BT45 5EY,

Decision: PR

Decision Date:

Ref ID: H/2010/0598/F

Proposal: Single Storey extension to existing Lidl Store to provide ancillary storage and recladding to elevations to meet brand standards

Address: 38 Castledawson Road, Magherafelt, BT45 6PA,

Decision:

Decision Date: 25.02.2011

Ref ID: H/1994/6075

Proposal: SITE OF INDUSTRIAL UNITS CASTLEDAWSON ROAD MAGHERAFELT

Address: CASTLEDAWSON ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1995/6049

Proposal: PROPOSED HOTEL CASTLEDAWSON ROAD MAGHERAFELT

Address: CASTLEDAWSON ROAD

Decision:

Decision Date:

Ref ID: H/2001/0672/F

Proposal: Provision of food store

Address: Adjacent to 36 Castledawson Road, Magherafelt

Decision:

Decision Date: 11.08.2003

Ref ID: H/2001/0728/Q

Proposal: Proposed Development.

Address: Castledawson Road, Magherafelt.

Decision:

Decision Date:

Ref ID: H/2000/0286/F

Proposal: Proposed first floor showroom

Address: Forbes Kitchens & Bedrooms, Station Road Industrial Estate, Magherafelt

Decision:

Decision Date: 26.06.2000

Ref ID: H/1992/0329

Proposal: 4 NO WORKSHOP UNITS

Address: STATION ROAD IND EST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1979/0462

Proposal: ROADS AND SERVICES FOR INDUSTRIAL ESTATE AT STATION ROAD

Address: STATION ROAD, MAGHERAFELT

Decision:

Decision Date:

Summary of Consultee Responses

No objections subject to the suggested conditions.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Proposed Elevations

Status: Submitted

Drawing No. 03/2

Type: Proposed Elevations

Status: Submitted

Drawing No. 04/2

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 05

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 06

Type: Existing Elevations

Status: Submitted

Drawing No. 07/2

Type: Existing Floor Plans

Status: Submitted

Drawing No. 08

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 09/1

Type: Site Levels

Status: Submitted

Drawing No. 10

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A

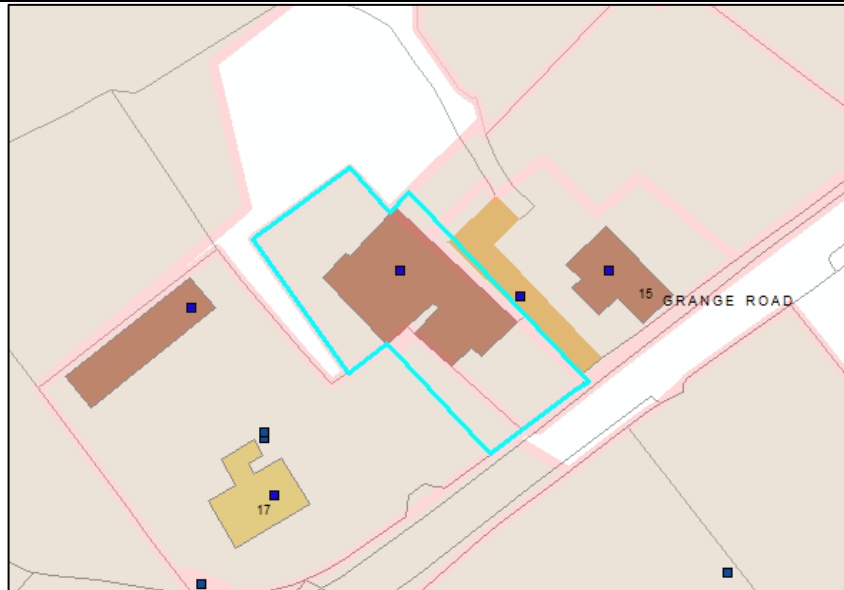


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/08/2017	Item Number:
Application ID: LA09/2017/0509/F	Target Date: 24.07.2017
Proposal: Demolition of existing store building and proposed pallet store building with extended yard area and alterations to entrance	Location: 15A Grange Road Ballygawley
Referral Route: Application submitted by a close relative of an elected member of the council and planning committee.	
Recommendation:	Approve
Applicant Name and Address: C/o Andrew Robinson Exi-tite Ltd 15A Grange Road Ballygawley	Agent Name and Address: McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE
Executive Summary: Transport NI were consulted and have made comment on this proposal. All material considerations, including policy considerations, have been addressed within the determination of this application.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations: 1

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations: 0

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

Summary of Issues

No representations received and no issues identified via consultation process.

Characteristics of the Site and Area

The site is situated at 15A Grange Road, Ballygawley, Co. Tyrone. This area is within the settlement development limits of Ballygawley as defined within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits a relatively flat nature with very little in terms of discernible difference in elevation. This area of Ballygawley is generally quite open, however areas around the site exhibit a degree of enclosure, particularly towards the north and north west which includes areas of mature vegetation.

The site is currently in use as an office and storage building with associated yard area and is occupied by a ventilation, air conditioning and refrigeration system supply business. The existing site layout includes an office building at the front of the site with associated storage to the rear. There is also a disused barn to the western side of the existing storage building.

Description of Proposal

The application seeks full planning consent for the demolition of the existing store building and barn to allow for a proposed pallet store building and extended yard area with alterations to the existing entrance to the site. The proposed works include the demolition of the existing store building to the rear of the existing office and the demolition of the existing barn building to the west. The store building and barn is to be replaced by a new pallet store building on the same site, however the footprint of the new building is marginally smaller. The proposed pallet store building is higher than that of the previous building and has a proposed ridge height of 7.2m from finished floor level. The existing store building has a ridge height of 4.2m from finished floor level.

The works to the existing access include the provision of a swing gate and a sliding gate with associated paladin fence which measures 2.4m in height. The paladin fence continues to the western side of the application site and makes up the site boundary. The proposal also includes the provision of 5 no. new parking spaces to the side of the proposed pallet store and a disabled parking space to the front of the existing office building.

The materials used in the construction of the proposed extension are annotated on Drawing No. 02 Rev A, date stamped 30/05/2017, and include grey dry dash finish to walls and kingspan insulated roof and wall panels coloured goosewing grey.

Planning Assessment of Policy and Other Material Considerations

Assessment of Policy/Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon & South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. Planning Policy Statement (PPS) 4 – Planning and Economic Development.

Planning History

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Assessment

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The principal planning policies are provided by PPS 21 and the SPPS.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 3 and PPS 4 has been 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.

PPS 4 sets out planning policies for economic development whilst the policy provision within PPS 3 deals with access, movement and parking.

Policy PED 1 of PPS 4 relates to economic development in settlements. PED 1 highlights that proposals to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED 9. Policy PED 9 outlines the general criteria for economic development and states that a proposal for economic development use, in addition to the other policy provisions of the statement, will be required to meet all of the following criteria:

- (a) it is compatible with surrounding land uses;*
- (b) it does not harm the amenities of nearby residents;*
- (c) it does not adversely affect features of the natural or built heritage;*
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;*
- (e) it does not create a noise nuisance;*
- (f) it is capable of dealing satisfactorily with any emission or effluent;*
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;*
- (h) adequate access arrangements, parking and manoeuvring areas are provided;*
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;*
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*
- (l) is designed to deter crime and promote personal safety; and*
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

The proposal is for the alteration of the existing economic development use on this site and therefore I consider the use to be compatible with surrounding land uses. Further to this, the applicant has highlighted that there will be no intensification of the existing use on the site which involves the storage of ventilation and refrigeration materials. I don't consider this to harm the amenities of nearby residents in terms of noise, odour or nuisance. Because the proposal does not involve an intensification of the existing site then the existing discharge facilities will be adequate.

The proposal reduces the overall footprint of the existing buildings and although the building increases the ridge height of the property by some 3m I am not of the opinion that this will have a negative impact on nearby residential amenity. The application site is directly adjacent to self-catering accommodation at 15 Grange Road, which is an 'L' shaped building to the east of the site. Although the new storage building will move closer to the self-catering accommodation it is noted that the proposal does not have any windows on this side elevation and the length of proposal is reduced at the rear. Again, the height of the proposed building is increased however I don't consider this to have a significant negative impact on the nearby property.

The closest occupied dwellings are No. 15 Grange Road which is located 15m to the east and 17 Grange Road, 30m to the west. I am content that these buildings are a sufficient distance away from the proposal and at an orientation which will ensure that they are not negatively impacted by the proposal. I am content that the proposal will not impact upon any nearby occupied properties by way of dominance, overshadowing or loss of light.

In terms of natural and built heritage the proposed works are located on the site of the existing storage and outbuilding and therefore I do not consider the proposal to have a negative impact on any built or natural features of importance. No important built or natural heritage features have been identified in close proximity to the proposal. The proposed new access arrangements involve the removal of a number of small trees at the front of the site however I do not consider this to be significant. It is also noted that the mature trees at the rear of the site are to be retained, this is important in terms of integration.

The site is not located on a flood zone. The proposed pallet store building is located on the site of the existing storage building and barn and on this basis the proposal is not deemed to be sited in an area which causes or exacerbates flooding.

With regard to the design and integration of the proposal I am content that the proposal does not give rise to an unacceptable level of impact on visual impact or impact on the existing streetscape. It is noted that the proposal is sited within a Local Landscape Policy Area (LLPA) noted as LLPA 4 (Grange Road) as defined within the Dungannon and South Tyrone Area Plan 2010. This area has been defined as such owing to its contribution to the visual amenity and landscape character of the village on approach from the main A4/A5. The proposal, when compared to the existing buildings on the site, is not considered to have a significant impact on the local landscape or streetscape of this area. Although the buildings overall height has increased by 3m, it is noted that other residential buildings in the surrounding area are of a two storey size/scale. In addition the mature vegetation and trees which surround the site will help to detract from the presence of the structure and increase the level of integration afforded to the site.

With regards to the road network the proposal does not involve any intensification of the site or any increased traffic, when compared to the existing situation. I am therefore content that the proposal will not have a negative impact in this regard.

The proposed new fence which surrounds the premises to the front and western side elevation is deemed to be of a size, scale and character which would be traditionally associated with this type of economic development and is considered to be acceptable. This type of development is necessary for enclosure and security purposes.

Access

Although there is no proposed intensification of traffic using the site, the applicant has highlighted that there are proposed alterations to the existing access. With this in mind it was deemed necessary to consult with Transport NI as the competent authority at assessing the proposal from this perspective. Transport NI responded to the consultation request on 20/06/2017 and commented that they were content with the proposed alteration arrangements, subject to informative.

On this basis I consider that the application conforms to the provisions of PPS 3 –Access, Movement and Parking.

Conclusion

I consider the proposed development to be in compliance with the policy objectives of the Dungannon and South Tyrone Area Plan 2010, SPPS, PPS 4 and PPS 3, and accordingly approval is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Members are advised that the proposed development is considered to be in compliance with the policy objectives of the Dungannon and South Tyrone Area Plan 2010, SPPS, PPS 4 and PPS 3, and accordingly approval is recommended.

Conditions/Reasons for Refusal:

Conditions

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

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

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

Signature(s)

Date:

ANNEX	
Date Valid	10th April 2017
Date First Advertised	27th April 2017
Date Last Advertised	27th April 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Grange Road Grange Ballygawley The Owner/Occupier, 17 Grange Road Grange Ballygawley The Owner/Occupier, 20 Grange Road, Grange, Ballygawley, Tyrone, BT70 2LP,	
Date of Last Neighbour Notification	21st April 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/0509/F Proposal: Demolition of existing store building and proposed pallet store building with extended yard area and alterations to entrance Address: 15A Grange Road, Ballygawley, Decision: Decision Date: Ref ID: M/2002/0707/O Proposal: Residential Development to include alterations to existing roundabout Address: Land adjacent to Omagh Road, Ballygawley Decision: Decision Date: 13.03.2007 Ref ID: M/1990/0130 Proposal: Change of use from Existing Building to Picture Framing Workshop Address: 17 GRANGE ROAD BALLYGAWLEY Decision: Decision Date:	

Ref ID: M/1992/0334

Proposal: Replacement Domestic Garage and store

Address: 17 GRANGE ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1990/0122

Proposal: Two Signs

Address: 17 GRANGE ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1998/0085

Proposal: Minor Extension to Craft Shop and Relocation of Toilets

Address: 17 GRANGE ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2002/1021/F

Proposal: Proposed change of use from stables (disused) to self catering accommodation at existing guest house

Address: The Grange Guest House, 15 Grange Road, Ballygawley

Decision:

Decision Date: 21.10.2002

Ref ID: M/1997/0169

Proposal: Site for proposed private housing development including road and housing layout

Address: ADJACENT TO 15 GRANGE ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2004/1627/F

Proposal: Proposed sun lounge and new dormer windows

Address: The Grange, Grange Road, Ballygawley

Decision:

Decision Date: 11.01.2005

Summary of Consultee Responses

Transport NI – 20/06/2017 – Approve.

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 02 REV A Type: Proposed Plans Status: Approved</p> <p>Drawing No. 03 Type: Plans Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: N/A Response of Department: N/A</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0598/O	Target Date:
Proposal: Proposed dwelling and domestic garage/ store based on policy CTY 10 dwelling on a farm	Location: Approx 175m West of 6 Tonaght Road Draperstown
Referral Route: Refusal is recommend - Contrary to CTY 1, 10, 13.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Sean McGlade 22 Dromdallagan Straw Draperstown	Agent Name and Address: CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 2SQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Refusal is recommend - Contrary to CTY 1,10, 13.

Characteristics of the Site and Area

The site is located approximately 1.5km south west of the village of Draperstown within the open countryside as defined by the Magherafelt Area Plan 2015. The application is for an outline farm dwelling and domestic garage/store where on site is located within a large agricultural field that has as per identified on the plans as two existing agricultural buildings. However during the site visit these appeared as two metal shelters, there is a slight fall in slight down towards the two shelters. The site is bounded by large mature trees along the western boundary however as a result of the way in which the red line is drawn that the northern and southern boundaries are undefined. The eastern boundary along the roadside is defined by post and wire fencing with a scattering of hedging. The surrounding area is predominantly agricultural uses with a scattering of farm holdings and dwellings.

Representations

No representations were received in connection with this application.

Description of Proposal

This is an outline application for a site for a dwelling and domestic garage/store based on policy CTY10. The site is located approximately 175m west of No. 6 Tonaght road, Draperstown, which appears to be the registered address of the farm business.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a farm dwelling and garage/store. 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'.

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.

With respect to (a) DAERA have confirmed that the applicant has a Business ID that's been in existence for the required 6 year period. They have also confirmed that the applicant's claims Single Farm Payment and as such the farm business is currently active.

With respect 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), from the submitted plans the proposed position is stated to intend to cluster with two existing farm buildings away from the main farm holding. However after further investigation it appeared that neither structure had any sort of planning permission, however after a historical review it was clear that the larger of the two structures (that to the east) has been on site since at least 2009. There is no evidence found or submitted to support when the smaller structure had been on site, the agent sent an email stating that the applicant claimed that the structure had 'been there a considerable time'. However in the absence of any photos or records I must conclude that there is only one applicable building (larger structure) on the site. The issue is the policy states that the building should visually link or cluster a group of buildings which is shown not to be the case in this situation therefore has failed this element of the policy. In addition the policy states that if 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. Firstly, there has no evidence submitted of any health and safety reasons or any verifiable plans to expand the farm business, failing this part of the policy. Furthermore I am not content that there are no available sites located closer to the holding, with review of the farm maps there is potential for sites that would be capable to visually link or cluster with an established group of farm buildings; no reasoning has been submitted to determine why in which these fields could not be used. From this it is evident that the proposed application has failed to comply with this part of the policy and as a result I must therefore recommend refusal for the application.

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. As stated the site does benefit from mature trees along the western boundary however due to the red line the northern and southern boundaries remain undefined, regardless it is felt the site would still be use the natural northern and southern boundaries of the larger field but the site will require additional planting to aid integration. However the policy goes to state that in the case of dwelling on the farm that it must visually link or site to cluster with an established group of buildings on a farm, as stated above this proposal has failed to do so. Therefore as a result it has failed to comply with CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As mentioned the site does benefit from existing trees along the western boundary and I would be content that a dwelling on this site would not be unduly prominent nor would it result in a suburban style build-up of development.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

Transport NI advised that they had no objection subject to conditions.

Consultations were sent to DAERA, NI Water and Environmental Health, all of which came back with no objection subject to conditions and informatives.

I have no flooding, ecological or residential amenity concerns.

The proposed application has failed to comply under PPS 21 therefore refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommended for a refusal of planning permission - Contrary to CTY 1, 8, 10, 13 and 14.

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in the case of a proposed dwelling on a farm the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Signature(s)

Date:

ANNEX	
Date Valid	2nd May 2017
Date First Advertised	18th May 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0598/O Proposal: Proposed dwelling and domestic garage/ store based on policy CTY 10 dwelling on a farm Address: Approx 175m West of 6 Tonaght Road, Draperstown, Decision: Decision Date:	
Ref ID: H/2012/0156/F Proposal: 33kv Overhead Powerline Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick, Decision: PG Decision Date: 19.11.2012	
Ref ID: H/1982/0007 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 28 MOSS ROAD, BALLYMAGUIGAN, MAGHERAFELT Decision: Decision Date:	
Summary of Consultee Responses	

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0644/O	Target Date:
Proposal: dwelling and garage	Location: Between 22 - 24 Mulnavoo Road Draperstown
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: P McGuigan 22 Mulnavoo Road Draperstown	Agent Name and Address: Russell Finaly 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues: No issues raised.	
<p>Characteristics of the Site and Area</p> <p>The site is located approximately 1 mile north west of Draperstown in open countryside in accordance with Magherafelt Area Plan 2015. The site is located 40m north of No 22 Mulnavoo Road and encompasses a small agricultural roadside field. All boundaries of the site are well defined by mature vegetation and trees. A laneway serving No 22, a single storey dwelling set back 80m from the public road, bounds the south eastern boundary of the site. Two roadside dwellings, numbers 24 & 26b are located 90m north west of the site.</p> <p>The surrounding area is characterised by a relatively flat landscape and long distance views of The Sperrin's Mountain are possible north of the site. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in the locality.</p>	
<p>Description of Proposal</p> <p>The application seeks outline planning permission for a site for a dwelling and garage</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Relevant Site History:</p> <p>H/1992/0629 – Site for dwelling. Refused 14th August 1993 H/2002/0508/F – Dwelling. Approved 14th August 2002 (the site primarily relates to the applicant's dwelling at No 22 Mulnavoo Road)</p> <p>Representations:</p> <p>1 neighbour's notification letter was sent to the occupier of No 22 Mulnavoo Road, Draperstown. No letters of representations received.</p> <p>Development Plan and Key Policy Consideration: Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p><u>Magherfelt Area Plan 2015:</u> The site is located in the open countryside. There are no other designations on the site.</p> <p><u>SPPS – Strategic Planning Policy Statement for Northern Ireland:</u> sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.</p> <p>Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.</p>	

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside, these developments can be found in policy CTY 1 of PPS 21. The applicant/agent has not identified which category of development listed in Policy CTY1 the proposal should be considered under, however judging by the surrounding context of the site an infill dwelling is considered the most relevant category. Therefore the site will be considered under the provisions of policy CTY8 and policies CTY13 & CTY14 of PPS 21.

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

The site is located between the laneway serving No 22 and two roadside single storey dwellings located at Nos 24 & 26b. The property at No 22 consists of single storey dwelling setback 80m from the Mulnavoo Road and is separated from the road by an intervening agricultural field. Nos 24 & 26b are located north-west of the site, although both properties do have a frontage to the Mulnavoo Road, there is a separation distance of 90m between the site and the nearest property, No24, which is largest enough to accommodate a further 2 dwellings.

In accordance with paragraph 5.34, it is the gap between buildings that need to be considered when assessing infill proposals. The fact that No 22 does not form part of the substantial and continuously built up frontage means that there is no gap to consider. Even if No 22 had a frontage to the road, the gap between buildings would be some 130m and the average plot sizes around 40m. Therefore the gap would be able to accommodate more than two dwellings and the site would not respect the existing development pattern along this stretch of the Mulnavoo Road. The proposal is contrary to CTY 8.

Integration

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am satisfied a dwelling with a ridge of 6m can visually integrated into the surrounding landscape and that the raising landscape to the rear of the site would provide a backdrop. The mature vegetation along the north-western boundary would help to screen the site when travelling in a south easterly direction and when travelling in the opposite direction the roadside vegetation would help to screen the site.

Impact on Character and Appearance of the Area

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new dwelling will be viewed along with Nos. 24 & 26b and will result in a suburban style build-up of development and contribute to the erosion of the rural character through the continued development of one-off housing within the immediate area.

Other Material Consideration.

I am also satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Neighbour Notification Checked**Yes**

Summary of Recommendation: I recommend refusal on the bases of non-compliance with CTY 1, 8 & 14 of PPS 21.

Reasons for Refusal:**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY8 of PPS21.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and therefore result in a detrimental change to the rural character of the countryside.

Signature Sean Diamond**Date: 18/07/2017**

ANNEX	
Date Valid	8th May 2017
Date First Advertised	25th May 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22 Mulnavoo Road Derrynoyd Draperstown The Owner/Occupier, 24 Mulnavoo Road Derrynoyd Draperstown	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0644/O Proposal: Dwelling and garage Address: Between 22 - 24 Mulnavoo Road, Draperstown, Decision: Decision Date: Ref ID: H/1992/0629 Proposal: SITE OF DWELLING Address: MULNAVOO RD DRAPERSTOWN Decision: Decision Date: Ref ID: H/2002/0508/F Proposal: Dwelling Address: 150 South East of 24 Mulnavoo Road, Draperstown Decision: Decision Date: 18.08.2002 Ref ID: H/2000/0707/O Proposal: Site of Dwelling Address: 150M South East of 24 Mulnavoo Road, Draperstown Decision: Decision Date: 01.12.2000	

Ref ID: H/1975/0157
Proposal: SITE OF FARM BUNGALOW
Address: DERRYNOID, DRAPERSTOWN
Decision:
Decision Date:

Summary of Consultee Responses**Drawing Numbers and Title**

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01.08.2017	Item Number:
Application ID: LA09/2017/0649/F	Target Date: 24.08.2017
Proposal: Vary Condition No 15 of Planning Approval LA09/2015/0241/F	Location: Killymeal House and adjacent lands at Killymeal Road Dungannon
Referral Route: Refusal recommended.	
Recommendation:	Refuse
Applicant Name and Address: J & V Construction 30 Creenagh Road Dungannon	Agent Name and Address: Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary: Department for Communities Historic Environment Division were consulted and have made comment on this proposal. All material considerations, including policy considerations, have been addressed within the determination of this application.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations: 1

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

Representations: 0

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

Summary of Issues

No third party representations received. Historic Environment Division advise that the proposal is contrary to policy.

Characteristics of the Site and Area

The application site is located at land adjacent to Killymeal House, Killymeal Road, Dungannon. It is within the development limits of Dungannon as designated in the Dungannon and South Tyrone Area Plan 2010. Killymeal House is a B1 Listed Building which has been partially destroyed by fire damage. The site slopes quite steeply from the Killymeal Road in an Eastern direction, then levels out for a considerable distance.

Killymeal House is located just outside the south east boundary of the site.

Description of Proposal

The application seeks full planning consent for the variation of condition No. 15 of planning approval LA09/2015/0241/F. Planning consent was granted on 24.01.2017 for the provision of 20 no. dwellings on the site. Condition No.15 of the previous approval states that all window frames shall be timber or aluminium and roof coverings shall be natural slate. This proposal seeks to vary that condition to allow for a timber lookalike finish to window frames and slate lookalike roof coverings. The applicant has requested that condition No. 15 be altered to read:

“All window frames shall be timber lookalike and roof coverings shall be slate lookalike”

The applicant has provided examples of the materials, referenced above, which they wish to use on the approved dwellings. The proposal relates to each of the 20 dwellings previously approved.

Planning Assessment of Policy and Other Material Considerations

This application relates to the variation of a condition on a previously approved planning application (LA09/2017/0649/F) and as such I can only consider the question of the condition subject to which planning permission was granted under Section 54 of the Planning Act (Northern Ireland) 2011. This permission is live and consideration can be given to varying the condition.

Planning History

LA09/2015/0241/F - 20no dwellings, 2 storey in height, with associated car parking and landscaping (amended scheme). Killymeal House and adjacent lands, Killymeal Road, Dungannon. PERMISSION GRANTED - 24.01.2017.

LA09/2017/0551/NMC - Changes to approved finishes to proposed dwellings .To include change from natural slate to slate effect concrete roof tiles and change from timber windows to UPVC coloured woodgrain timber effect windows. Killymeal Road, Dungannon. NON MATERIAL CHANGE REFUSED – 05/05/2017.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Assessment

The applicant seeks permission to vary condition no. 15 of planning approval LA09/2015/0241/F. Permission is sought to vary the condition to allow for a timber lookalike finish to be used on the windows and a natural slate lookalike finish to be used on the roof covering of each of the approved dwellings.

Department of Communities Historic Environment Division (HED) were consulted on this application as the competent authority in assessing the impact of the proposal on the setting of

the listed building and responded on 06.06.2017 highlighting that on the basis of the information provided, they advise that the proposal would have an adverse impact on the building under Policy BH 11 (Development affecting the setting of a Listed Building) of the Departments Planning Policy Statement 6: Planning, Archaeology and the Built heritage. By means of an explanatory note HED have outlined that they endorse the existing condition for natural slate and quality window material and that the condition was requested on the previous approval to ensure that sympathetic materials were used to protect the setting of the listed building.

In consideration of that above I consider that the proposed variation of condition no. 15 of the approved housing scheme under LA09/2015/0241/F would be to the detriment of the listed building (Killymeal House) and its setting. Killymeal House is a grade B1 listed building which is of special architectural importance and is protected by Section 80 of the Planning Act (NI) 2011.

Policy BH 11 of Planning Policy Statement (PPS) 6 is a key consideration. Policy BH 11 – Development affecting the setting of a listed building, highlights that development will not normally be permitted where it would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all of the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- (c) the nature of the use proposed respects the character of the setting of the building.*

The proposed variation to condition no. 15 of planning approval LA09/2015/0241/F and the proposed 'lookalike' materials to be used in the construction of the 20 approved dwellings is considered to give rise to an unacceptable impact on the setting of the nearby listed building. I consider that the proposed materials are unsympathetic to the setting of Killymeal House and for this reason the proposal fails to comply with the policy provision of Policy BH 11 of PPS 6.

Conclusion

The proposed development fails to comply with the policy objectives of Policy BH 11 of PPS 6, and accordingly refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Members are advised that the proposed development fails to comply with the policy objectives of Policy BH 11 of PPS 6, and for the reason documented below, refusal is recommended.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Section 80 of the Planning Act (NI) 2011 by reason of the use of unsympathetic building materials which are out of keeping with those found on the listed building.

Signature(s)

Date:

ANNEX	
Date Valid	9th May 2017
Date First Advertised	25th May 2017
Date Last Advertised	25th May 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Killymeal Grange,Killymeal,DUNGANNON,Co. Tyrone,BT71 6WQ The Owner/Occupier, 13 Killymeal Road,Drumcoo,Dungannon,Tyrone,BT71 6DP, The Owner/Occupier, 2 Killymeal Grange,Killymeal,DUNGANNON,Co. Tyrone,BT71 6WQ The Owner/Occupier, 26 Killymeal Road,Killymeal,Dungannon,Tyrone,BT71 6LJ, The Owner/Occupier, 28 Killymeal Road,Killymeal,Dungannon,Tyrone,BT71 6LJ, The Owner/Occupier, Breakthru, 18 Killymeal Road, Dungannon. The Owner/Occupier, Bus Depot,Killymeal Road,Drumcoo,Dungannon,Tyrone,BT71 6LJ, The Owner/Occupier, Dungannon Courthouse, Killyman Road, Dungannon. The Owner/Occupier, Dungannon Leisure Centre,5 Circular Road,Drumcoo,Dungannon,Tyrone,BT71 6BH, The Owner/Occupier, East Tyrone College Of Further Education, Circular Road, Dungannon. The Owner/Occupier, Mid UlsterCouncil Offices, Circular Road, Dungannon. The Owner/Occupier, S .E .L .B . Unit, Circular Road,Drumcoo,Dungannon,Tyrone,BT71 6BG, The Owner/Occupier, St Patricks Boys H.S,41B Killymeal Road,Dungannon,Tyrone,BT71 6LJ,	
Date of Last Neighbour Notification	22nd May 2017
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: LA09/2017/0349/DC

Proposal: Discharge of Planning Condition 16 on LA09/2015/0241/F

Address: Killymeal House and adjacent lands, Killymeal Road, Dungannon,

Decision: AL

Decision Date:

Ref ID: LA09/2016/0627/DC

Proposal: Discharge of condition 4 of planning approval M/2008/0425/F

Address: Lands to the North and West and adjacent to Killymeal House, Killymeal Road, Dungannon,

Decision: AL

Decision Date:

Ref ID: LA09/2017/0551/NMC

Proposal: Changes to approved finishes to proposed dwellings .To include change from natural slate to slate effect concrete roof tiles and change from timber windows to UPVC coloured woodgrain timber effect windows

Address: Killymeal Road, Dungannon,

Decision: CR

Decision Date:

Ref ID: LA09/2017/0649/F

Proposal: Vary Condition No 15 of Planning Approval LA09/2015/0241/F

Address: Killymeal House and adjacent lands at Killymeal Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2017/0664/TPO

Proposal: Proposal for consent to carryout works to a protected tree

Address: Lands at Killymeal House, Killymeal Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2015/0241/F

Proposal: 20no dwellings, 2 storey in height, with associated carparking and landscaping (amended scheme).

Address: Killymeal House and adjacent lands, Killymeal Road, Dungannon,

Decision: PG

Decision Date: 24.01.2017

Ref ID: M/1997/0075

Proposal: New Court House and associated works

Address: REAR OF ORPHEUS DRIVE & KILLYMAN ROAD, DUNGANNON

Decision:
Decision Date: 22.04.1997

Ref ID: M/1994/0244
Proposal: Site for new courthouse
Address: LAND REAR OF ORPHEUS DRIVE AND KILLYMAN ROAD DUNGANNON
Decision:
Decision Date: 04.05.1995

Ref ID: M/2005/0579
Proposal: Development Potential of Killymeal House
Address: Killymeal House & Grounds, Killymeal Road, Dungannon
Decision:
Decision Date:

Ref ID: M/2007/1303/Q
Proposal: Housing Developments
Address: Killymeal House, Dungannon
Decision:
Decision Date:

Ref ID: M/1999/0153
Proposal: Provision of double mobile classroom
Address: ST PATRICKS ACADEMY 35 KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1974/0031
Proposal: TYPE K2.2 TELEPHONE EXCHANGE
Address: KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2014/0073/PREAPP
Proposal: Development of Killymeal House
Address: Killymeal House, Killymeal Road, Dungannon,
Decision:
Decision Date:

Ref ID: M/2008/0425/F
Proposal: Construction of housing development consisting of 41 no. units in total (33 no apartments & 8 no. townhouses) & parking and landscaping
Address: Lands to the north and west and adjacent to Killymeal House, Killymeal Road, Dungannon. BT71 6DP

Decision:
Decision Date: 11.11.2010

Ref ID: M/2002/0313/O

Proposal: Masterplan of New Road, Playing fields and development of replacement new building St Patricks Academy (boys & Girls) and St Patricks College
Address: St Patricks Academy and St Patricks College, Killymeal Road, Dungannon

Decision:
Decision Date: 14.05.2003

Ref ID: M/1989/0091

Proposal: 25 metre high aerial with 1.2M dish
Address: KILLYMEAL ROAD DUNGANNON

Decision:
Decision Date:

Summary of Consultee Responses

Department for Communities Historic Environment Division – The proposal has an adverse impact on the building under Policy BH 11 (Development affecting the setting of a listed building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Drawing Numbers and Title

N/A

Notification to Department (if relevant)

Date of Notification to Department: N/A
Response of Department: N/A



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/08/2017	Item Number:
Application ID: LA09/2017/0655/F	Target Date: 18/08/2017
Proposal: Health and Beauty Salon specialising in facial make ups, nails, sunbeds and hairdressing.	Location: 48A Milltown Street DUNGANNON
Referral Route:	
Recommendation:	Approval (Now considered permitted development)
Applicant Name and Address: Leah Cuddy 32 Northland Row DUNGANNON BT71 6AP	Agent Name and Address: N/A
Executive Summary: Proposed change of use that upon investigation is Class a Permitted Development, as the previous application for change of use was not implemented.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	No Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Ground floor Change of Use, no objections received, business trading with effect 22nd May 2017.

Characteristics of the Site and Area

The application site is located west of the Park Road roundabout with Milltown, Mark and Brooke Street DUNGANNON, Co. Tyrone within the townland of DRUMCOO. The site is within the Town Centre of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and adjacent to a protected housing area on the south east fringe, within the town centre.

The host property being considered for a ground floor change of use is positioned on a corner location with ancillary surface car parking and forms part of a cluster of five mill worker cottages. The external appearance of these five properties that are two-storey is that of walls with local stone, red/brown brick detailing to openings (windows and doors)

and slated roof. The five mill worker properties, three of which have been bricked up reflect a tired/dilapidated terrace onto Park road roundabout.

Topography of the land is inclined to the north, along Park Road and towards the residential scheme at Ashbegrove. The common land use adjacent to the site, as outlined in red is retail and light industrial together with a protected housing area to the east, all within the southern fringe of the town centre.

The impact of the proposal [LA09/2017/0655/F] on the amenity and landscape and character of the area is a key consideration in this area.

Description of Proposal

This is a full application for the change of use of a ground floor self-contained long term unoccupied residential property at No. 48A Milltown Street, DUNGANNON to a Health and Beauty Salon specialising in facial make ups, nails, sunbeds and hairdressing.

The existing ground floor layout of the dwelling no. 48A [Drawing 03, Date Stamped 12th May 2017] shows a lobby area at entrance with stairs to first floor, a living room and kitchen plus toilet. The proposed amendments [Drawing 04, Date Stamped 12th May 2017] reflect retention of the toilet area with the kitchen and living room transformed to open plan to facilitate the tanning kiosks. The lobby area entrance is now the reception area whilst also introducing secure access to the first floor. The small retail area identified as a separate shop [Drawing 03, Date Stamped 12th May 2017] below the staircase of No. 48A was previously accessed from No. 48, and this perceived oddity has now been rectified following works to create a new entrance whilst removing the entrance/exit with No. 48; the proposed use of small retail area is as a treatment room.

There are no changes proposed to the external appearance of the building. Some changes are proposed internally to include a serving area to the rear of the premises and a disabled toilet in the western corner.

No increase in footprint of the property with no external works except signage required.

Planning Assessment of Policy and Other Material Considerations

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

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking

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

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

Planning History

An application for change of use from Hot Food Carry Out Cafe and Shop back to residential as mill workers cottages for renovation of 48 & 48a was approved [M/2008/0229/F]. With the exception of the statutory timeframe, no restrictions to this certificate were applied and not implemented. The last known use was as a shop and hot food café.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015, an advert was placed in local newspapers together with ten neighbourhood notifications undertaken. No objections were received. Representations were sought from Department for Infrastructure- Roads with no conditions raised.

Assessment

Policy SETT1 of the Dungannon and South Tyrone Area Plan 2010 relates to urban design and states that 'favourable consideration will be given to development proposals within settlement limits including zoned sites' subject to criteria satisfaction. Policy RSO 1 states within town centres, favourable consideration will be given to appropriate proposals that are in accordance with prevailing regional policy and specific policies for that settlement. Whilst the Plan does recognise there are some areas of underuse and dereliction within the town centre which are detrimental to the overall environmental image of the centre [RSO 3], it is RSO 5 that enables local shops within those areas zoned for housing. Whilst the proposal is within the town centre but outside of the primary retail core and adjacent to a protected housing area, I am persuaded the application respects the surrounding context and is appropriate to the character and topography of the site and as a consequence would satisfactorily integrate into the existing settlement form of DUNGANNON town centre.

The publication of the SPPS in September 2015 has superseded PPS 5 – Retailing and Town Centres, and therefore it is the main policy consideration for this proposal. The SPPS emphasises the need for planning to support and sustain vibrant town centres as the appropriate first choice location of retailing and other complementary functions. What will be appropriate on a particular site will, among other things, be determined by the characteristics of the area – proposals will need to fit in with, and be complimentary to, their surroundings. Furthermore, the character of existing residential areas should not be undermined by inappropriate new uses. There is no reason contained within the Plan, planning policy or other material considerations to indicate that the proposal will cause demonstrable harm to interests of acknowledged importance. Accordingly, I am of the opinion this proposal [LA09/2017/0655/F] would benefit the wider retail scene within Dungannon, due to its location and past vacancy.

Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 7 in relation to Car Parking and Servicing Arrangements cites a reduced level of car parking provision may be acceptable where shared car parking is a viable option. Due to the adjacent surface carpark, I am of the opinion there are adequate parking spaces in close proximity to the application site, as outlined in red.

Whilst the application as received 5th May 2017 was a full application for change of use and assessed under the Planning (General Permitted Development) Order (Northern Ireland) 2015, it has subsequently transpired that the previous application [M/2008/0229/F] for residential use was not implemented. The proposal therefore constitutes permitted development in accordance with Part 4 of the legislation and under Article 83, a Certificate of Lawfulness of Existing Use or Development should be issued together with the applicable refund for over payment.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

I consider that the proposal complies with policy and does not pose a negative impact upon public safety or the amenity of the site and its surrounding environment.

Therefore I am persuaded on the balance of advantage from policy guidance, to recommend consent for change of use, for application [LA09/2017/0655/F].

Conditions/Reasons for Refusal:

Conditions

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

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

Informatives

1. The approval hereby granted relates to a change of use to 48A (ground floor) only and any other building works affecting the external appearance of the buildings must be the subject of a separate application.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	5th May 2017
Date First Advertised	25th May 2017
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Brooke Street Drumcoo Dungannon The Owner/Occupier, 25 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 27 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 28 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 29 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 3 Brooke Street Drumcoo Dungannon The Owner/Occupier, 31 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 37 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AR The Owner/Occupier, 39 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AR The Owner/Occupier, 41 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AR	
Date of Last Neighbour Notification	12th June 2017
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0655/F Proposal: Health and Beauty Salon specialising in facial make ups, nails, sunbeds and hairdressing. Address: 48A Milltown Street, Dungannon, Decision: Decision Date: Ref ID: M/2008/0229/F	

Proposal: Proposed change of use from Hot Food Carry Out Cafe and Shop back to mill workers cottages and renovation of 48 & 48a.

Address: 42 to 48A Milltown Road, Milltown, Dungannon

Decision:

Decision Date: 15.09.2008

Ref ID: M/1999/0968/F

Proposal: Hot food carryout and cafe

Address: 42-46 Milltown Street Dungannon

Decision:

Decision Date: 24.10.2000

Summary of Consultee Responses

Environmental Health Mid Ulster Council were consulted on the basis of the operations of a health and beauty business, yet a response was not received prior to issuing the report for Committee.

Transport NI - Enniskillen Office have provided guidance based upon the exiting surface carpark provision.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Existing Floor Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Existing Elevations

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0684/F	Target Date: 13/08/2017
Proposal: Market Street improvement scheme ,Alterations to the traffic signal junction, removal of triangular island at Irish Street, provision of footway alongside Market Square, provision of uncontrolled crossing facilities, raised table at Thomas St/Market St. Additional parking provided within the event space subject to events, left only exist from southern end of car park onto Church Street	Location: Market Square DUNGANNON
Referral Route:	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster Council Circular Road DUNGANNON BT71 6DT	Agent Name and Address: AECOM The Clarence Street West Building BELFAST BT2 7GP
Executive Summary: Market Street traffic improvement scheme to commence Autumn 2017 to improve the traffic management flow that allows all users, to come and go without congestion, to navigate the space in a safe way and to allow business and services to be conducted in a way that best serves the local population and indeed visitors, with recommendation to approve.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Content
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Summary of Issues

The impact of the Market Street improvement scheme proposal [LA09/2017/0684/F] on the amenity and landscape and character of the area is a key planning consideration for the primary retail core of DUNGANNON, combined with public safety.

Characteristics of the Site and Area

The application site is located in and around Market Square, DUNGANNON, Co. Tyrone within the townland of DRUMCOO. The site of approx. 0.5 hectares is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and within an area of townscape character.

Market Square is the primary retail core for DUNGANNON town centre and also an area of archaeological potential. Situated on a large plot of land that has various retail activities, offices and interspersed residential properties. Market Square also influences access and egress to Scotch Street, Church Street, Irish Street and Thomas Street. Each of which are pivotal commercial streets and transport linkages within the town centre.

The site has a continual gradient rise from Scotch Street to Thomas Street by approximately 5.5metres over 130metres (approx.) in length to the Ranfurley House Arts and Visitor Centre; that encloses the north east boundary. There is existing street car parking, bus bays and a dedicated on-street parking location (46metres by 16metres) along the eastern side of Market Street. The easterly top end is traditionally used by mobile traders for commerce, as part of a local town market.

Description of Proposal

Market Street improvement scheme with alterations to the traffic signal junction, removal of triangular island at Irish Street, provision of footway alongside Market Square, provision of uncontrolled crossing facilities, raised table at Thomas St/Market St. Additional parking provided within the event space subject to events, left only exist from southern end of car park onto Church Street.

The proposal received 10th May 2017 relates to the road network around DUNGANNON Town centre, in particular Market Square (primary retail core) and associated surface carpark. The proposed works are in response to concerns that the road layout currently in effect could be optimised following a Dungannon Market Square Improvement Scheme (combined Stage 1 & 2 Road Safety Audit) review in April 2017 that identified the following.

1. Problem A: Market Square car park egress to Church Street.
Recommendation; introduce further measures to restrict right turning vehicles from the Market Square car park egress to Church Street.
2. Problem B: Access to rear of Danske Bank Building
Recommendation; Remove the two marked bays and provide appropriate measures (such as additional hatching) to restrict parking.
3. Problem C: access to the loading areas and bus stop
Recommendation; Amend the proposed design to better assist large vehicles to access the bus cage/loading areas.
4. Problem D: Restricted visibility to pedestrians at the proposed Market Square build out.
Recommendation; Introduce measures to slow vehicle speeds on approach to the crossing point and increase the visibility provision for pedestrians.
5. Problem E: Lack of protection towards edge of Market Square car park with pedestrians using the adjacent footway.
Recommendation: Proposed removal of barrier with provision of bollards between Market Square car park and the adjacent footway.

6. Problem F: Proposed loading bay to the north of the Market Square car park
Recommendation; revise the proposed car park/loading bay to better accommodate large service vehicle movements, such as through removal of the adjacent car parking bays or changes to kerb line radii to enable easier access for large vehicles.

The associated works as detailed [LA09/2017/0684/F] in response to the identified issues are required 'that allows all users, to come and go without congestion, to navigate the space in a safe way and to allow business and services to be conducted in a way that best serves the local population and indeed visitors', as emphasised within one letter of support received.

Planning Assessment of Policy and Other Material Considerations

Report - Assessment of Policy/Other material considerations

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

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010
- Regional Development Strategy for Northern Ireland 2035 (RDS)

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

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

Planning History

There are numerous planning histories included within this site. Of particular relevance is;

- a) M/2015/0043/F Public realm scheme to include provision of new footway and parking bay surfaces, new stone kerbing, new street furniture, tree planting and improved lighting with permission granted.
- b) M/2009/0614/F Environmental improvements including revised road & parking layout, improved public space with market sq & grass terrace seating, new street lighting, tree planting, seating, litter bins & an improved setting for the cenotaph with permission granted.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers together with neighbour notifications undertaken. Representations were sought from Historic Environment Division

(HEB), Environmental Health and Department for Infrastructure-Roads (DFI Roads) with comments received.

1. HEB consider that the proposal has no greater demonstrable harm on the setting under Policy BH 11 with subject to conditions for agreement and implementation of a developer-funded programme of archaeological work; to identify and record any archaeological remains in advance of new construction or to provide for their preservation.
2. Environmental Health have previously been consulted on public amenity space and whilst a response is pending, it is not critical to the evaluation of this proposal.
3. DFI Roads response has raised several separate issues for consideration.
 - a) The submitted auto-tracking does not specify scale therefore DFI Roads are unable to assess the auto-tracking. DFI Roads requests that auto-tracking is submitted at scale 1:200 to facilitate assessment.
 - b) DFI Roads notes various auto tracking scenarios however auto-tracking has not been provided for a 12.0 metre rigid vehicle exiting the car park on to Church Street or Market Street. Details should be submitted.
 - c) Planning should note that DFI Roads comments / safety concerns raised at previous meetings and in e-mail to Council / applicant dated 2 February 2017 regarding proposed changing from signalling to give way from car park exit on the Church Street still apply.
 - d) Planning should note that DFI Roads have concerns that the applicant are not fully aware of the implications of a give way scenario; when traffic on Market Street get the green phase, traffic will proceed quite quickly and a motorist exiting the car park could create conflict with the potential for rear shunts on the main line. Traffic exiting the car park also won't be sure which traffic stream is likely to run next and the driver will also be focussed on the front of their vehicle as it turns into the narrow Church Street lane with traffic queuing in the opposing lane.
 - e) The Department has concerns for a give way situation at this location and it is unacceptable in terms of road safety particularly when a simple signalised solution removes the issues.
 - f) Drawings indicates that the existing two way system within the car park is to be changed to a one-way flow. DFI Roads would advise that this is not acceptable as it would lead to traffic exiting the car park being unable to exit the locality via Scotch Street / Thomas Street.

Drawing No 09 date stamp 10 May 2017.

- g) Applicant should review accuracy of measurements (see attachment below). A 6.0 metre measurement is annotated on car park spine road however it scale only 5.600 metres.
- h) Existing street light columns along Markey Square (area of proposed footway) should be plotted on drawing.
- i) Applicant should note that a footway located adjacent to car parking bays requires an additional 800mm to accommodate vehicle over hang, therefore a

footway width of 2.800 metres is required. The current submission does not comply with this requirement.

Safety Audit

- j) The safety Audit has not picked up this issue which was raised at previous meetings between the Department and the designer. We feel it is their responsibility (Agent) to notify the Safety Audit Team as part of the Stage 1 & 2 audit.

Considerations

In accordance with the Strategic Planning Policy Statement Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance. There is previous approval for similar type schemes to Market Square [M/2009/0614/F and M/2015/0043/F], thus establishing the principle for development whilst also suggesting that the proposal will not cause demonstrable harm to interests of acknowledged importance.

The Dungannon and South Tyrone Area Plan 2010 aim is to provide a planning framework which facilitates the future growth and development of Dungannon and south Tyrone Borough whilst protecting and, where appropriate, enhancing the natural and man-made environment and ensuring that development is both sustainable and of a high quality. Whilst the Plan establishes a policy framework and the site is within the plan area settlement, there is no specific advice or guidance on this kind of development [LA09/2017/0684/F].

The objectives within the Plan would suggest that DUNGANNON must satisfy the practical needs of those who live and work in the area whilst also creating a vibrant, attractive and distinctive place that appeals to all, based upon a high amenity value. In order to achieve this without prejudice to the proposed development [LA09/2017/0684/F], the traffic management issues have been responded to by the Agent in consultation with DfI Roads with general satisfaction of the amendments and revisions received 21st July 2017.

From a planning perspective, taking on board the concerns raised by DfI and detailed comments from the Agent, the purpose of planning as detailed within the Strategic Planning Policy Statement is whether the proposal [LA09/2017/0684/F] would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

Given the extensive consultations between the Agent, Applicant and DfI Roads, I am persuaded the proposal now satisfies the primary concerns raised by DfI in regards to the signalling and give-way issues as well as traffic flows. This is achieved through the installation of necessary civil works for the control of the left slip as well as conditions so as it can easily be converted, should it be deemed applicable from the monitoring of the scheme post construction or through recommendations from the Road Safety Audit Stage 3/4. In addition, as outlined by the Agent, it is anticipated that vehicles from the left slip will be at a slower speed as constrained via the proposed geometry of the left slip, visual aspect of the surrounding area and the existing geometry of Church Street. As will

vehicles turning left from Market Square or travelling ahead from Irish Street also be constrained by the geometry of Church Street (6m max) and the combination of this with the town centre environment encourages lower speeds. Accordingly, following extensive consultations with DfI Roads the revisions and amendments as submitted and discussed have resulted in DfI Roads withdrawing their objection and issuing conditions in relation to the exiting and signalling aspect of the Market Square carpark.

In relation to the Strategic Planning Policy statement, one of the regional strategic objectives is towards promoting mixed-use development and improving integration between transport, economic development and other land uses. If the perception exists that the current town-centre traffic system is flawed and the proposed Market Street improvement scheme seeks to optimise traffic flow and parking plus pedestrian access, then the proposal is congruent with the Strategic Planning Policy Statement.

The implementation of the Market Square Improvement scheme in Autumn 2017 is critical to negate project works conflicting with the Christmas period of shopping. Consequently, following proposed works [LA09/2017/0684/F] and monitoring the works carried out as part of a post review, Mid-Ulster Council in consultation with the traders will establish a new traffic management plan.

Therefore on the basis of the evidence available, and having spoken with DfI Roads on the 21st July 2017, I am persuaded on the balance of advantage from policy guidance, to recommend approval for application [LA09/2017/0724/A], subject to conditions and informatives.

Neighbour Notification Checked	Yes/No
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Summary of Recommendation:

I consider that the proposal complies with policy and does not pose a negative impact upon public safety or the amenity of the site and its surrounding environment.

The application accords with the policy requirements of SPPS and the Dungannon and South Tyrone Area Plan 2010, therefore I recommend approval.

Conditions/Reasons for Refusal:

To be determined in consultation with DfI- Roads and Mid Ulster District Council

Signature(s)

Date:

ANNEX	
Date Valid	16th May 2017
Date First Advertised	1st June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14TH AVENUE, 1B Irish Street, DUNGANNON, BT70 1DB The Owner/Occupier, 34C Market Square, DUNGANNON, BT70 1JB The Owner/Occupier, 6 Irish Street, DUNGANNON, BT70 1DB The Owner/Occupier, ABBEY INSURANCE, UNIT 2 Thomas Street, DUNGANNON, BT70 1HN The Owner/Occupier, BOB _ BERT, 41-43 Market Square, DUNGANNON, BT70 1JH The Owner/Occupier, Boots, 13 Market Square, DUNGANNON, BT70 1AB The Owner/Occupier, Brendan Lowe Butchers, 15 Market Square, DUNGANNON, BT70 1AB The Owner/Occupier, CANCER RESEARCH, 33 Market Square, DUNGANNON, BT70 1JB The Owner/Occupier, CPS Estate Agents, 2 Thomas Street, DUNGANNON, BT70 1HN The Owner/Occupier, Centres Church, Scotch St, DUNGANNON, BT70 1AR The Owner/Occupier, Coffee Lounge, 48 Market Square, DUNGANNON, BT70 1AB The Owner/Occupier, DANSKE BANK LTD, 5-6 MARKET SQUARE, DUNGANNON, BT70 1AB The Owner/Occupier, Edinburgh Wool Mill, 7-9 Market Square, DUNGANNON, BT70 1AB The Owner/Occupier, FLENEY'S BAR, 4 Thomas Street, DUNGANNON, BT70 1HN The Owner/Occupier, FUTURE FITNESS, 44 Market Square, DUNGANNON, BT70 1JH The Owner/Occupier, HAIR BY LIZ, 3 Irish Street, DUNGANNON, BT70 1DB The Owner/Occupier, HEGARTY'S HOME BAKERY, 45 Market Square, DUNGANNON, BT70 1JH The Owner/Occupier, HOUSE, 2-4 Irish Street, DUNGANNON, BT70 1DB The Owner/Occupier, HOY's Footwear, 49 Market Square, DUNGANNON, BT70 1AB The Owner/Occupier, JUST FOR U, 2A Thomas Street, DUNGANNON, BT70 1HN	

The Owner/Occupier,
KILLYMADDY CENTRE, Market Square, DUNGANNON, BT70 1AB

The Owner/Occupier,
LANDIS, 8 Irish Street, DUNGANNON, BT70 1DB

The Owner/Occupier,
LIBRARY Market Square, DUNGANNON, BT70 1JB

The Owner/Occupier,
MANEELY & CO LTD, 3 Church Street, DUNGANNON, BT71 6AB

The Owner/Occupier,
MARIE CURIE 19D Market Square, DUNGANNON, BT70 1AB

The Owner/Occupier,
MENARY'S, 41-43 Market Square, DUNGANNON, BT70 1JH

The Owner/Occupier,
MILL WHEELS RESTAURANT 3-7 Thomas Street, DUNGANNON, BT70 1HN

The Owner/Occupier,
MONEY SHOP, 38C Market Square, DUNGANNON, BT70 1JH

The Owner/Occupier,
Market Square, DUNGANNON

The Owner/Occupier,
McConnell Shoes, 1-3 Scotch St, DUNGANNON, BT70 1AR
Stephen McCammon

Menarys,Alexander House,Moygashel Mills,Main Road Moygashel,Co Tyrone,BT71 7QS

The Owner/Occupier,
PRO LOGIC, 44 Market Square, DUNGANNON, BT70 1JH

The Owner/Occupier,
PROFESSIONAL TRAVEL, UNIT 1 Thomas Street, DUNGANNON, BT70 1HN

The Owner/Occupier,
Peacocks 11 Market Square, DUNGANNON, BT70 1AB

The Owner/Occupier,
Post Office, 12B Market Square, DUNGANNON, BT70 1AB

The Owner/Occupier,
Royal Mail, DUNGANNON DELIVERY OFFICE, 20 Market Square, BT70 1AA

The Owner/Occupier,
SANTANDER UK PLC 1 Market Square DUNGANNON BT70 1AL

The Owner/Occupier,
SANTANDER UK PLC, 1 MARKET SQUARE, DUNGANNON, BT70 1AL

The Owner/Occupier,
SUBWAY, 1 Church Street, DUNGANNON, BT71 6AB

The Owner/Occupier,
THE WAY PHOTOGRAPHIC, 6 Irish Street, DUNGANNON, BT70 1DB

The Owner/Occupier,
Thompson Travel Agents, 47 Market Square, DUNGANNON, BT70 1JH

The Owner/Occupier,
ULSTER BANK, 39 Market Square, DUNGANNON, BT70 1JH

The Owner/Occupier,
ULSTER TRAVEL LTD 2-4 Church Street DUNGANNON BT71 6AQ

The Owner/Occupier,
ULSTER TRAVEL LTD, 2-4 Church Street, DUNGANNON, BT71 6AQ

The Owner/Occupier,

W J IRWIN & SON SOLICITORS, 37 MARKET SQUARE, DUNGANNON, BT70 1JH	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History <p>Ref ID: LA09/2017/0684/F Proposal: Market Street improvement scheme ,Alterations to the traffic signal junction, removal of triangular island at Irish Street, provision of footway along side Market Square, provision of uncontrolled crossing facilities, raised table at Thomas St/Market St. Additional parking provided within the event space subject to events, left only exist from southern end of car park onto Church Street Address: Market Square, Dungannon, Decision: Decision Date:</p> <p>Ref ID: LA09/2015/1003/A Proposal: Shop fascia sign and projecting sign Address: 48 Market Square, Dungannon, Decision: CG Decision Date: 18.01.2016</p> <p>Ref ID: M/2010/0703/F Proposal: Improvements to Library facade to include widening of main entrance, 3 no ground floor windows, window replacement and painted rendering to the splayed Market Sq/Thomas Street corner, together with internal refurbishment Address: Dungannon Library, 36 Market Square, Dungannon Decision: Decision Date: 10.11.2010</p> <p>Ref ID: M/1996/4037 Proposal: 3 no.directionpnal antennar & ancilliary steelwork Address: THOMAS STREET DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1995/4017 Proposal: Telecommunications Apparatus Address: ROOFTOP, DUNGANNON LIBRARY, MAIN STREET, DUNGANNON Decision: Decision Date:</p>	

Ref ID: M/1975/0100
Proposal: DIVISIONAL LIBRARY
Address: MARKET SQUARE/THOMAS STREET, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1975/010001
Proposal: ERECTION OF LIBRARY
Address: JUNCTION OF THOMAS STREET/MARKET SQUARE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1996/4038
Proposal: 3 No directional non-microwave antennas 2.3 m in length and top ancillary steelwork at roof level
Address: DUNGANNON LIBRARY MAIN STREET DUNGANNON
Decision:
Decision Date:

Ref ID: M/1989/0056
Proposal: Creation of central pedestrian area with raised terrace, street lighting, landscaping and general environmental improvements.
Address: MARKET SQUARE DUNGANNON
Decision:
Decision Date: 19.03.1989

Ref ID: M/2004/0738/Q
Proposal: Street Trading
Address: Dungannon Area
Decision:
Decision Date:

Ref ID: M/2011/0075/A
Proposal: Shop Fascia & Projecting Sign
Address: 38 Market Square, Dungannon, Co. Tyrone, BT70 1JH,
Decision:
Decision Date: 21.06.2011

Ref ID: M/1985/0280
Proposal: CONVERSION OF GROUND FLOOR OF VACANT BUILDING TO SHOP AND ALTERATIONS TO
Address: 38 MARKET SQUARE, DUNGANNON
Decision:

Decision Date:

Ref ID: M/2010/0250/F

Proposal: Fascia and projecting sign

Address: 38 Market Square, Dungannon, BT70 1JH

Decision:

Decision Date: 11.08.2010

Ref ID: M/2003/0683/F

Proposal: To develop a Thales guyed flagpole housing an Omni antenna. 1 no. 300mm transmission dish located on the chimneystack, with associated internally located equipment (Amended Drawings)

RE-ADVERTISEMENT

Address: The rooftop of 38 Market Square, Dungannon

Decision:

Decision Date: 27.11.2003

Ref ID: M/1989/0508

Proposal: Location Sign

Address: 38A MARKET SQUARE DUNGANNON

Decision:

Decision Date:

Ref ID: M/2002/1094/F

Proposal: Replacement of existing 3 No 02 Antennae mounting poles with 3 No. flagpoles, with 02 antennae concealed within

Address: Existing 02 Radio Base Station at Tylers Market Square, Dungannon

Decision:

Decision Date: 02.12.2002

Ref ID: M/1983/0139

Proposal: RECONSTRUCTION OF SHOP PREMISES

Address: 3 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0551

Proposal: Erection of 2 No. Fascia box signs and 2 No. projecting box signs.

Address: 47 MARKET SQUARE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0366

Proposal: Non Illuminated Fascia Sign & Projecting Signs
Address: 47 MARKET SQUARE DUNGANNON
Decision:
Decision Date:

Ref ID: M/2005/1590/A
Proposal: Shop sign
Address: Slender Lady, 4 Scotch Street, Dungannon
Decision:
Decision Date: 30.05.2006

Ref ID: M/2003/1641/A
Proposal: 2 Fascia Signs
Address: 48 Market Street, Dungannon.
Decision:
Decision Date: 13.02.2004

Ref ID: M/1999/0395
Proposal: Change of use (bank to retail) and alteration to shop front
Address: 48 MARKET SQUARE DUNGANNON
Decision:
Decision Date:

Ref ID: M/2005/0357/F
Proposal: fitness club
Address: No 4 Scotch Street Dungannon
Decision:
Decision Date: 17.05.2005

Ref ID: M/1979/0831
Proposal: ALTERATIONS TO BOMB DAMAGED BANK
Address: MARKET SQUARE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1992/0448
Proposal: Erection of Signs
Address: 48 MARKET SQUARE DUNGANNON
Decision:
Decision Date:

Ref ID: M/1994/0051
Proposal: Extension of shop units and new shop fronts

Address: OPPOSITE 3-7 THOMAS STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/1049/F

Proposal: Extension and alterations to public house including entrance canopy and gate extension to include WCS. Alterations internally to remove existing WC to create new seating area

Address: Feeney's Bar, 4 Thomas Street, Dungannon

Decision:

Decision Date: 18.01.2008

Ref ID: M/1980/0375

Proposal: NEW SHOP FOR HOME BAKERY

Address: MARKET SQUARE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2001/0985/F

Proposal: Installation of 1 No. 5.8m imitation flagpole and tri-sector antenna, 1 No. 600m dish antenna, 1 No. radio equipment housing cabinet and ancillary equipment.

Address: 44/45 Market Square, Dungannon

Decision:

Decision Date: 15.11.2001

Ref ID: M/1986/0364

Proposal: SHOP UNITS AND FLAT

Address: 45 MARKET SQUARE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1980/0467

Proposal: REDEVELOPMENT OF DEMOLISHED BUILDING FOR COMMERCIAL USE.

Address: 45 MARKET SQUARE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2001/0932/PA

Proposal: Installation of new 5.8m high rooftop telecommunications mast, 1 No antennae & 1No 600mm microwave dish, equipment box & ancillary equipment.

Address: 44/45 Market Square Dungannon County Tyrone BT70 1JN

Decision:

Decision Date: 30.08.2001

Ref ID: M/2009/0614/F

Proposal: Environmental improvements including revised road & parking layout, improved public space with market sq & grass terrace seating, new street lighting, tree planting, seating, litter bins & an improved setting for the cenotaph

Address: Market Square (BT70 1AB, BT70 1JD, BT70 1JH) Castle Hill (BT70 1JP) Church Street (BT71 6AB) Irish Street (BT70 1DB), Dungannon Town Centre

Decision:

Decision Date: 18.02.2010

Ref ID: M/1979/0260

Proposal: REBUILDING FRONT ELEVATION OF RESTAURANT AND OFFICES

Address: MARKET SQUARE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/0097

Proposal: EXTENSION TO HOTEL

Address: UNION PLACE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0175/F

Proposal: Change of use of No. 42/43 Market Square from public house to shop and stores with internal alterations & proposed elevational alterations to Nos 41 - 44 Market Square

Address: 41 - 44 Market Square, Dungannon

Decision:

Decision Date: 05.06.2000

Ref ID: M/1997/4083

Proposal: Telecommunications Apparatus

Address: REAR OF 41 MARKET SQUARE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0692

Proposal: 1 No. Ulster Bank Fascia Sign and projecting service till sign

Address: ULSTER BANK DUNGANNON BRANCH MARKET SQUARE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1981/0349

Proposal: RECONSTRUCTION OF BOMB DAMAGED PREMISES

Address: 44 MARKET SQUARE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0468

Proposal: Internally illuminated projecting sign

Address: 39-40 MARKET SQUARE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0497

Proposal: Alterations to front facade to facilitate new Automatic
Telling machine

Address: 39-40 MARKET SQUARE DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/1192/F

Proposal: Regrading of footpath at entrance to provide DDA compliant access to bank

Address: Ulster Bank, 39 Market Square, Dungannon

Decision:

Decision Date: 04.10.2005

Ref ID: M/2006/1736/LB

Proposal: New internal partitions to ground floor and redecoration to ground and first
floor, new external signage to include externally illuminated fascia and projecting sign
new header sign to atm surround and new security and welcome signs to entrance

Address: Dungannon Branch(Ulster Bank Group), 39 Market Street, Dungannon

Decision:

Decision Date: 08.03.2007

Ref ID: M/2006/1737/A

Proposal: New externally illuminated fascia and projecting sign, new header sign to ATM
surround and new security and welcome signs to entrance

Address: Dungannon Branch (Ulster Bank Group), 39 Market Street, Dungannon

Decision:

Decision Date: 04.04.2007

Ref ID: M/1975/0005

Proposal: REBUILDING OF SHOP

Address: MARKET SQUARE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1974/0321

Proposal: REINSTATEMENT OF BOMB-DAMAGED LOUNGE BAR AND OFFICES.

Address: MARKET SQUARE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/1452/F

Proposal: Installation of telecommunications apparatus to include 1 no 6.6m Racal 2G/3G flag pole (to be painted white), 1no.vodafone 300mm microwave dish supported on CHS pole, 3no.jaybeam 2G/3G XP tri-sector antennae, 1no vodafone 3101 cabinet and 1no Vodafone 2106 cabinet (both to be painted grey)

Address: Menary's Building (Rooftop site) 41-43 Market Square, Dungannon

Decision:

Decision Date: 10.11.2004

Ref ID: M/2007/1022/F

Proposal: 3 no. LED lighting on front elevation, 4 no. spotlights at base of columns and 3 no, spotlights above current signage.

Address: 39 Market Square, Dungannon.

Decision:

Decision Date: 30.11.2007

Ref ID: M/2011/0403/F

Proposal: Removal of Existing Dish and Fixtures; relocation of dish on to new support pole

Address: Existing Orange PCS Base Station Site, 38 Market Square, Dungannon, BT70 1JH,

Decision:

Decision Date: 17.10.2011

Ref ID: M/2007/0613/Q

Proposal: Dungannon Town Centre Health Check Planning Search

Address: Dungannon Town Centre

Decision:

Decision Date:

Ref ID: M/2014/0144/A

Proposal: Display unit incorporating a BT pay phone

Address: Outside the Marie Curie Shop, 17, Market Square, Dungannon,

Decision: CG

Decision Date: 27.05.2014

Ref ID: M/2015/0043/F

Proposal: Public realm scheme to include provision of new footway and parking bay surfaces, new stone kerbing, new street furniture, tree planting and improved lighting
Address: Anne Street, William Street, Georges Street, Scotch Street, Scotch Street Centre, Thomas Street, Perry Street and Northland Row, Dungannon Town Centre,
Decision: PG
Decision Date: 31.03.2015

Ref ID: LA09/2015/0600/F

Proposal: Proposed change of use of ground floor of premises from retail to coffee shop
Address: 48 Market Square, Dungannon,
Decision: PG
Decision Date: 19.10.2015

Summary of Consultee Responses

Historic Environment Division (HED) are content with the proposals.

Transport NI - Enniskillen Office have raised several concerns that have now been determined through extensive discussions with the traffic management issues to be resolved through planning conditions.

Environmental Health Mid Ulster Council have been previously consulted on similar town centre improvement schemes and whilst a response is not yet received, no onerous conditions are anticipated.

Drawing Numbers and Title

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

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Sign Details
Status: Submitted

Drawing No. 06
Type: Proposed Sign Elevations
Status: Submitted

Drawing No. 07
Type: Site & Detailed Drawings
Status: Submitted

Drawing No. 08
Type: Technical Specification
Status: Submitted

Drawing No. 09
Type: Technical Specification
Status: Submitted

Drawing No. 10
Type: Technical Specification
Status: Submitted

Drawing No. 11
Type: Technical Specification
Status: Submitted

Drawing No. 12
Type: Technical Specification
Status: Submitted

Drawing No. 13
Type: Technical Specification
Status: Submitted

Drawing No. 14
Type: Technical Specification
Status: Submitted

Drawing No. 15
Type: Technical Specification
Status: Submitted

Drawing No. 16
Type: Technical Specification
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A
Response of Department:

B



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District Council

Deferred Consideration Report

Summary	
Case Officer:	
Melvin Bowman	
Application ID: LA09/2016/1300/O	Target Date: Aug 2017 Committee.
Proposal: Proposed New Dwelling	Location: Site at 20 M NE of 49 Brough Road and Adjacent to Brough Road Crossroads Castledawson
Applicant Name and Address: Cathal McOscar 17 The Cairns Castledawson Magherafelt BT45 8RZ	Agent name and Address: Newline Architects 48 Main Street Castledawson Magherafelt BT45 8AB
Characteristics of the Site and Area:	
<p>The proposal site is located on the roadside of Brough road, Castledawson. Immediately adjacent on the southern boundary of the site is the A6 road, while directly on the NE boundary there are four dwellings and one large detached garage. The site has no existing vegetation on any of the site boundaries however it has a high close boarded fence surrounding the site and securely locked gates, the site is currently being used as a storage yard for builders materials and there is a detached 2 storey garage immediately adjacent the proposal site although it appeared as if the upstairs may have been used as for an office or dwelling - this has been referred to our enforcement team.</p>	
Description of Proposal	
Proposed new dwelling.	
Deferred Consideration:	
<p>Following the Committees deferral of this application for an office meeting which took place on the 13th April 2017 the following points were presented for further consideration in support of the application:</p>	

- that the new road alignment and junction would have implications for how the site would appear in relation to surrounding countryside, this includes the provision within the road scheme for a new footbridge to the south of the site across to Broagh Road
- that in terms of clustering, recent clearance of vegetation to facilitate the road scheme has made the cluster of development here more conspicuous.
- that application LA09/2015/1122 approved to the SE was approved within the cluster and was similar to this proposal.

Dealing firstly with the LA09/2015/1122 decision, that proposal satisfied the CTY2A clustering criteria in that:-

- The cluster lies outside of a farm holding which has more than four buildings of which at least three are dwellings;
- the cluster appears as a visual in the landscape when travelling along the Brough Road and The Cairns in either direction;
- the cluster is associated with a focal point which is St. Malachy's GAC Castledawson club facilities. These facilities include two playing pitches, clubrooms and associated car park with around 80m of road frontage and also extends over 300m along the north-eastern boundary which is to the rear of a number of the dwellings in the Cairns;
- The site has a dwelling to the north eastern side (No. 14) with only the footings of a dwelling to the south western side (No. 10). Whilst the footings of the dwelling at No.10 would not be considered to be built development when assessing a site under Policy CTY 8, in my opinion however, as the footings clearly required approval which has been obtained, and the approved development has commenced on site, these works must constitute development and should therefore be accepted as development when considered in the context of Policy CTY 2A. Given that the site has mature hedgerows on the other two sides it is considered that it can provide a suitable degree of enclosure;
- the proposed development can be absorbed into the cluster by rounding off and consolidation as it will have development on two sides ie. no's. 10 & 14 as indicated on the site location map;
- the proposed dwelling will not adversely impact on residential amenity as there is sufficient space within the site to ensure that the separation distance to the nearest dwellings at no's.10 & 14, as shown on the site location map, are acceptable;

In my view this decision on the above case is not comparable to the current application given that sites location deeper within the cluster of development associated with the GAC club and being more clearly abutted by other buildings within it.

I visited the site following the office meeting to assess the arguments presented to the Council, this included having been kindly sent a copy of the footbridge / junction details associated with the new road by the agent. I would agree that the wider area has been stripped back of vegetation and indeed this has drawn greater public perception of many buildings along this stretch of the Hillhead Road. However, in travelling along the main road in both directions this has, in my view, done very little to assist any future dwelling in being satisfactorily absorbed into the cluster without appearing to, in reality, extend a line of development along Broad Road to abut the main road contrary to CTY8 and PPS21.

The presence of a footbridge across the road opposite the site has been given careful consideration and whilst this will be a notable structure with a visual presence it does not

in my view, as argued by the agent, 'book end' the development here. A new dwelling will still project beyond the presently relatively clearly defined edge of the established built form.

On balance, and in given consideration to all arguments put forward in support of the application, I would concur with the officers original recommendation as expressed below:

As this proposal site is located within the countryside as defined in the Magherafelt Area Plan (2015) the policy it is considered under is Planning Policy Statement 21 - Sustainable development in the countryside. I have considered each of these in terms of the proposed site below:

1. the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings - the proposal site lies outside of a farm and does consist of four or more buildings of which at least three are dwelling and so complies with this point of the criteria.
2. the cluster appears as a visual entity in the local landscape - currently the proposal site is securely fenced and gated and being used as a builders yard (without planning approval). All the neighbouring development is viewed as a line of development side by side and so complies with this portion of the criteria.
3. the cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads - the proposal site is located at a staggered cross roads and so complies with this element of the criteria
4. the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster - this proposal site is bounded on the southern boundary by development, no other sides are bounded and as such fails to meet this criteria.
5. 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 - it is my opinion that development on this site would significantly alter the surrounding character.
6. development would not adversely impact on residential amenity - residential amenity would not be impacted should an approval be granted on the proposal site.

In conclusion the proposal fails to meet all the above criteria and so does not comply with CTY 2a of PPS21.

In addition under CTY 8 of PPS21 it is stated that planning permission will be refused for a building which creates or adds to a ribbon development. I share the officers opinion that there is a ribbon of development already in existence adjacent to the proposal site and a further approval would extend this ribbon. Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built up appearance to roads, footpaths and private laneways and this is a strong example of this problem.

In addition it was felt necessary to consult TNI with this proposal, they responded on 22.12.2016 stating that a portion of the land within the proposal lies within the line of the A6 road improvement scheme and may be subject to a vesting order.' Following

consideration of these comments it is considered that should an approval be granted here it may prejudice a potential future road scheme.

In addition this proposal should be assessed under CTY 13 - Integration and design of buildings in the countryside. This part of the policy 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. This is an outline application and so design will not be considered at this stage however it is worth noting that the adjacent properties are all single storey. In terms then of integration a new building will be unacceptable where:

- it is a prominent feature in the landscape - this proposal site would not be considered a prominent site.
- the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape - this proposal site has no natural long established boundaries to provide integration or enclosure and so fails to meet this particular criteria.
- it relies primarily on the use of new landscaping for integration - as previously stated this proposal site has no existing boundaries or landscaping and so would have to rely primarily on the use of new landscaping for integration and as such would be unacceptable.
- ancillary works do not integrate with their surroundings - the site would be accessed directly off the Brough road.
- the design of the building is inappropriate for the site and its locality - the design of the building if approved would be considered at reserved matters stage.
- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - this site has no natural backdrop or existing landform or existing trees to benefit from and so is considered unacceptable.

Finally 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. Under CTY 14 of PPS21 it states that a new building will be unacceptable where it is unduly prominent in the landscape - this proposal site would not be unduly prominent in the landscape; where it results in a suburban style build-up of development when viewed with existing and approved buildings - this site should approval be granted would add to the built up appearance at this particular location; it does not respect the traditional pattern of settlement exhibited in that area - roadside development appears to be commonplace; it creates or adds to a ribbon of development - this proposal would extend the ribbon of development already in place at this location; the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character - the ancillary works would not damage the rural character.

Having considered all of the points above I feel this proposal is contrary to PPS21, in particular CTY 1, CTY 2a, CTY 8, CTY 13 _ CTY 14 and would recommend a refusal in this case as previously.

Conditions/Reasons for Refusal:

Refusal Reasons

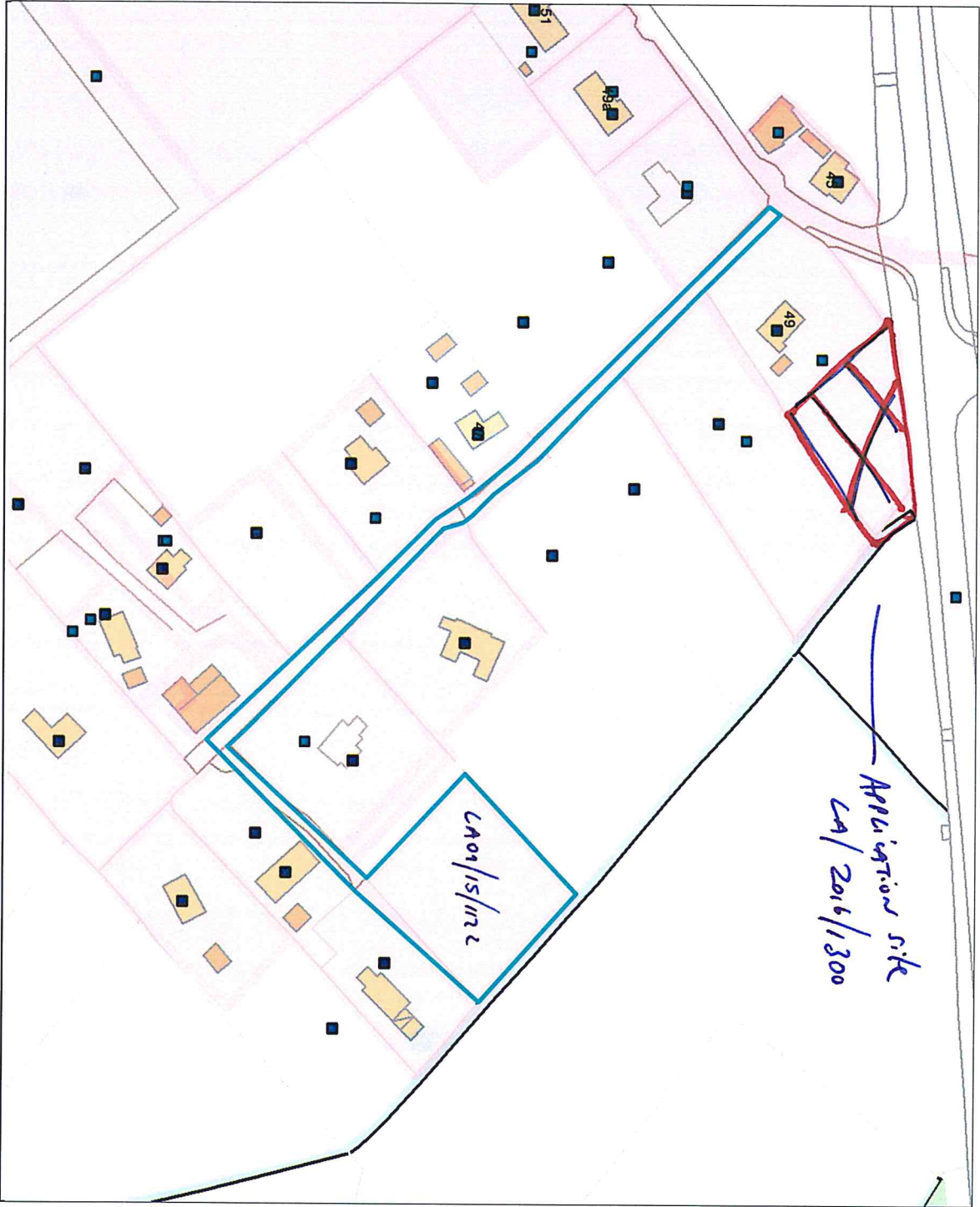
1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Brough Road.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.
5. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Signature(s): M.Bowman

Date 30/6/2017

Not Set
Not Set

Site Location Map



Legend

LA09/15/1122
Apr.

1:2091

Organisation	Organisation
Department	Department
Comments	Not Set
Date	30 June 2017
SLA Number	SLA



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/1739/A	Target Date:
Proposal: 2no shop signs relocated from existing positions to proposed, to accommodate new by pass road layout. Position agreed with Transport NI	Location: Lands 40m West and 145m East of 55 Aughrim Road, Magherafelt
Applicant Name and Address: Bradley Furniture 60 Aughrim Road Magherafelt	Agent name and Address: CMI Planners Ltd 80 - 82 Rainey Street Magherafelt BT45 5AG
Summary of Issues: Amenity in the context of the locality, precedent	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located 1 mile west of Magherafelt within countryside in accordance to the Magherafelt Area Plan 2015. The site comprises of a cut out portion of two agricultural field and also includes part of the curtilage of No 55 Aughrim Road. The site along the eastern boundary abuts the newly opened Magherafelt Bypass and newly constructed Aughrim Roundabout. The applicant's furniture business is located opposite the site which is setback 100m from the Aughrim Road. The surrounding area is characterised by an undulating landscape. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in local area.	
Description of Proposal This is an application for 2 roadside signs for Bradley's Furniture business, on the Aughrim Road just outside Magherafelt,	

Deferred Consideration:

This application was presented before the Planning Committee in February 2017 with the following reason for refusal recommended:

1. The proposal is contrary to the Strategic Planning Policy Statement and to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD 1, in that it will, if consented, have a detrimental impact upon the visual amenity of the locality.

The Committee agreed to defer the application for an office meeting which was held on 16 February 2017. It was stated at the meeting, and subsequently written confirmation has been received from Derek Graham of Transport NI, that Transport NI agreed the position of the signs. However road safety did not form the basis of concern of the impact of the two signs in this locality.

Class 12 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 states that an advertisement must be displayed on a site that has been used continually for the preceding ten years for the display of advertisements without express consent has deemed consent and is immune from enforcement action. In this case the signs are not immune from enforcement action and there is an ongoing enforcement case pending the outcome of this application. There is no evidence the signs have been erected on for 10 or more years and this is supported by The applicant is therefore unable to rely on the argument that these signs are replacing two existing signs, given that the existing signs are unauthorised. It would appear from the MUDC Ortho Maps the signs were there in 2011 but not in 2009.

Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD 1 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and it does not prejudice public safety.

As has been confirmed both by Derek Graham of TNI and the consultation response from TNI there are no public safety concerns. Nevertheless the signs must be assessed in the context of the locality. Para 4.2 of PPS 17 states that particular care is necessary to ensure advertisements do not detract from the unique qualities and amenity of our countryside. The proposed signs are in the open countryside outside the limits of Magherafelt. Bradley's Furniture is an established and authorised business with planning history dating back as far as 1998. There is another commercial building for SDC approximately 700 metres to the east on the Aughrim Road. It is accepted in Para 4.5 that an advertisement can appear as simply being out of place and it is my opinion that these signs appear as out of place at this rural location. Both signs are approximately 125-150m away from the applicant's business and are therefore not immediately read with the business. PPS 17 acknowledges the amenity of the countryside is particularly important and there is a need to protect its unique qualities from the negative effects of advertising. Para 4.8 goes on to state the only advertisements likely to be acceptable in the countryside are those proposed on site and which relate to existing approved commercial enterprises, and they should be small in scale and not detract from the quality and character of the local landscape.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that it will, if consented, have a detrimental impact upon the visual amenity of the locality.

Signature(s):

Date



C

Report on	The Department of Infrastructure have requested a re-consultation response from Mid Ulster District Council on planning application LA10/2015/0292/F due to a slightly reduced scheme removing 3 wind turbines and re-positioning a further 7 wind turbines.
Reporting Officer	Karen Doyle
Contact Officer	Dr Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

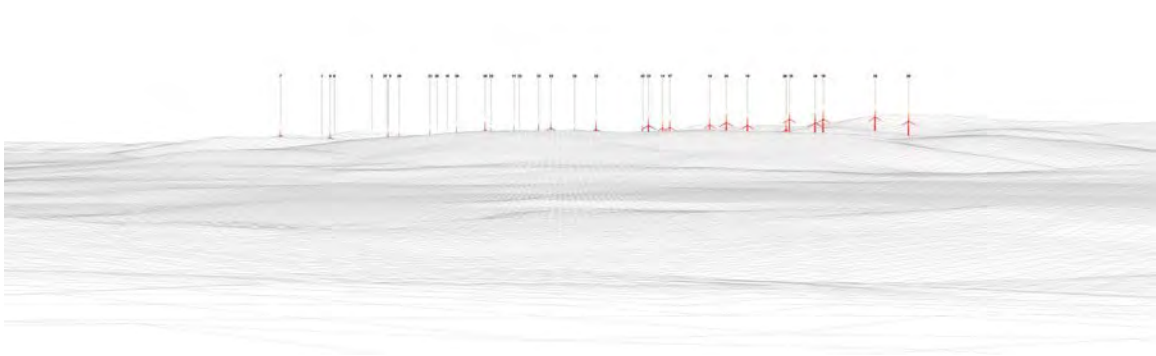
1.0	Purpose of Report
1.1	To provide members with a report on the above amended application which will provide the basis of a consultation response to the Department of Infrastructure.
2.0	Background
2.1	MUDC previously stated its objection to the original proposal on a number of grounds on 1 st March 2016
2.2	The Department of Infrastructure have requested a re-consultation response from Mid Ulster District Council on planning application LA10/2015/0292/F due to a slightly reduced scheme removing 3 wind turbines and re-positioning a further 7 wind turbines. The original proposal was for 36 wind turbines (comprising 11 turbines with a maximum tip height of 126.5m and 25 turbines with a maximum tip height of 140m), associated transformers and switchgear at the base of each wind turbine, hardstanding areas for erection cranes at each turbine, internal access tracks and site access, operations building and wind farm substation compound and building, on site electrical cables, a parking area, two temporary construction compounds, five permanent meteorological masts and all ancillary works including borrow pits, peat storage, spoil deposition, forestry removal and minor works to the public highway between site and Magherafelt to facilitate turbine delivery at land approximately 12km to the west Of Draperstown Co Derry/Londonderry 2km to the north of Broughderg adjacent to the B47. The amended proposal is for the erection of 33 Wind turbines (comprising 10 turbines with a maximum tip height of 136m and 23 turbines with a maximum tip height of 149m) with all other associated site works and uses as aforementioned.
3.0	Main Report
3.1	The access to the proposed windfarm is sited in the Mid Ulster District Council area with the 33 turbines being located in the Fermanagh and Omagh District Council area. The proposed access will be taken through a heavily wooded area in Mullaghturk Mountain which was the subject of a recent Planning Appeal following a legal challenge in the High Court to the decision made by the Planning Appeals Commission. Mullaghturk Mountain

	<p>is part of the Sperrins Area of Outstanding Natural Beauty (AONB). The designation has been in existence since 1968 when it was introduced in order to protect the high scenic value of the Sperrins and to ensure that any development could be integrated into the landscape.</p>
3.2	<p>The proposal is located on high ground overlooking the Sixtowns section of the Omagh to Draperstown road, one of the main scenic routes of the Sperrins. The area is busy with travellers touring by car, walking, hiking and cycling. Mullaghturk Mountain provides a backdrop to Beaghmore an area of significant archaeological interest (ASAI). The Beaghmore Stone Circles is the focal point of the ASAI, and has been described as one of the most iconic archaeological complexes on the island of Ireland. There are other sites of historic interest where visitors and tourists use Beaghmore as a point to enjoy the Sperrin's landscape.</p>
3.3	<p>Since our previous response significant studies have been commissioned by the applicant. Areas of active peat have been confirmed within the red line of the application site which has seen the removal of 3 wind turbines from the proposal (specifically turbines 21, 24 and 25). 10 of the turbines are increasing in height from 126.5m to 136.5m and 23 are increasing in height from 140m to 149m. Consequently there has been a repositioning of 7 turbines in order to minimise the visual impact of the increase in height.</p>
3.4	<p>There are specific viewpoints in the Mid Ulster District Council area that are of particular concern in terms of the visual impact on the area. Specifically these are at the following locations:</p> <ul style="list-style-type: none"> a) Viewpoint 13 from the Davagh Forest trails across to the windfarm b) Viewpoint 15 from Blackrock Road near Evishbrack c) Viewpoint 25 from Slievegallion <p>I have included images of these viewpoints at the end of this report though a clearer image is available to view through Public Access.</p>
3.5	<p>In the supplementary guidance to PPS 18: "Wind Energy Development in NI's Landscapes" it is recognised that the Landscape Character Area 24 South Sperrin is generally of high scenic value with most of this area being unspoilt in character and has many valued characteristics and features that make it highly sensitive to change. Whilst it states that further east the valleys have a more open form and there is extensive forestry the character of the landscape appears better suited to wind energy development. However it states that this is outweighed by the very wide visibility of this part of the South Sperrins. Mullaghturk is then specifically acknowledged as appearing as a focal point and the landscape is very sensitive to wind energy development.</p>
3.6	<p>There are still concerns with regards to the impact on tourism in the MUDC area. Although we haven't received a formal response from the Head of Tourism he has raised concerns with the ancient landscape and the development of the landscape with windfarms would negatively impact the potential of the MUDC landscape project 'The Heart of Ancient Ulster'.</p>
3.7	<p>It is our recommendation that the application should be objected to on the following basis.</p> <ul style="list-style-type: none"> 1. Mid Ulster District Council have concerns with regards to the impact on the visual amenity and landscape character of this part of the Sperrins Area of Outstanding Natural Beauty by reason of the number, scale, size and siting of the turbines and

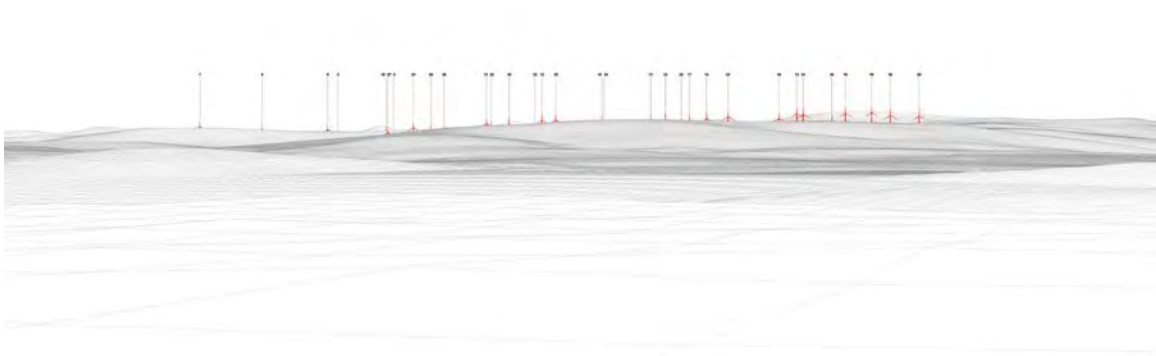
	<p>the high sensitivity of the landscape and this is contrary to Policy RE1 of Planning Policy Statement 18. The cautious approach to wind energy development required by the SPPS in the AONB is of note as is the appropriate weighting test to be applied to any socio economic benefits put forward in support of the application.</p> <ol style="list-style-type: none"> 2. Mid Ulster District Council is concerned that the site lies in the Sperrins AONB and are concerned the proposed windfarm would be detrimental to the environmental quality of the AONB by reason of lack of sensitivity to the distinct character and the landscape quality of the area. 3. Mid Ulster District Council have concerns with regards to the potential damage to the intrinsic character and quality of the tourism assets of both the Sperrins AONB and the Beaghmore Stone Circles Complex by reason of the unacceptable visual impact. 4. Mid Ulster District Council are concerned that the development would have an unacceptable adverse impact on built heritage interests by adversely impacting upon the setting, the public access and approaches to critical public views from and within, and the enjoyment of the Beaghmore Stone Circle Complex, a regionally important monument in State Care. 5. Mid Ulster Council have concerns with regards to the potential damage to the intrinsic character and quality of the tourism assets of both the Sperrins AONB, including Beaghmore stone Circles complex, heritage assets, our “dark skies” project and landscape project ‘The Heart of Ancient Ulster’ by reason of the unacceptable visual impact. 6. The Council is concerned that the development will result in construction traffic that will damage the road and other infrastructure and responsibility for repair should be clarified.”
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial:N/A</p> <p>Human:N/A</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p>N/A</p>
4.3	<p><u>Risk Management Implications</u></p> <p>N/A</p>
5.0	Recommendation(s)
5.1	That Mid Ulster District Council advise the Department of their concerns with the proposed development.

6.0	Documents Attached & References
6.1	Images from the application demonstrating the views across to the proposed wind farm from various viewpoints in MUDC

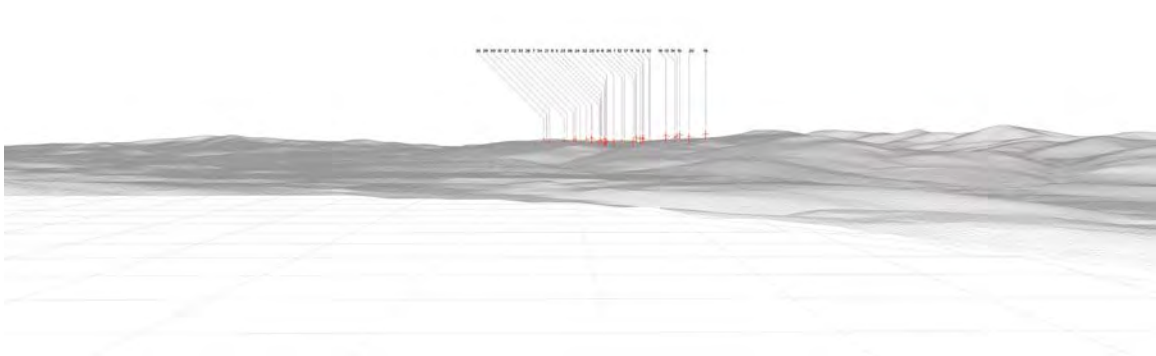
Viewpoint 13 - Davagh Forest Trails



Viewpoint 15 - Blackrock Road near Evishbrack



Viewpoint 25 - Slieve Gallion



D



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Tree Officer Report
Confirmation of Tree Preservation Order
Committee Application**

Summary	
Committee Meeting Date: 1 st August 2017	
Application ID: TPO/2017/0003/LA09	Target Date: (2 nd of September 2017 to confirm)
Proposal: Confirmation of Provisional Tree Preservation Order (TPO)	Location: Lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy
Recommendation:	Confirm TPO with Modifications
Signature(s):	
Representations:	
Letters of Support	1 no. Received – Mr R Lowry, 15 Deerpark Road, Bellaghy. It is noted that Mr Lowry would like the TPO extended to take in lands containing mature boundary trees to the east.
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

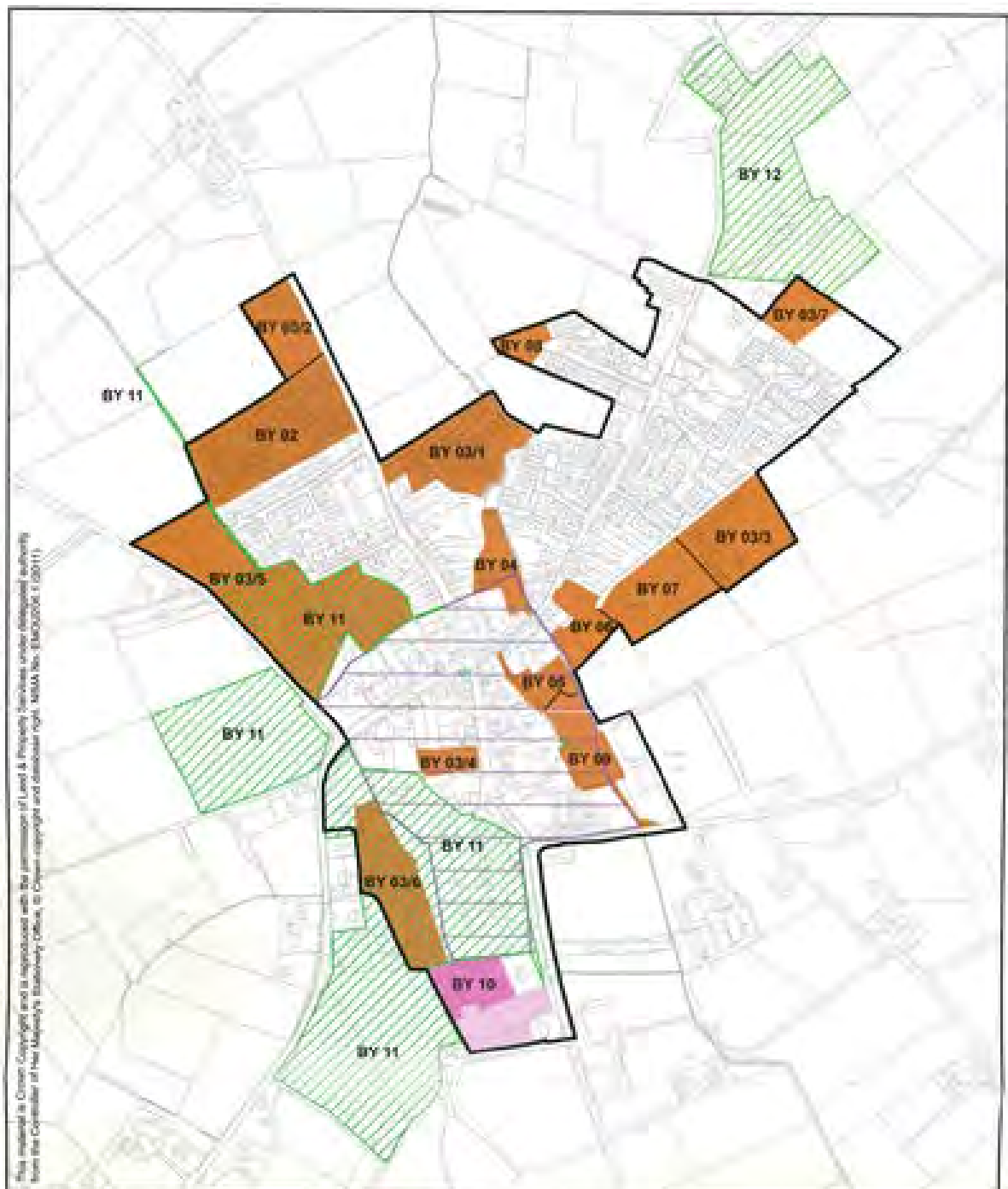
Case Officer Report

TPO Location

Lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy



TPO Location – Magherafelt Area Plan 2015 designations



Magherafelt Area Plan 2015
Map No. 7 - Bellaghy

- Settlement Development Limit
- Housing (Land Use) Policy Area
- Industrial (Land Use) Policy Area
- Local Landscape Policy Area
- Area of Archaeological Potential

For information Only

- Major Area of Existing Industry
- Archaeological Site and Monument (State Care)
- Archaeological Site and Monument (Unscheduled)

0 50 100 metres



Purpose of Report

To provide members with a report recommending the confirmation of a Tree Preservation Order (TPO) at lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy, which is the subject of a current provisional TPO (served 02/03/2017).

Background

In considering whether to confirm the TPO for this site there are a number of background matters that are material to this case:

- i. As part of the background work to the Magherafelt Area Plan 2015 and the process of identifying potential TPO's within proposed Local Landscape Policy Areas (LLPA's) in 2007. The Department recommended a provisional TPO based on an assessment of the visual amenity value of the existing trees to the local landscape area including visual links with a number of listed buildings in the immediate vicinity, (Bellaghy Bawn and Ballyscullion Church).
- ii. On 14th May 2009 a Provisional Tree Preservation Order was served on the site by the Department and registered by Land Registers of Northern Ireland on 20th May 2009.
- iii. Two representations were received during the 28 day consultation period both from Dr. C. G. Lowry.
- iv. An Arboriculturists report was carried out in August 2009 recommending the imposition of a Tree Preservation Order on the number of mature trees at this site.
- v. A planning application was received by the Department on 23rd June 2009, reference H/2009/0378/F for 33 dwellings. It was subsequently approved on 21st September 2011.
- vi. While investigating the contents of the TPO file it came to our attention that the original pTPO placed on the site in May 2009, had not been confirmed by the Department. An Order states that on 11th November 2009 the Department decided not to confirm the TPO on Lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy. The Land Registers of Northern Ireland confirmed cancelation of pTPO on 30th November 2009 including the decision not to confirm that TPO.
- vii. The Department did not document the justification for not confirming the pTPO on Lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy.

Site Visit Details - pTPO

Following the discovery that the original TPO had not been confirmed by the Department an initial site visit was carried out on 23rd February 2017 to establish if the existing trees were worthy of protection and if they should be the subject of a new provisional TPO.

It was noted that in the interim period Mid Ulster District Council had formed on the 1st April 2015. Since the establishment of Mid Ulster District Council a number of key strategic documents have been adopted. The following documents relate directly to the village of Bellaghy:

- Opening of the Seamus Heaney 'the Homeplace' cultural heritage and local tourism destination
- Our plan to develop tourism in Mid Ulster to 2021
- Our Community Plan 10 year plan for Mid Ulster
- Preferred Options Plan for MUDC Local Development Plan 2030

It was noted that local residents were concerned about the future of the existing trees and it was alleged they were under immediate threat (Enforcement Case LA09/2017/0027/CA).

The initial assessment report concluded that given the important visual amenity that the existing trees provided to the immediate surroundings; the alleged threat of their removal; the historical context related to the listed buildings and the cultural heritage of the local landscape in terms of the Seamus Heaney tourism project; it was determined that a provisional TPO should be served on lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy. PTPO was officially served on 2nd March 2017 in accordance with the Planning Act (NI) 2011 sections 122, 123 and 183(1) and the Planning (Trees) Regulations (NI) 2015 (Appendix One and Two).

In accordance with Part 2 of The Planning (Trees) Regulations (Northern Ireland) 2015 the Provisional TPO was served on the landowner and attached to a number of the trees in question. In addition, notice was served on "land affected by the order" (including owners of land adjoining the land on which the tree(s) is/are located) and in accordance with the Regulations they were given 28 days to make their objection or representation.

No objections have been made by neighbours or by the landowner in respect of the Provisional TPO. One letter of support was submitted by Mr R Lowry of 15 Deerpark Road, Bellaghy. Mr Lowry also suggested extending the TPO site to take in additional mature trees to the east.

Magherafelt Area Plan 2015

The lands on which the subject trees are located lie within the designated Local Landscape Policy Area (LLPA) BY11. The Plan identifies the features and areas that contribute to the LLPA and they include *"visually significant mature trees and hedges around Bellaghy Bawn, Church and the village. They create an attractive entrance on roads from the south"*.

Planning History

Planning reference H/2009/0378/F was approved on 21st September 2011 for 33 dwellings.

Enforcement Case LA09/2017/0027/CA Closed

Enforcement Case LA09/2017/0107/CA Open

Site Visit Details - Assessment of Case to confirm TPO

Following the serving of the pTPO on lands identified in red on Map A further site visits took place on 26th June 2017 and 11th July 2017.

It was determined that the case to confirm the TPO should be based on the following:

- Tree Survey Report for Bellaghy Bawn, Deer Park Road, Bellaghy by M. Large Tree Services Ltd. on 24th & 25th August 2009.

- Tree Officer's and Senior Planning Officer's assessment of the existing trees in terms of their visual amenity only in relation to the site (as outlined in red) and immediate surroundings (Listed Buildings).

In August 2009 the Arboriculturalist concluded that of the 90 trees identified 36 were deemed poor, 23 were recommended to be felled to maintain site safety and, 31 of the trees were classified as Fair. The Arboriculturalist report recommended that these 31 trees be protected under a confirmed Tree Preservation Order.

As part of the original survey M. Large Tree Services Ltd. produced a detailed Map illustrating the location and Root Protection Area (RPA) of each tagged tree. It was determined that this Map should be utilised to assess the 31 '*Fair*' trees in terms of visual amenity value. In addition it was determined that the identified 59 '*Poor*' and/or dangerous trees should not be re-considered for protection.

A visual assessment was carried out on 11th July 2017. Please refer to detailed photographic evidence (Appendix Three). It was noted on site that trees tagged T.4 and T.33 had fallen.

In terms of visual amenity to the existing local landscape context the trees are a visually significant feature. The trees dominate the skyline along with the church spire when approaching and leaving the town along the Deerpark Road. In addition, they provide a visual link and key landscape feature for the setting of the Bellaghy Bawn and the Church of Ireland, both listed properties which have local cultural heritage associations with Poet Laureate Seamus Heaney. Overall, the trees contribute positively to the character of the setting of Ballyscullion Church of Ireland and the Bellaghy Bawn and the visual amenity in this immediate area and provide an attractive entrance to the village, particularly from the southern approach.

Following consideration the tree Group and the Planning Manager have identified 17 trees which are worthy of protection under a Tree Preservation Order due to their important visual amenity value to the site identified in red on Map A and the village of Bellaghy.

Photographs





**Summary of Recommendation:**

It is recommended to confirm the Tree Preservation Order with the following modifications:

Those trees located within the red line on stamped Tree Preservation Order Map A and Trees tagged T.2, T.3, T.22, T.23, T.24, T.25, T.31, T.43, T.44, T.51, T.61, T.70, T.71, T.73, T.78, T.87 and T.90 identified as Green on the stamped Tree Preservation Order Map B dated xx August 2017.

Signature(s)**Date:**

Tree Preservation Order Assessment Report

Tree Preservation Order ID: TPO/2017/0003/LA09

Application Type: Request for a Tree Preservation Order

Case Officer: Sarah McNamee

Date of Site Visit: 23/02/2017 (12.50pm) Site visit carried out by Mr Seanin MacNia (Enforcement) and Mr Michael McGibbon (Senior Officer)

LPS Search Completed: Yes Folio LY 100733 No.3

Land Owners Name and Address: Samuel Henry Hamilton and Ruth Jacqueline Hamilton, 18 Deerpark Road, Bellaghy, Co. Derry BT45 8LB

Date Registered: 25th May 2012

Date Checked: 28/02/2017

Landowners who abut/adjoin the proposed site: Reference LPS search Map in file;

Folio LY 91062 Paul Brewster and Brenda McKenna 48 Ravensdene Crescent, Belfast registered 26/03/07 (A)

Folio LY 77890 Fergal Peter Lee and Edel Lee 24 Oldtown Road, Bellaghy Co. Derry BT45 8HU registered 23/02/12 (B)

Folio LY 85122 Kevin Eugene O'Kane 108A Ballynease Road, Portglenone Co. Antrim registered 31/01/07 (C)

Source of request: Ms Brenda McKenna (Brewster)

Location: Lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy up to number 48 (Col) Ballyscullion Church

Initial Assessment Carried Out: Yes

Description of Site: The site is located on the south side of the village. The bulk of the trees run in a strip to the rear of number 15 Deer Park Road and Bellaghy Bawn. The trees are a mixed group of mature and semi-mature with an understorey of Holly, Thorn and Elder. There is a small stream, which runs along the edge of the group, which separates the property at number 15 from the adjacent field. The species included are Ash, Sycamore, Hazel, Apple, Pine, Cherry, Larch, Macrocarpa, Beech and Plum. (See M. Large Tree Survey Report Dated: August 2009).

To the north abutting the site (See Map A attached) is Ballyscullion Parish Church, (Col), Bellaghy, Magherafelt – HB08/09/005 B1 listed on 07/06/1985 and to the east is Bellaghy Bawn which includes a three storey house, 1 Deerpark Road and associated buildings, gates and walling, bawnwall and towers – HB08/09/001 A & HB08/09/001 B. The setting of Bellaghy Bawn extends beyond the original Map A to the existing treed field boundary to the south of No. 15 Deer Park Road. If a pTPO is being considered then this treed section of the historical setting should be included and an Arboriculturalist health & condition survey requested.

Under the Magherafelt Area Plan 2015 the site as outlined in red is designated as:

BY 11 LLPA Bellaghy Bawn and Cavehill (Map No. 1 Countryside and Map No. 7 Bellaghy) which states;

- Bellaghy Bawn (listed building and Monument in State Care), and Church of Ireland Church (listed), including their settings, are landmark buildings which form an historical group and are part of the original planned village. There are significant views to, from and between these features and the village;
- Visually significant mature trees and hedges around Bellaghy Bawn contribute to the setting of the Bawn, Church and the village. They create an attractive entrance on roads from the south;
- Wetland area south west of Cavehill and stream corridor bisecting the LLPA both provide local nature conservation interest.

Land abutting the site to the west is designated as **BY 03/6 Housing Land Use Policy Areas** Committed Housing Sites – Oldtown Road 1.61 ha. Planning permission for housing development with 33 new dwellings comprising of 1 detached, 12 semi-detached (22 units) & 2 terraces (10 units) granted on 21st September 2011 – reference H/2009/0378/F. The planning permission expired on 21st September 2016 and is subject to a current enforcement case LA09/2017/0027/CA.

Appeal 2005/A996 on an appeal under Article 32 of the Planning (NI) Order 1991 by Mr Samuel Hamilton against the refusal of outline planning permission for housing development 100m south of (Col) Church, Oldtown Road, Bellaghy was dismissed on 8th January 2007.

The site was subject to a provisional Tree Preservation Order commenced on 14th May 2009 but was not confirmed. (See TPO 0088 and attached Order). **The provisional Tree Preservation Order was not confirmed by DoE.**

DoE commissioned a Tree Survey Report dated August 2009 by M. Large Tree Services Ltd., surveyed by Andrew Boe. It stated that;

'...18 of the trees have been recommended for felling due to either structural damage or death and one large Beech tree, which is number 79, is multi-stemmed, has decay at the base and overhangs the graveyard and has been recommended for felling as a matter of safety. The report states only the health and condition of the trees and although some are described as being in poor condition, their amenity value should not be underestimated.'

The following trees in accordance with Map B where not recommended to be protected: Nos. 1, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28, 30, 33, 35, 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50, 52, 53-54, 55, 56, 57+58, 59, 60, 62, 63, 64, 65, 66, 67, 68, 72, 75, 76, 77, 79, 80, 82, 85, 86, 88, 89.

There are a number of identified trees which were either dead or should be felled for site safety; Nos. 8, 9, 10, 12, 14, 19, 27, 35, 38, 39, 40, 41, 55, 56, 63, 64, 66, 67, 68, 77, 79 & 86.

Under the August 2009 report the following trees where recommended for protection.

- T. 2 – Ash: Remove deadwood and cut ivy.
- T. 3 – Hazel: Re-coppice
- T. 4 – Hazel: Re-coppice
- T. 5 – Hazel: Re-coppice
- T. 7 – Scots Pine: Remove deadwood and cut ivy. Monitor.
- T. 11 – Holly: Remove deadwood and cut ivy.
- T. 22 – Cypress: Remove deadwood and cut ivy. Monitor lean.
- T. 23 – Cypress: Remove deadwood and monitor lean.
- T. 24 – Ash: Remove deadwood and cut ivy.
- T. 25 – Beech: Remove deadwood and crossed and fused branches and cut ivy.
- T. 26 – Beech: Remove deadwood and crossed and fused branches and cut ivy. Monitor lean.
- T. 29 – Beech: Cut ivy and remove deadwood.
- T. 31 – Beech: Cut ivy and remove deadwood.
- T. 32 – Beech: Remove deadwood.
- T. 34 – Beech: Remove deadwood and cut ivy.
- T. 42 – Beech: Cut Ivy.
- T. 43 – Beech: Remove deadwood and cut ivy, monitor wounds.
- T. 44 – Beech: Remove deadwood and cut ivy.
- T. 51 – Sycamore: Remove deadwood and cut ivy. Monitor wounds and roots.
- T. 61 – Beech: Remove deadwood and cut ivy. Monitor roots.
- T. 69 – Beech: Cut ivy and remove deadwood. Monitor roots.
- T. 70 – Ash: Cut ivy and remove deadwood.
- T. 71 – Ash: Crown reduce by 30%.

- T. 73 – Beech: Remove ivy and re-inspect.
- T. 74 – Holly: Cut ivy and remove deadwood.
- T. 78 – Ash: Remove deadwood and cut ivy.
- T. 81 – Sycamore: Cut ivy and crown reduce by 30%.
- T. 83 – Ash: Remove ivy and debris. Then re-inspect.
- T. 84 – Cherry: Cut ivy and crown reduce by 15%.
- T. 87 – Ash: Remove deadwood and cut ivy.
- T. 90 – Ash: Remove deadwood and cut ivy.

Record of any discussion/interview:

On 23/02/2017 the council received several telephone calls regarding the cutting of trees at lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy up to number 48 (Col) Ballyscullion Church. The caller Mrs B. Brewster (McKenna) subsequently submitted a written request for a provisional TPO to be considered (email dated 23/02/2017). In conjunction with the request, as the site was subject to an approved planning permission (H/2009/0378/F), an Enforcement Officer and Senior Officer carried out a site visit on 23/02/2017. Photographs attached. An enforcement case was opened LA09/2017/0027/CA, it was clarified that the existing trees were not subject to a confirmed TPO.

Mrs B. Brewster rang on 24/02/2017 am to inform the Council that the digger was back on the site carrying out further works, she had requested that the work cease and the work ended. Mrs B. Brewster was informed of the case reference TPO/2017/0003/LA09. Mrs B. Brewster indicated that the workman on site had indicated that the landowner intended to redirect the existing stream, this information was passed onto the enforcement team for the ongoing case.

Assessment of Case:

An initial site assessment took place on 23/02/17. Officers in attendance Mr Seanin MacNia (Enforcement) and Mr Michael McGibbon (Senior Officer).

Potential Threat: Priority will be given to the protection of tree(s) deemed to be at immediate risk from active felling or damage from development on site. A planning history check has revealed that there was planning permission on the site reference H/2009/0378/F granted on 21st September 2011 for 5 years, i.e. 21st September 2016. Site visit was carried out on 23/02/2017 and no further works had occurred on this date – as trees not protected no consent for works was required. Active felling has already taken place 22nd & 24th February 2017 – see photographs.

Visibility: The extent to which the trees or woodlands can be seen by the general public will inform assessment of whether the impact on the local environment is significant. The bulk of the trees run in a strip to the rear of number 15 Deer Park Road and Bellaghy Bawn. The trees form part of the setting of Bellaghy Bawn and Ballyscullion (Col) Church, therefore they are an important part of the local

environment hence the designation of LLPA BY 11 – the trees are visually significant and are of a high amenity value within the local landscape. However, the tree survey report dated August 2009 indicated that a number of trees were dead or a safety risk, (22 out of 90) and a large number were of poor quality, (59 out of 90). The provisional TPO dated 14th May 2009 was therefore not confirmed.

Individual Impact: The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. See Tree Survey Report dated August 2009 and subsequent cancellation of pTPO – i.e. never confirmed due to health and condition of a large number of the identified trees (59 out of 90), however the report stated *'only the health and condition of these trees and although some are described as being in poor condition, their amenity value should not be underestimated.'*

Wider Impact: The significance of the tree(s) in their local surroundings will also be assessed. See above.

Historical Importance: Certain trees because of their age and/ or association with the setting of a Listed Building may require consideration for a TPO. These trees are part of the wider setting for the identified listed buildings including the Bellaghy Bawn and Ballyscullion (Col) Church.

Rarity: N/A

Recommendation:

A pTPO should be issued in accordance with Map A outlined in red.

TPO Officer Signature: J. McNamee Date: 1st March 2017

Tree Preservation Order Group Meeting

Tree Group Decision:

Agreed Action:

Serve pTPO as per Map A

Serve Provisional TPO

☒

Serve Full TPO

☐

Commission Arboriculturalist Survey

☐

Confirm Full TPO

☐

Tree(s) do not warrant a TPO

☐

Comments:

Tree Group Signatures:

J. McNamee

[Signature]

[Signature]

Authorised Officer Signature:

[Signature]

Date of meeting: 1st March 2017



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

THE PLANNING ACT (NORTHERN IRELAND) 2011
THE PLANNING (TREES) REGULATIONS (NORTHERN
IRELAND) 2015

TREE PRESERVATION ORDER

At

Lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy

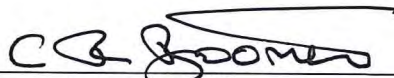
Mid Ulster Council (in this Order called “the Council”) in exercise of the powers conferred upon it by sections 122, 123 and 183(1) of the Planning Act (Northern Ireland) 2011(a) makes the following order:

No person shall, except with the consent of the Council and in accordance with the conditions, if any, imposed on such consent, cut down, uproot, top, lop, wilfully damage or wilfully destroy or cause or permit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of any tree specified in Schedule 1 or comprised in a group of trees or in a woodland specified in that Schedule, the position of which trees, groups of trees or woodlands is defined in the manner indicated in Schedule 1 on the annexed maps which maps shall for the purpose of such definition prevail where any ambiguity arises between them and the specification in Schedule 1.

The Council directs that section 123 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 2nd March 2017.

The Order is subject to the provisions of Schedule 2 and to the exemptions specified in Schedule 3.

Authorised by Mid Ulster Council to sign on behalf on 2nd March 2017.


Authorised Officer

SCHEDULE 1

All trees within the red line as indicated on Map A

(a)2011 c.25 (N.I.)

SCHEDULE 2

Application of provisions of the Planning Act (Northern Ireland) 2011

- 1.-(1) The provisions of sections 40, 58, 59, 60, 68, of the 2011 Act specified in column 1 of Part 1 of Schedule 4 of this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column 2.
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part 2 of that Schedule.

Compensation

2. Subject to the provisions of this Order any person who has suffered loss or damage in consequence of—

- (a) any refusal of consent to cut down, uproot, top or lop a tree which is the subject of a tree preservation order; or
- (b) the granting of any such consent subject to conditions,

shall if they make a claim to the council within the time and in the manner prescribed by paragraph 5 be entitled subject to such exceptions as may be prescribed to recover from the council compensation in respect of such loss or damage.

3. No claim may be made under this Order if the amount in respect of which the claim would otherwise have been made is less than £500.

4. No compensation shall be payable to a person:

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons as set out in paragraph (5)(1) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when the consent was refused or was granted subject to conditions; or
- (c) for loss or damage reasonably foreseeable by that person and attributable to his or her failure to take reasonable steps to avert the loss or damage or to mitigate its extent.

5.-(1) A claim for compensation shall be in writing, stating the reasons for that claim and shall be made by serving it on the council.

(2) The time within which any such claim shall be made shall be a period of six months from the date of the decision of the council, or where an appeal has been made to the planning appeals commission against the decision of the council from the date of the decision of the commission on the appeal.

6. The Lands Tribunal shall determine any question of disputed compensation.

NOTE: Any person who, in contravention of the provisions of this Order cuts down, uproots or wilfully destroys a tree, or wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it is guilty of an offence under section 126 (penalties for contravention of tree preservation orders) of the Planning Act (Northern Ireland) 2011 and liable on summary conviction to a fine not exceeding £100,000; and on conviction on indictment, to a fine. In determining the amount of fine to be imposed on a person convicted of such an offence the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.

Any person who contravenes the provisions of this Order otherwise than as mentioned above, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 3

This Order shall not apply to require the consent of the council to:—

1. The cutting down, uprooting, topping or lopping of a tree exempted from the provisions of this Order by section 122(5) of the Planning Act (Northern Ireland) 2011 namely a tree which is dead or has become dangerous, or the cutting down, uprooting, topping or lopping of which is in compliance with obligations imposed by or under any statutory provision or so far as may be necessary for the prevention or abatement of a nuisance.
2. The cutting down, uprooting, topping or lopping of a tree—
 - (a) in pursuance of the power conferred on the operator by virtue of section 106 of the Communications Act 2003(a) and paragraph 19 of Schedule 2 to the Telecommunications Act 1984(b);
 - (b) by a statutory undertaker (defined as such by Section 250 of the Planning Act (Northern Ireland) 2011), where the land on which the tree is situated is operational land (as defined in the Planning (General Permitted Development) Order (Northern Ireland) 2015(c)) of the statutory undertaker and the work is necessary—
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker, to carry out development permitted by or under the Planning (General Permitted Development) Order (Northern Ireland) 2015;
 - (c) where required for the purpose of carrying out development authorised by a planning permission granted (other than an outline planning permission) on an application made under Part 3 of the Planning Act (Northern Ireland) 2011;
 - (d) which is a fruit tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (e) where required to enable the implementation of an order made under Articles 4(1), 5(1), 6, 14(1), 15(1), 18(1) and 68(1) of the Roads (Northern Ireland) Order 1993(d) or
 - (f) where that work is urgently necessary for national security purposes.
3. The pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit.

(a) 2003 c. 21

(b) 1984 c.12

(c) S.R. 2015 no.70

(d) 1993 No. 3160 (N.I.15)

SCHEDULE 4

PART 1

Adaptation of sections 40, 58, 59, 60 and 68 of the Planning Act (Northern Ireland) 2011

Column 1: Provision of the 2011 Act	Column 2: Adaptation or Modification
Section 40	<p>Substitute this section with-</p> <p>“Application for consent to cut down, uproot, top or lop trees</p> <p>40.-(1) An application for consent made to the council shall be in writing containing a statement of reasons for making the application, and specifying, by reference if necessary to a map, the trees or woodland to which the application relates and the operations for which consent is required.</p> <p>(2) The council may grant consent to an application either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree or trees) as the council may think fit, or may refuse consent.”</p>
Section 58(1)	<p>Omit “-” and “(a)”</p> <p>For the words “planning permission to develop land” substitute “consent under a tree preservation order”.</p> <p>Omit paragraphs (b) and (c).</p> <p>For the words “permission, consent, agreement or approval” substitute “consent”.</p>
Section 58(2)	Omit.
Section 58(3)	For the number “(3)” substitute “(2)”.
Section 58(4)	<p>For the number “(4)” substitute “(3)”.</p> <p>Omit the words “,subject to subsections (5) to (7),”.</p>
Section 58(5)	<p>Substitute this subsection with—</p> <p>“(4) Where an appeal is brought under this section, the commission must afford both the appellant and the council the opportunity of—</p> <p>(a) appearing before and being heard by the commission; or</p> <p>(b) submitting to the commission a written statement within such period and in respect of such matters as the commission may specify to them by notice in writing.”</p> <p>For the number “(6)” substitute “(5)”.</p>
Section 58(6)	Omit.
Section 58(7)	Omit.
Section 59(1)	Omit the words “or as the case may be, the Department”.
Section 60	<p>After the words “section 58(1)” insert the words “as applied and modified by the Planning (Trees) Regulations (Northern Ireland) 2015”.</p>

Section 68

Omit the words “either—”, “(a)”, and “; or” in paragraph (a).

Omit paragraph (b).

Omit paragraph (c).

For subparagraphs “(i)” and “(ii)” substitute “(a)” and “(b)” and for the words “permission, consent, agreement or approval” substitute “consent”.

In the title omit the words “planning permission” and substitute “consent under a tree preservation order”.

Substitute the section with the following-

“(1) If it appears to a council that it is expedient to revoke or modify any consent under a tree preservation order, the council may, subject to subsections (3), (4) and (5) by order revoke or modify the consent to such extent as it considers expedient.

(2) Without prejudice to the generality of subsection (1), a council may have regard to any material change in circumstances that has occurred since the consent was granted.

(3) The power conferred by this section to revoke or modify consent under a tree preservation order may be exercised at any time before the operations for which consent has been given have been completed, but any such revocation or modification shall not affect so much of those operations as has been carried out.

(4) Where the council makes an order under this section it must serve a notice on-

- (a) the person who applied for the consent;
- (b) the owner and occupier of the land affected; and
- (c) any other person who, in its opinion, would be affected by the order.

(5) An order under this section shall take effect on the day after that on which the council complies with the requirements of subsection (4).”

PART 2

Sections 40, 58, 59, 60 & 68 of the Planning Act (Northern Ireland) 2011 as adapted or modified

Application for consent to cut down, uproot, top or lop trees

40.-(1) An application for consent made to the council shall be in writing containing a statement of reasons for making the application, and specifying, by reference if necessary to a map, the trees or woodland to which the application relates and the operations for which consent is required.

(2) The council may grant consent to an application either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree or trees) as the council may think fit, or may refuse consent.

Appeals

58.-(1) Where an application is made to a council for consent under a tree preservation order then if that consent is refused or is granted subject to conditions, the applicant may by notice in writing appeal to the planning appeals commission.

(2) Any notice under this section must be served on the planning appeals commission within 4 months from the date of notification of the decision to which it relates or such other period as may be specified by development order.

(3) Where an appeal is brought under this section from a decision of a council, the planning appeals commission may allow or dismiss the appeal or may reverse or vary any part of the decision whether the appeal relates to that part thereof or not and may deal with the application as if it had been made to it in the first instance.

(4) Where an appeal is brought under this section, the commission must afford both the appellant and the council the opportunity of—

- (a) appearing before and being heard by the commission; or
- (b) submitting to the commission a written statement within such period and in respect of such matters as the commission may specify to them by notice in writing.

(5) If at any time before or during the determination of an appeal under this section it appears to the planning appeals commission that the appellant is responsible for undue delay in the progress of the appeal, it may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are specified in the notice for the expedition of the appeal; and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.

Matters which may be raised in an appeal under section 58

59.-(1) In an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the council at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission—

- (a) that the matter could not have been raised before that time, or
- (b) that its not being raised before that time was a consequence of exceptional circumstances.

(2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—

- (a) the provisions of the local development plan, or
- (b) any other material consideration.

Appeal against failure to take planning decision

60. Where any such application as is mentioned in section 58(1) as applied and modified by the Planning (Trees) Regulations (Northern Ireland) 2015 is made to a council, then unless within such period as may be specified by a development order, or within such extended period as may be agreed upon in writing between the applicant and the council, the council gives notice to the applicant of its decision on the application, section 58 shall apply in relation to the application-

- (a) as if the consent to which it relates had been refused by the council; and
- (b) as if notification of the council's decision had been received by the applicant at the end of the period so specified, or at the end of the said extended period, as the case may be.

Revocation or modification of consent under a tree preservation order by council

68.-(1) If it appears to a council that it is expedient to revoke or modify any consent under a tree preservation order, the council may, subject to subsections (3), (4) and (5) by order revoke or modify the consent to such extent as it considers expedient.

(2) Without prejudice to the generality of subsection (1), a council may have regard to any material change in circumstances that has occurred since the consent was granted.

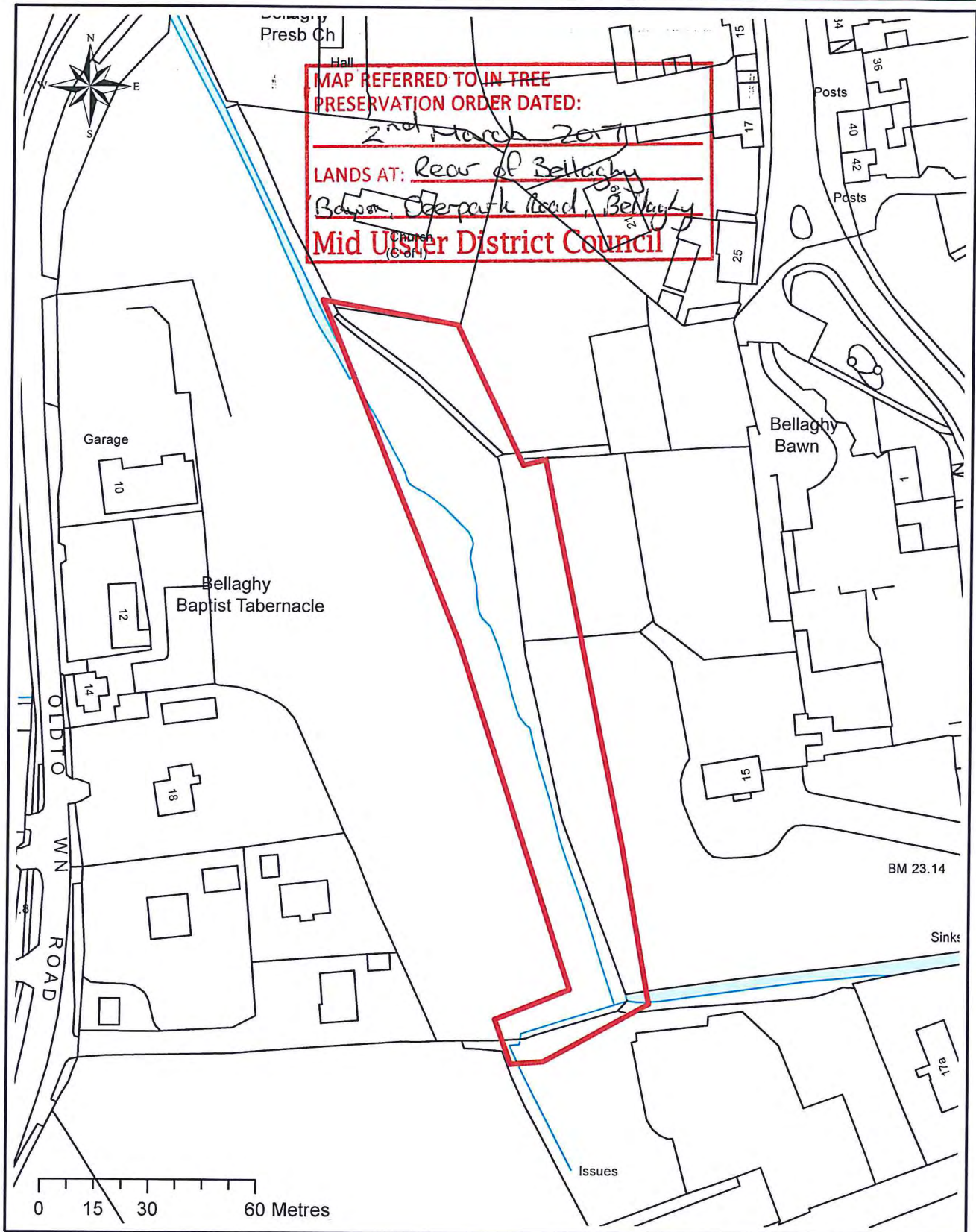
(3) The power conferred by this section to revoke or modify consent under a tree preservation order may be exercised at any time before the operations for which consent has been given have been completed, but any such revocation or modification shall not affect so much of those operations as has been carried out.

(4) Where the council makes an order under this section it must serve a notice on-

- (a) the person who applied for the consent;
- (b) the owner and occupier of the land affected; and
- (c) any other person who, in its opinion, would be affected by the order.

(5) An order made under this section shall take effect on the day after that on which the council complies with the requirements of subsection (4)

Map A: Provisional Tree Preservation Order Lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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Author: John Paul Devlin

Date: 02 March 2017

Dept: Planning

Authority License No: CS & LA 156

TPO/2017/0003/LA09 – Lands at Bellaghy Bawn

Site Visit: 11/07/2017

Attendees: Mr M McGibbon and Mrs S. McNamee

Note: During site visit it was noted that a new wooden fence had been erected to the rear of the site – remnants of the original fence (wood and barb wire) were also noted attached to a number of existing mature trees.

It is recommended that ivy should be cut and removed from all existing trees on the site which were deemed Fair in August 2009 – the ivy should be cut at the base of the tree at least 2 metres removed and the remaining growth will then die naturally (i.e. cut off the food source).

Tree tag numbers highlighted in green are recommended for protection under the TPO Legislation.

Tree tag numbers highlighted in yellow are recommended for discuss at group.

Tree tag numbers highlighted in red are recommended not worthy of protection under the TPO Legislation – i.e. no or limited visual amenity value to the site/area.



Tree Tagged 78 Ash – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy (August 2009) – Ivy has been removed and tree has good growth on the crown and has a visual amenity value for the site/ area – Recommendation worthy of protection under TPO Legislation (11/07/2017).





Tree Tagged 74 Holly – This multi-stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is Partially overgrown with ivy. There is included bark at the fork union (August 2009) – The Holly tree although still overgrown with ivy, appears in good health, however its visual amenity value is limited given its position among other larger mature trees – Recommendation discuss at group (11/07/17)





Tree Tagged 73 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is heavily overgrown with ivy. These are crossed and fused branches and the roots are exposed (August 2009) – The tree although still overgrown with ivy appears healthy with good growth on the crown and has visual amenity value for the site/area – Recommendation worthy of protection under TPO Legislation (11/07/17)



Tree Tagged 71 Ash – This single stemmed tree has a healthy but unbalanced and partially suppressed crown. It contains deadwood (August 2009) – The tree has good growth on the crown, appears healthy and has visual amenity value for the site/area (11/07/17)



Tree Tagged 70 Ash – This single stemmed tree has a healthy but unbalanced and partially suppressed crown. It contains deadwood and is Partially overgrown with ivy (August 2009) – The tree has good growth on the crown, appears healthy and has visual amenity value for the site/area (11/07/17)



Tree Tagged 69 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy and it has a fence attached to it. The roots are exposed and there is included bark at the fork union and crossed and fused branches. (August 2009) – The tree remains overgrown with ivy and trunk is encircled by barbed wire, there is some concern regarding the root system and the tree has limited visual amenity value – Recommendation not worthy of protection due to existing damage and limited visual amenity value. (11/07/17)



Tree Tagged 61 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy and has a fence attached to it. There is included bark at the fork union and crossed and fused branches. The roots are exposed on a bank (August 2009) – The tree is overgrown with ivy and has good growth on its crown spread and has visual amenity value for the site/area – Recommendation worthy of protection under TPO Legislation. (11/07/17)





Tree Tagged 51 Sycamore – This single stemmed tree has a healthy spread crown which is heavily overgrown with ivy and contains deadwood and also has a fence attached to it. There is included bark at the fork union and wounds on the main stem at 3m. The roots are exposed on a bank (August 2009) – The tree is still overgrown with ivy and has good growth on its crown spread and has visual amenity value for the site/area – Recommendation worthy of protection under TPO Legislation. Note: the ivy needs to be cut. (11/07/17)



Tree Tagged 44 Beech – This twin stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is heavily overgrown with ivy and has a fence attached to it. It has crossed and fused branches and there is included bark at the fork union (August 2009) – The tree is still overgrown with ivy and has good growth on its crown spread and has visual amenity value for the site/area – Recommendation worthy of protection under TPO Legislation. (11/07/17)



Tree Tagged 43 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy and has a fence attached to it. There is included bark at the fork union at 3m and wounds on the main stem a 1m (August 2009) – The tree is still overgrown with ivy and has good growth on its crown spread and has visual amenity value for the site/area – Recommendation worthy of protection under TPO Legislation. (11/07/17)



Tree Tagged 42 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy and there is a fence attached to it (August 2009) – There has been branches removed from the tree over time, the tree remains overgrown with ivy and has visual limited amenity value for the site/area – Recommendation not worthy of protection under TPO Legislation. (11/07/17)



Tree Tagged Beech – A copy of the original 2007 Order was found still attached to this tagged tree.

Note: Tree Tagged T.33 has fallen (Apple)



Tree Tagged 34 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is heavily overgrown with ivy. It has crossed and fused branches and has a fence attached to it (August 2009) – There has been major damage caused by the removal of several large branches by NIE i.e. power lines, given the position of the tree and the power lines the existing Beech tree should be removed for site safety – Recommendation not worthy of protection under TPO Legislation. (11/07/17)





Tree Tagged 32 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood (August 2009) - The tree still is overgrown with ivy, has no growth on the upper trunk and it has had work done to it over the years (branches cut) and no amenity value to the site/area – remove for site safety - Recommendation not worthy of protection under TPO Legislation (11/07/17)



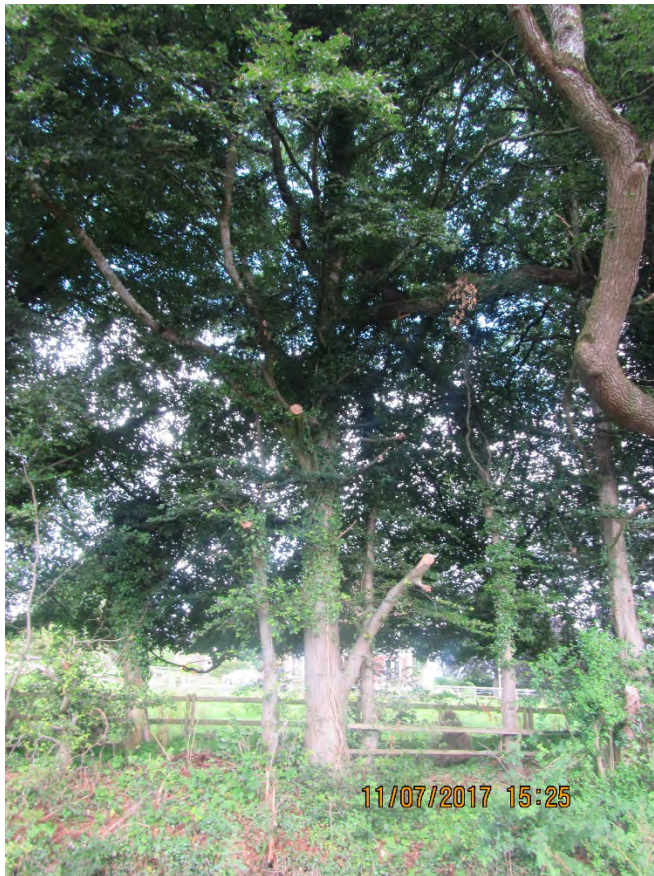
Tree Tagged 31 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy and has a fence attached to it (August 2009) - The tree still is overgrown with ivy, but has good crown growth and has visual amenity value to the site/area – Recommendation worthy of protection under TPO Legislation (11/07/17)



Tree Tagged 29 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy. It has crossed and fused branches and a fence attached to it (August 2009) - the tree is overgrown with ivy, (centre tree of the three Beech trees in this picture) but has good crown growth and has some visual amenity value to the site/area – Recommendation discuss at group. (11/07/17)



Tree Tagged 26 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy. It has crossed and fused branches and a fence attached to it (August 2009) - the tree has very limited growth, has had branches removed and has no visual amenity value to the site/area – Recommendation no visual amenity value to the site/area. (11/07/17)



Tree Tagged 25 Beech – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy. It has crossed and fused branches with an adjacent tree (August 2009) - the tree is overgrown with ivy but has good crown growth and has some visual amenity value to the site/area despite the removal of lower branches – Recommendation discuss at group. (11/07/17)



Tree Tagged 23 Ash – This single stemmed tree has a healthy but partially suppressed crown. It contains major deadwood and is heavily overgrown with ivy and has a fence attached to it. It has crossed and fused branches with an adjacent tree (August 2009) - the tree is no longer overgrown with ivy, has good crown growth and has visual amenity value to the site/area – Recommendation worthy of protection under TPO Legislation (11/07/17)



Trees Tagged 23 and 22 Cypresses – These single stemmed trees have healthy but suppressed crowns. They contain deadwood and tagged number 22 is partially overgrown with ivy and has its branches crossed and fused with adjacent tree (August 2009) – the two Cypress trees appear healthy with good growth at the crown and have visual amenity value to the site/area – Recommendation worthy of protection under TPO Legislation (11/07/17).



Tree tagged 11 Holly – This small multi-stemmed tree has a partially suppressed crown. It contains deadwood and is overgrown with ivy (August 2009) – It has no visual amenity value – Recommendation not worthy of protection under TPO criteria (11/07/2017)





Tree Tagged 7 Scots Pine – This single stemmed tree has a healthy but partially suppressed crown. It contains major deadwood and is heavily overgrown with ivy. There are also signs of crown failure (August 2009) – It has had branches removed and is now overgrown in ivy, root system is now visible. Recommendation discuss at group (11/07/17)



Tree Tagged 5 Hazel – This multi-stemmed tree has a healthy but partially suppressed crown. It was previously a coppice, it contains deadwood and has a fence attached to it (August 2009) – It has limited visual amenity value. Recommendation discuss at group (11/07/17)



Tree Tagged 3 Hazel – This multi-stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is heavily overgrown with ivy and has a fence attached to it (August 2009) – Although it still has ivy growing on it the tree itself appears to be healthy and has visual amenity value to the site/area – Recommendation worthy of protection under TPO legislation.

Tree Tagged 2 Ash – This single stemmed tree has a healthy but partially suppressed crown. It contains deadwood and is partially overgrown with ivy and has a fence attached to it (August 2009) – Although still covered in ivy, the tree appears to be healthy and has visual amenity value to the site/area – Recommendation worthy of protection under TPO Legislation. (11/07/17)



Note Tree Tagged 4 has fallen (11/07/17)



Tree Tagged 90 Ash - This single stemmed tree has a healthy but partially suppressed crown. It is growing on a bank and contains deadwood and is heavily overgrown with ivy (August 2009) – Good growth on crown, the tree appears healthy and has visual amenity value to the site/area - Recommendation worthy of protection under TPO Legislation. (11/07/17)





Tree Tagged 87 Ash – The single stemmed tree has a healthy but partially suppressed crown. It is growing on a bank and it contains deadwood and is partially overgrown with ivy and there is a fence attached to it (August 2009) – Although the tree is still overgrown with ivy there is good healthy growth on the crown and the tree has visual amenity value to the site/area – Recommendation worthy of protection under TPO Legislation (11/07/17)

E

Report on	Council Response to Mid and East Antrim Borough Council's Local Development Plan Preferred Options Paper
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Sinead McEvoy

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	In accordance with the requirements of Regulation 10 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, local councils are required to consult with consultation bodies, which includes the council for any district which adjoins that council carrying out the consultation, before a Council prepares its development plan.
1.2	The purpose of this report is to provide members with a consultation response to the Mid and East Antrim Borough Council (MEA) Local Development Plan Preferred Options Paper which was launched on 14 th June 2017.
2.0	Background
2.1	In preparing their development plan a council has a statutory duty to consult adjoining councils on their Preferred Options Paper.
2.2	Members will recall that the shared common issues with adjoining councils were discussed and agreed in a paper presented to committee on 13th June 2016 and those issues formed the basis of pre-preferred options paper consultation between our council and MEA. At that stage it was agreed that the cross boundary issues with MEA was: Lough Beg is designated as an ASSI, a SPA and a RAMSAR – protection of natural heritage and sustainable tourism development are considerations in this area. MEA have since published their Preferred Options Paper and presented a series of preferred options on the main planning issues within that district, upon which MUDC has the opportunity to comment.
2.3	At Committee on 13th June 2016 certain cross boundary issues were agreed. Based on these officers are suggesting that a response be sent to MEA based on information set out below within the key issues section.
3.0	Key Issues
3.1	MEA have published their POP and within it have provided a series of Main Issues and Options falling under a series of subject headings. With particular reference to the cross boundary issues previously agreed the important issues in the MEA POP are:

	<ul style="list-style-type: none"> • Lough Beg – MEA have highlighted preferred options on a number of key planning themes which could potentially impact on the environmental asset of Lough Beg, given that it straddles both districts. <p>A number of the policy options highlighted in relation to the key planning issues identified within the MEA POP could potentially adversely impact the above mentioned shared environmental asset, namely:</p> <ul style="list-style-type: none"> ➤ Minerals Development ➤ Renewables ➤ Tourism ➤ Flooding <p>The Main Issues and Preferred Options within the MEA POP which have the potential to impact on the cross boundary issues are as follows:</p> <p><u>Minerals Development</u></p> <p>3.2 MEA have stated that their preferred policy direction with regards minerals development is to carry forward the policies contained within the Minerals section of the Planning Strategy for Rural Northern Ireland (PSRNI) with some amendments to take account of the Strategic Planning Policy Statement. The preferred policy approach includes a presumption against minerals development within areas designated for their 'landscape and/or environmental/heritage significance' and to identify other areas where there would be a presumption in favour.</p> <p>3.3 It is noted and welcomed that MEA have identified 'Lough Beg and the Lower Bann River Corridor' as a Key Issue (No.32) within their POP. It suggests that its most scenic and environmentally important areas are given increased policy protection through designation of either a Special Countryside Area, or an Area of Constraint on a particular types of development such as minerals development.</p> <p>3.4 MUDC has proposed the introduction of a Special Countryside Area (SCA) along its western fringes extending along the Lower Bann River Corridor to the north and along the Lough Neagh shore to the south. MUDC would therefore encourage consideration of a similar designation along the MEA fringes of Lough Beg as this would add further protection to our shared environmental asset from all forms of development.</p> <p>3.5 As part of the Lough Neagh/Beg cross boundary forum Mid Ulster District Council would welcome the opportunity to discuss further with MEA the development of SCA's which are contiguous across council boundaries.</p> <p><u>Renewable Energy</u></p> <p>3.6 MEA's preferred policy approach is to adopt the existing policy thrust of PPS 18 and to update it to reflect the 'cautious approach' wording of the SPPS regarding renewable energy developments within designated landscapes.</p> <p>3.7 MEA have identified 'Facilitating Renewable Energy' as a Key Issue in its POP (Key Issue No. 23). MUDC acknowledges that wind energy development has an important role to play in the economic development of Northern Ireland as a whole and that it is important to facilitate such development in appropriate locations, albeit not at the expense of our most important landscapes and assets.</p>
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3.8	MUDC considers Lough Beg as an important shared landscape that is susceptible to the potential adverse visual impacts of all forms of development. Development of renewable energy proposals and also high structures, are particularly important considerations in these areas.
3.9	MUDC acknowledges that Key Issue 32 'Lough Beg and the Lower Bann River Corridor' suggests that parts of the Lough Beg and the lower Bann River Corridor are given increased policy protection through designation of either a Special Countryside Area, or an Area of Constraint on a particular types of development, such as tall structures and solar farms.
3.10	As referred to above, MUDC has proposed the introduction of a Special Countryside Area along the entire length of the district's lough Neagh, Lough Beg and parts of the Lower Bann. MUDC is of the view that this appropriate for this area as it is tailored to further protect those areas most vulnerable to change. MUDC would encourage consideration of a similar designation along MEA fringes of Lough Beg as this would add further protection to our shared environmental assets from all forms of development.
3.11	Should MEA wish to explore this policy approach further Mid Ulster District Council would welcome the opportunity to discuss this with MEA on the development of SCA's which are contiguous across council boundaries.
<u>Tourism</u>	
3.12	MEA's preferred policy approach is to retain the current policy approach within PPS 16 'Tourism', with minor amendments. Additionally MEA suggests taking forward a bespoke policy tailored to the tourism potential of 'Vulnerable', 'Sensitive' and 'Opportunity' areas within the district.
3.13	Under this approach Lough Beg would be identified as 'Vulnerable', whereas its fringes would be defined as 'Vulnerable' or 'Sensitive', depending on whether or not a designation such as a Special Countryside Area (SCA) is brought forward in the final plan.
3.14	MUDC would welcome this approach to protect Lough Beg from the potential impact of tourism development and other development. Further discussion of this issue would be welcomed at the second meeting of the Lough Neagh/Lough Beg forum in September 2017.
<u>Flooding</u>	
3.15	MEA has reviewed the current operational policies relating to flooding as set out in PPS 15 'Planning and Flood Risk'. It concludes, with one exception (FLD 5 – Reservoir Flood Inundation Areas), that the broad thrust and direction of current operational planning policy is generally acceptable. MEA has highlighted that the current policy approach in relation to development proposals in proximity to reservoirs is unreasonable, unworkable and outside the remit of planning.
3.16	MUDC concur with this position and is of the view that this policy approach which puts onus on the applicant to get a suitably qualified engineer to comment on the safety of a reservoir, would be unduly onerous on the applicant. MUDC consider that further discussions with

3.17	<p>the Department of Infrastructure: Rivers Agency are necessary and that the focus should be on a regulatory system to ensure reservoir infrastructure is safe.</p> <p>In terms of Policy FLD 3 'Development and Surface Water (pluvial) Flood Risk outside of Flood Plains', MUDC notes the preferred approach of MEA to go beyond the SPPS requirement to 'encourage' Sustainable Drainage Systems (SUDS) and to actively 'promote' it, where feasible. MUDC recognises the important role that SUDS can play in reducing flood risk and improving water quality and has taken the approach that if SuDS becomes a statutory requirement during the timeframe of the LDP 2030 then a bespoke policy will be adopted. Until such times as there is a legislative requirement to implement SuDS, the SPPS regional strategic policy for flood risk shall be in place.</p>
3.18	<p>Flooding and the protection of river corridors, particularly the River Bann, are important areas for consideration. Further discussion of these issues at the second meeting of the Lough Neagh/Lough Beg forum in September would be welcomed.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial:</p> <p>Human:</p>
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	<p>Members are asked to note the contents of this report and agree that a response is issued to Mid and East Antrim Borough Council in line with the contents. The proposed draft response to Mid and East Antrim Borough Council is attached at Appendix A.</p>
6.0	Documents Attached & References
6.1	<p>Appendix A – Draft letter to Mid and East Antrim Borough Council</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132

Michael Francey
Local Development Plan Team
County Hall
182 Galgorm Road
Ballymena,
BT42 1QF

Date: 2nd August 2017

Dear Michael,

Local Development Plan - Consultation on Preferred Options Paper (POP).

I write with reference to the above subject and further to your recent consultation in accordance with the requirements of Regulation 10 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

Mid Ulster District Council welcome this consultation. You will recall in pre-POP correspondence that this council identified the following matters as being of cross boundary interest:

- **Lough Beg** – ASSI, RAMSAR and SPA designations here and how they should be considered in terms of natural heritage, tourism, minerals and flooding issues.

With particular reference to those cross boundary matters Mid Ulster Council have the following comments to make in the context of your POP consultation:

Lough Beg

Lough Beg is a site of scientific and natural heritage importance and councils should work together to formulate policy to ensure that development that would impact negatively on its overall character and which is contrary to the rationale of the designations attached to it, should be resisted.

MUDC have proposed a Special Countryside Area (SCA) along the western fringes of Lough Neagh and Lough Beg. This proposal was discussed further at the Lough Neagh Forum hosted by Mid Ulster District Council on 28th April 2017. As agreed at this forum MUDC will send a report for discussion to your Council in the coming weeks on the concept of the SCA at Lough Neagh and Lough Beg.

There are a number of policy topics which have the potential to impact upon the shared environmental asset of Lough Beg, namely; Minerals, Tourism, Renewables and Flooding.

Minerals Development

Mid and East Antrim Borough Council (MEA) have identified 'Balancing the need for Mineral Development with safeguarding of Landscape and Environmental Assets' as a key issue in its POP (Key Issue No.12). MUDC acknowledge that there is a requirement to maintain a balance between the economic benefits of minerals development and its environmental impacts. Given the potentially intrusive impacts of minerals development it is important that both councils should agree a sustainable means of accommodating an appropriate level of minerals development which will not impact negatively upon the environmental value of Lough Beg.

MEA have stated that their preferred policy direction with regards minerals development is to carry forward the policies contained within the Minerals section of the Planning Strategy for Rural Northern Ireland (PSRNI) with some amendments to take account of the Strategic Planning Policy Statement. The preferred policy approach includes a presumption against minerals development within areas designated for their 'landscape and/or environmental/heritage significance' and to identify other areas where there would be a presumption in favour.

It is noted that under the heading 'Other Sensitive Landscapes' 'Lough Beg and the lower Bann River Corridor' is identified as a Key Issue (No.32). It suggests that its most scenic and environmentally important areas are given increased policy protection through designation of either a Special Countryside Area, or an Area of Constraint on a particular types of development such as minerals development.

In addition to the existing European and National designations already protecting Lough Beg, MUDC has proposed the introduction of a Special Countryside Area (SCA) along its western fringes extending along the lower Bann River Corridor to the north and along the Lough Neagh shore to the south. MUDC would therefore encourage consideration of a similar designation along the MEA fringes of Lough Beg as this would add further protection to our shared environmental assets from all forms of development.

As part of the Lough Neagh/Beg cross boundary forum Mid Ulster District Council would welcome the opportunity to discuss further with MEA the development of SCA's which are contiguous across council boundaries.

Renewables

MEA have identified 'Facilitating Renewable Energy' as a Key Issue in its POP (Key Issue No. 23). MUDC acknowledges that wind energy development has an important role to play in the economic development of Northern Ireland as a whole and that it is important to facilitate such development in appropriate locations, albeit not at the expense of our most important landscapes and assets.

MUDC considers Lough Beg as an important shared landscape that is susceptible to the potential adverse visual impacts of all forms of development. Development of renewable energy proposals and also high structures, are particularly important considerations in these areas.

It is noted that the preferred policy approach of MEA is to adopt the existing policy thrust of PPS 18 and to update it to reflect the 'cautious approach' wording in the SPPS regarding renewable energy developments within designated landscapes. MUDC also acknowledges that Key Issue 32 'Lough Beg and the lower Bann River Corridor' suggests that parts of the Lough Beg and the lower Bann River Corridor are given increased policy protection through designation of either a Special Countryside Area, or an Area of Constraint on a particular types of development, such as tall structures and solar farms.

As referred to above, MUDC has proposed the introduction of a Special Countryside Area along the entire length of the district's lough Neagh, Lough Beg and parts of the Lower Bann. MUDC is of the view that this appropriate for this area as it is tailored to further protect those areas most vulnerable to change. MUDC would encourage consideration of a similar designation along MEA fringes of Lough Beg as this would add further protection to our shared environmental assets from all forms of development.

Should MEA wish to explore this policy approach further Mid Ulster District Council would welcome the opportunity to discuss this with MEA on the development of SCA's which are contiguous across council boundaries.

Tourism

MEA have identified 'Accommodating Future Tourism Demand' as a Key Issue in its POP (Key Issue No.11). It has reviewed the current operational policies relating to tourism as set out in PPS 16 'Tourism' and have recommended that the current approach be retained (with minor amendments). Additionally, it suggests that a bespoke policy is brought forward and tailored to the tourism potential of 'Vulnerable', 'Sensitive' and 'Opportunity' areas within the district. Under this approach, Lough Beg would be identified as 'Vulnerable', whereas its fringes would be defined as 'Vulnerable' or 'Sensitive', depending on whether or not a designation such as a Special Countryside Area (SCA) is brought forward in the final plan.

MUDC would welcome this approach to protect Lough Beg from the potential impact of tourism development and other development. Further discussion of this issue would be welcomed at the second meeting of the Lough Neagh/Lough Beg forum in September 2017.

Flooding

MEA has reviewed the current operational policies relating to flooding as set out in PPS 15 'Planning and Flood Risk'. It concludes, with one exception (FLD 5 – Reservoir

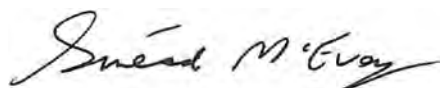
Flood Inundation Areas), that the broad thrust and direction of current operational planning policy is generally acceptable. MEA has highlighted that the current policy approach in relation to development proposals in proximity to reservoirs is unreasonable, unworkable and outside the remit of planning. MUDC concur with this position and is of the view that this policy approach which puts onus on the applicant to get a suitably qualified engineer to comment on the safety of a reservoir, would be unduly onerous on the applicant. MUDC consider that further discussions with the Department of Infrastructure: Rivers Agency are necessary and that the focus should be on a regulatory system to ensure reservoir infrastructure is safe.

In terms of Policy FLD 3 'Development and Surface Water (pluvial) Flood Risk outside of Flood Plains', MUDC notes the preferred approach of MEA to go beyond the SPPS requirement to 'encourage' Sustainable Drainage Systems (SUDS) and to actively 'promote' it, where feasible. MUDC recognises the important role that SUDS can play in reducing flood risk and improving water quality and has taken the approach that if SuDS becomes a statutory requirement during the timeframe of the LDP 2030 then a bespoke policy will be adopted. Until such times as there is a legislative requirement to implement SuDS, the SPPS regional strategic policy for flood risk shall be in place.

Flooding and the protection of river corridors, particularly the River Bann, are important areas for consideration. Further discussion of these issues at the second meeting of the Lough Neagh/Lough Beg forum in September would be welcomed.

Should you wish to discuss any of the comments made in this response please do not hesitate to get in touch. We look forward to continuing engagement on our respective Local Development Plans as we work through the process.

Yours sincerely,

A handwritten signature in black ink, reading "Sinead McEvoy". The signature is fluid and cursive, with the first name "Sinead" being more prominent than the last name "McEvoy".

Sinead McEvoy
Principal Planning Officer – Head of Development Plan and Enforcement

On behalf of Dr Chris Boomer
Planning Manager

F

Report on	Response to Consultation from Derry City and Strabane District Council on their Local Development Plan Preferred Options Paper.
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Sinead McEvoy

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	<p>In accordance with the requirements of Regulation 10 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, local councils are required to consult with consultation bodies, which includes the council for any district which adjoins that council carrying out the consultation, before a Council prepares its development plan.</p> <p>The purpose of this report is to provide members with a consultation response to the Derry City and Strabane District Councils (D&S) Local Development Plan Preferred Options Paper which was launched on 31st May 2017. The consultation is open until Tuesday 22nd August 2017.</p>
2.0	Background
2.1	In preparing their development plan a council has a statutory duty to consult adjoining councils on their Preferred Options Paper.
2.2	Members will recall that the shared common issues with adjoining councils were discussed and agreed in a paper presented to committee on 13 th June 2016 and those issues formed the basis of pre-preferred options paper consultation between our council and D&S. At that stage it was agreed that the cross boundary issues with D&S were: The Sperrins and Transport and Connectivity. Derry City and Strabane District Council have since published their Preferred Options Paper and presented a series of preferred options on the main planning issues within that district, upon which MUDC has the opportunity to comment.
2.3	At Committee on 13 th June 2016 certain cross boundary issues were agreed. Based on these officers are suggesting that a response be sent to D&S based on information set out below within the key issues section.
3.0	Main Report
3.1	<p>D&S have published their POP and within it have provided a series of Main Issues and Options falling under a series of subject headings. With particular reference to the cross boundary issues previously agreed the important issues in the D&S POP are:</p> <ul style="list-style-type: none"> • The Sperrins- D&S have highlighted preferred options on a number of key planning themes which could potentially impact on the environmental assets of the Sperrins given that they all straddle both districts.

A number of the policy options highlighted in relation to the key planning issues identified within the D&S POP could potentially adversely impact the above mentioned shared environmental assets, namely:

- Minerals Development
- Renewables- Wind & Solar
- Tourism
- Rural Development
- Landscape Character- identification of areas of landscape with 'higher sensitivity'

- **Transport and Connectivity** – The POP highlights the importance of maximising the opportunities for sustainable development arising from the A5/A6/A2 upgrades and other cross border links given the heavy reliance on private car usage for rural dwellers. The improvement of shared road network will continue to be an ongoing cross boundary issue for both councils.

3.2 The Main Issues and Preferred Options within the D&S POP which the potential to impact on the cross boundary issues are as follows:

Minerals Development

D&S preferred option: A balanced approach which seeks to promote mineral development in sustainable locations with a focus on the protection of sensitive landscapes and re-instatement of workings.

MUDC welcome this requirement to maintain a balance between the environmental concerns and the acknowledged economic benefits of minerals development. As the D&S Pop states that the Local Development Plan will contain Areas of Constraint on Mineral Development (ACMD), MUDC will engage further in the coming weeks with D&S to ensure that ACMD's are contiguous across council boundaries. This is of particular importance as the MUDC POP (preferred minerals map, page 71) has proposed an extended ACMD in the Sperrins area which is adjoining the D&S District Council area.

Renewable Energy- Wind & Solar

D&S preferred option: Identify the most sensitive landscape zones remaining- for protection, permitting appropriate wind and solar development elsewhere, in line with the SPSS.

Mid Ulster support this policy approach as the importance of facilitating wind energy development is acknowledged, although this should not be at the expense of the environment. MUDC notes that the POP highlights that opportunities may exist for 'co-location' whereby solar farms and wind farm co-exist on the same site, and that this is potentially a more sustainable form of development whereby the solar farm utilises the established infrastructure to facilitate the wind farm i.e grid connection, road access.

The MUDC POP proposed an Area of Constraint on Wind Turbines and High Structures which mainly runs along the western boundary of our District and therefore is immediately adjacent to the D&S Council District. MUDC will engage further with D&S in the coming weeks to ensure protective designations such as sensitive landscape zones / Areas of constraint on Wind Turbines and High Structures are contiguous across the council boundaries.

Tourism

	<p><i>D&S preferred option: Identify flagship tourism sites / areas along with opportunities for dedicated sustainable attractions and associated accommodation. Focus on improved accessibility, place-making and legibility of tourism offer.</i></p> <p>MUDC would welcome the designation of identifying flagship Tourism Opportunity Zones and Tourism Conservation Zones (TCZ). MUDC POP has proposed a TCZ which is adjacent to the border between our two districts. In implementing such opportunity / conservation zones MUDC will engage further with D&S District Council in the coming weeks to ensure such designations are consistent across council boundaries.</p> <p><u>Rural Development</u></p> <p><i>D&S Preferred Option: Based upon the SPPS criteria but some clarification and additional opportunities for rural houses- re CT2a clustering, ribbon/infill, farm clustering, 6 & 10 year criteria and conversions- all within the parameters of the SA, SPPS and HGI Housing Allocation Strategy.</i></p> <p>MUDC notes the approach to maintain policy in this with the SPPS, albeit with some additional scope for additional rural housing. MUDC support the idea of allowing opportunities for appropriate business start-ups in the rural area in order to promote a vibrant rural community.</p> <p><u>Landscape Character</u></p> <p>D&S Preferred Option: Informed by the LDP Development Pressure Analysis and relevant Landscape Character Assessments, identify those areas of our landscape with higher sensitivity or 'at capacity' and identify development which may be inappropriate in these areas.</p> <p>MUDC support this approach and consider the Sperrin AONB as an important shared landscape. MUDC will engage further with D&S in the coming weeks regarding the identification of areas that would be sensitive to development, in particular renewable energy proposals and high structures, to ensure consistency in approach regarding protection of the environment.</p> <p><u>Transport</u></p> <p><i>D&S Preferred Option: Plan to maximise the opportunities for sustainable development arising from the A5/A6/A2 upgrades and other orbital / cross border links. Also promote active travel opportunities and accessibility and connectivity within our main urban settlements.</i></p> <p>MUDC agree with this option. The A5 and A6 are vital transport corridors which run through both of our districts and therefore both councils should work together to ensure that these corridors are adequately protected and that sufficient land is available for upcoming projects to be implemented. MUDC are supportive of promoting active travel and connectivity within the main urban settlements.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial:</p> <p>Human:</p>

4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	Members are requested to note the contents of this report and agree that a response is issued to D&S District Council as per the draft attached.
6.0	Documents Attached & References
6.1	Draft response to Derry City and Strabane District Council.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
03000 132 132

Mr Proinsias McCaughey
Development Plan Team
Derry and Strabane District Council
98 Strand Road,
Derry / Londonderry
BT48 7NN

21 July 2017

Dear Proinsias,

Local Development Plan – Consultation on Preferred Options Paper (POP)

I write in reference to the above and further to your email of 2nd June 2016 in accordance with the requirements of Regulation 10 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

Mid Ulster District Council welcome this consultation. You will recall in pre POP correspondence that this council identified the following matters as being of cross boundary interest:

- **Sperrins** – protection of natural heritage and environmental designations, the impact of renewables, the control of minerals development and the exploitation of and protection from tourism development.
- **Transport and Connectivity** – the main A5 and A6 transport corridors will run through both districts.

With particular reference to those cross boundary planning matters Mid Ulster Council have the following comments to make in the context of your POP consultation:

Minerals Development

D&S preferred option: Balanced approach which seems to promote mineral development in sustainable locations with a focus on the protection of sensitive landscapes and reinstatement of workings.

MUDC welcome the requirement to maintain a balance between the environmental concerns associated with minerals development alongside the acknowledged economic benefits of such development.

The POP states that the LDP will contain Areas of Constraint on Mineral Development and in this regard, Mid Ulster District Council would welcome the opportunity to work with Derry and Strabane District Council on the development of ACMD's which are contiguous across council boundaries and hope that this can be discussed further as part of the second meeting of the Sperrins cross boundary forum in September

Renewable Energy

D&S preferred option: Identify the most sensitive landscape zones remaining – for protection, permitting appropriate wind and solar development elsewhere, in line with the SPSS.

Mid Ulster support this policy approach as the importance of facilitating wind energy development is acknowledged, although this should not be achieved at the expense of the environment.

We consider the Sperrin AONB as an important shared landscape that is particularly vulnerable to such potential adverse impacts and therefore the development of renewable energy proposals and also high structures are important considerations in this area.

As you will be aware the Mid Ulster District Council (MUDC) Preferred Options Paper proposed an Area of Constraint (AoC) on wind turbines and high structures. This AoC runs along the western boundary of our district and therefore is immediately adjacent to the Derry City and Strabane Council District. This proposal has been discussed further at the Sperrins Forum hosted by Mid Ulster District Council in April 2017. As agreed at this forum MUDC will send a report to your Council in the coming weeks to gauge views on the concept of the Area of Constraint. As Derry City and Strabane District Councils preferred option is to identify the remaining most sensitive landscape zones and adopt a policy for such wind sensitive zones, MUDC would welcome the opportunity to continue to work with yourselves to ensure such protective designations in relation to renewables are contiguous across the council boundaries.

It is important to note that MUDC believe the policy approach could go a step further and also consider the potential detrimental impact upon sensitive landscapes that may be caused by high structures, such as overhead powerlines and telecommunications development.

Landscape Character

D&S preferred option: Informed by the LDP Development Pressure Analysis and relevant Landscape Character Assessments, identify those areas of our landscape with higher sensitivity or “at capacity” and identify development which may be inappropriate in these areas.

Mid Ulster District Council supports this approach and as outlined above, we consider the Sperrin AONB as an important shared landscape that is particularly vulnerable to such potential adverse impacts and therefore the development of renewable energy proposals and also high structures are important considerations in this area. MUDC would welcome future discussion between our Councils regarding the identification of areas that would be sensitive to development to ensure consistency in approach regarding protection of the environment.

Tourism

D&S preferred option: Identify flagship tourism sites / areas along with opportunities for dedicated sustainable attractions and associated accommodation. Focus on improved accessibility, place-making and legibility of tourism offer.

Mid Ulster District Council welcomes the approach of identifying areas which are seen as development opportunities relating to tourism where sustainable attractions and accommodation can be provided.

We would also be supportive of the implementation of Tourism Conservation Zones (TCZ's) to protect those areas most vulnerable to the impact of development. Mid Ulster has proposed a TCZ which is adjacent to the border between our two Districts. In implementing tourism opportunity or conservation zones, Mid Ulster would welcome the opportunity to work with yourselves in order to ensure that such designations are consistent across council boundaries and hope that this can be discussed further as part of the second meeting of the Sperrins cross boundary forum in September

Rural Development

D&S preferred option: Based upon the SPPS criteria but some clarification and additional opportunities for rural houses – re CTY2a clustering, ribbon / infill, farm clustering, 6 year and 10 year criteria and conversions – all within the parameters of the SA, SPPS, and HGI Housing Allocation Strategy.

D&S preferred option: Balanced opportunities in the rural settlements for appropriate scaled development / employment plus opportunities for appropriate business starts and small businesses in the countryside, to promote a vibrant rural economy.

Mid Ulster District Council notes the approach to maintain policy in line with the SPPS, albeit with some additional scope for additional rural housing. Unlike Derry and Strabane, Mid Ulster is a predominantly rural district (71% rural opposed to 71%

urban in D&S) and therefore, we are exploring the possibility of tailoring rural policy to allow more circumstances where a dwelling may be permissible, in order to suit the specific rural nature of our district.

We also support the idea of allowing opportunities for appropriate business start-ups in the rural area in order to promote a vibrant rural economy.

Transport

D&S preferred option: Plan to maximise the opportunities for sustainable development arising from the A5 / A6 / A2 upgrades and other orbital / cross border links. Also promote active travel opportunities and accessibility and connectivity within our main urban settlements.

Mid Ulster District Council agree with this option. The A5 and A6 are vital transport corridors which run through both of our districts and therefore councils should work together to ensure that these corridors are adequately protected and that sufficient land is available for upcoming projects to be implemented.

MUDC are also supportive of the idea of promoting active travel and improving connectivity between settlements, both of which will lead to more sustainable transport patterns.

Should you wish to discuss any of the comments made in this response, please do not hesitate to get in touch. We look forward to continuing engagement on our respective Local Development Plans as we work through the process.

Yours Sincerely,

A handwritten signature in black ink, reading 'Sinead McEvoy'.

Sinead McEvoy
Principal Planning Officer – Head of Development Plan and Enforcement

On behalf of Dr Chris Boomer
Planning Manager

G

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 July 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson and J Shiels

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McEvoy, Head of Development Plan & Enforcement
Ms McKearney, Senior Planning Officer
Ms Largy, Council Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

I/2012/0398/F	Guy Glencross
I/2012/0398/F	Bernadette McNally
M/2014/0148/F	Jim Maneely – Clarman Architects
LA09/2016/0433/F	Aidan Kelly – Architect
LA09/2016/0521/F	Martin Nugent – McKeown & Shiels
LA09/2016/0761/F	Chris Cassidy – CMI Planners
LA09/2016/1371/O	Chris Cassidy – CMI Planners
LA09/2016/1556/O	Niall Scullion – Newline Architects
LA09/2016/1617/F	Aidan Bradley – Manor Architects
LA09/2016/1650/F	Gemma Jobling – JPE Planning
LA09/2017/0074/O	Niall Scullion – Newline Architects
LA09/2017/0538/O	Chris Cassidy – CMI Planners
LA09/2016/0634/O	Chris Cassidy – CMI Planners
LA09/2016/0693/F	Aidan Kelly – Architect
LA09/2016/1307/F	Jim Maneely – Clarman Architects
Consultation Response	Andy Stephens – Matrix Planning
Castlecaulfield Presbyterian Church	

The meeting commenced at 7 pm.

P087/17 Apologies

None.

P088/17 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P089/17 Chair's Business

The Chair, Councillor Mallaghan said that he wanted to acknowledge the success for the Council on receiving the prestigious award at the RTPi ceremony in London for the architectural design of the Seamus Heaney Homeplace.

He said he wanted to pass on his thanks to the Planning Department on their hard work on making this possible as this was a huge accomplishment for Mid Ulster.

The Chair referred to the request for a meeting on Strategic Planning Policy, he said although the deadline had passed, it would be important to get a broader spectrum of a planning committee and would recommend that each party nominate one representative from their party, plus the Planning Manager to be involved. He asked that members pass their nominations to the Committee Section tomorrow.

The Planning Manager advised that official figures on planning were now available online and that it was interesting to know that Mid Ulster has the 3rd highest number of planning applications which was impressive.

The Planning Manager advised that items A10 and A22 were to be removed from the Agenda tonight until clarification is sought on accurate addresses.

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved: That items A10 and A22 be removed from the Planning Agenda until clarification is received on accuracy of addresses.

The Planning Manager referred to Drumglass House and advised that there were major concerns due to the dilapidated condition of the building with Building Control. He advised that a structural assessment was carried out on 30 May 2017 and the purpose of the inspection was to comment on the structural integrity of the existing building and to provide options for the future and to inform the way forward on whether de-listing should be requested. The comments were based on an external examination only of the building as access was not possible.

The findings of the survey found that the building was a 3 storey building of traditional stone construction and was in poor condition. The roof had collapsed, windows and doors were long gone and the building was subject to the open elements. There was evidence of cracking over the window openings on the front elevation. Vandalism was also an issue.

Options were:

1. Demolish the entire building
2. Rebuild/re-roof the entire building

3. Brick up window and door openings
4. Prop the wall nearest the adjoining school building using a suitably designed system

It was felt that options 1 and 2 were the extreme, with options 3 and 4 being the minimum required. It was the view of the Planning Manager that the findings of the report would not support a request to DfC HED to have the building de-listed and that we would now revert to Building Control to consider the way forward.

Matters for Decision

P090/17 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination –

I/2012/0398/F Retention of ‘as constructed’ 11kw Gaia Wind Turbine with an 18.4m hub height, at approx. 103m SW of 29 Crancussy Road, Cookstown for P McNally

The Chair advised that this application would be taken within Confidential Business due to personal circumstances surrounding it.

Resolved: That planning application I/2012/0398/F be taken within Confidential Business.

H/2013/0253/F 250kw Wind Turbine with 40m to hub height and 31m dia. Rotors at approx. 525m NW of 150 Tirkane Road, Maghera for Mr Peter McKenna

Ms Doyle ((SPO) presented a report on planning application H/2013/0253/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved: That planning application H/2013/0253/F be refused.

H/2015/0032/F 4 Dwellings and associated site works at land E of Manor Lane, Magherafelt for F.P. McCann

Application listed for approval subject to conditions as per the officer’s report.

Proposed by Councillor Glasgow
Seconded by Councillor J Shiels and

Resolved: That planning application H/2015/0032/F be approved subject to conditions as per the officer’s report.

M/2014/0148/F 3 Storey Apartment Development with basement/ground floor parking at lands at the junction of Gortmerron Link and Brookfield Road, Dungannon for BDJ Management Ltd

Application listed for approval subject to conditions as per the officer's report.

Councillor Cuthbertson declared an interest in the above application as he was attended meetings within the legacy Dungannon Council in 2014.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved: That planning application M/2014/0148/F be approved subject to conditions as per the officer's report.

LA09/2016/0433/F Housing Development of 2 detached and 4 semi-detached dwellings at 47 Killyman Road, Dungannon for Aidan Kelly

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/0433/F be approved subject to conditions as per the officer's report.

LA09/2016/0521/F Detached chalet bungalow, retention of 2 domestic garages; 2 mobile homes, 3 static caravans and the grading, re-shaping and infilling of land on a brownfield site at 100m W and NW of 11 Derry Road, Coalisland for Mr William Whitehouse

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/0521/F be approved subject to conditions as per the officer's report.

Councillor Reid advised that work at this site was being carried out before the application was submitted and said that he would be concerned about where a member would stand if a person came forward with a complaint.

The Planning Manager advised that the objection letter submitted was only rehearsing issues which were previously raised.

The Chair stated that the objections have already been considered by the Planning Officers and that there was nothing additional to add to this application.

Councillor Reid advised that he was satisfied that everything was above board.

LA09/2016/0667/O Dwelling and garage 50m N of 5 Scotchtown Lane, Coagh for Mr Tom Workman

Ms Doyle ((SPO) presented a report on planning application LA09/2016/0667/O advising that it was recommended for refusal.

Proposed by Councillor Kearney
Seconded by Councillor McEldowney and

Resolved: That planning application LA09/2016/0667/O be refused.

LA09/2016/0761/F Extension to existing portacabin to provide storage and office accommodation 40m NW of 35 Moss Road, Ballymaguigan for Christopher Cassidy

Ms Doyle (SPO) presented a report on planning application LA09/2016/0761/F advising that it was recommended for refusal.

Ms Doyle (SPO) advised that additional information had been received from Department for Infrastructure – Roads Service advising that they couldn't be definitive with regards to the amount of hedge having to be removed partially due to its existing height. They have indicated however on measuring the distance the hedge is from the road edge and trying to superimpose it onto the plan the TNI felt that approximately 15-20m of hedge needs to be removed in order to deliver the sightlines to the West.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that the whole site and the current building on it area Planning Approved established commercial site.

He said that the case officer had stated in his report that the policy would therefore in principle allow for the potential expansion. There were no objections to the application. He said that it was his understanding the site was proposed to be zoned under the Mid Ulster Development Plan. Members are well versed on the site, on the business and the employment that is provided. The Planning Appeal Commissioner commented that the policy in principle allows for the potential redevelopment of the existing storage use for the proposed office use. He said that the removal of the roadside hedging is used to support the refusal under integration and build up. The removal of the hedge and the site lines are in place with no hedging needing removed. Transport NI were re-consulted and confirmed 15-20m needed removed. Critically Transport NI did not visit the site and in a telephone conversation with Mr Sean Hackett has now agreed to visit the site and will do so tomorrow. He said that he would be confident that the visit would establish that the site lines are in place.

Mr Cassidy said that in that consideration to this application in his opinion, it falls short of what he expect of the Council and would invite the Members before reaching a decision to visit the site so they may see it and make their own informed decision.

Councillor Bateson felt that there was confusion over this application as there was nothing definitive within the plan and a site visit may clear this. He said that he knew the area well and would disagree that this would ruin the rural character of the area which was on the edge of Lough Neagh and that there was nothing else on down the stretch of road apart from businesses. He agreed that with Mr Cassidy that a site visit would be beneficial.

The Planning Manager stated that there was a need for Members to be careful in considering the application as Roads Service have measured the site from the hedge and re-measuring the area would make no difference.

The Planning Manager indicated that this application was being portrayed as a building not a portacabin to use for storage purposes by the Agent and would serious caution to take a different view from what is evident in the report. He advised Members that it has been decided to issue an Enforcement Notice and would finds it hard to understand why anyone would take a different view on this.

Councillor McPeake said that reading through the comments on issues of screening and visibility, the key here was really the policy and in principle would allow for expansion for office use and if there was a policy in principle for storage, the applicant could go for that and make a change down the line. The emerging plan for the Ballymaguigan area and possible increase in provision there would be a few issues there. The report indicated that it should not be built at the site because there was not a proper transport infrastructure, and queried how a business in this rural area could survive if there was one in place.

The Planning Manager advised that the Planning Appeals were harsh in their decision.

The key issue was office space within the countryside which was not permissible under the current policy and this had been confirmed by the previous PAC decision. In relation to a new plan, at this stage it was not possible to pre determine the outcome processor give any weight on whether at some future date this site may be brought into the settlement limit.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney

To refuse the application

Councillor Bateson said that 18 months down the line this application may have a different outcome and could not see the justice as it was based on the potential of being detrimental to the rural character of the area. He asked that the committee have the opportunity to visit the site so they can make their own minds up.

Propose by Councillor Bateson
Seconded by Councillor McPeake

To arrange a site visit to the area so members can make their own mind up on the site.

The Chair put Councillor Cuthbertson's proposal to refuse the application to the vote:

For 7
Against 8

The Chair put Councillor Bateson's proposal to arrange a site meeting to the vote:

For 9
Against 6

Resolved: That a site meeting be arranged for planning application LA09/2016/0761/F.

LA09/2016/1047/F Granny flat extension to rear of existing dwelling at 75 Donaghmore Road, Dungannon for L McGuigan

Ms Doyle (SPO) presented a report on planning application LA09/2016/1047/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor Glasgow and

Resolved: That planning application LA09/2016/1047/F be refused.

LA09/2016/1371/O Infill site adjacent to and N of 61 Deerpark Road, Bellaghy for Mr Norman Leslie

Application to be withdrawn due to address query.

Resolved: That planning application LA09/2016/1371/O be withdrawn due to address query.

LA09/2016/1556/O Infill site for dwelling between 33 and 33b Tobermore Road, Draperstown for Teresa McNally

Ms Doyle (SPO) presented a report on planning application LA09/2016/1556/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Scullion to address the committee.

Mr Scullion advised that committee that the proposed site was for the applicant's daughter to live beside her to provide care for her mother. He said that the proposal would include an 18m frontage which was in line with other dwellings within the area. He said that the dwellings would not be an infill as it has a common frontage with other dwellings on the Tobermore Road and was not squeezed within back lands within the development. He asked members to consider the proposal and felt that an office meeting may be beneficial.

Proposed by Councillor Clarke
Seconded by Councillor McAleer and

That planning application LA09/2016/1556/O be deferred for an office meeting.

LA09/2016/1617/F Amendment to previously approved housing scheme to replace 4 detached dwellings and 6 semi-detached and change of house type for 6 semi-detached dwellings at lands opposite 374 Killyman Road, Dungannon for Boa Island Properties Ltd

Mr Marrion (SPO) advised that application was listed for approval but that there was additional information presented tonight.

He advised that planning permission had recently been granted for two developments beside this development and development had already commenced on the site. He said that changes to the conditions were made as follows:

Condition 1: proposed should be changed to read:

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

Reason: This is a retrospective application.

Condition 4: insert 'to be carried out within 12 weeks of this decision' instead of 'prior to commencement of any other development permitted'.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Bradley to address the committee.

Mr Bradley advised the committee that this site was known in the past for its anti-social behaviour and in previous years four detached dwelling were approved with the construction of supermarket and stores. Recently lands to the West of 281 Killyman Road, proposed housing development comprising the replacement of the previously approved supermarket with 3 blocks of semi-detached dwellings and exclusion of previously approved right turning lane. This development site would have two entrances and would result in reduction in traffic and in relation to other traffic, traffic management has agreed with the application.

Councillor Cuthbertson said that it was great to see the site being developed but that there was some confusion as he felt that Transport NI were obviously not aware of the volume of traffic which was going to access the development. He said that it was his understanding that the 3 block of houses on the left were accessing out onto the lower side.

Councillor Reid advised that this was a dangerous stretch of road with a high volume of traffic and that it would be essential that this issue be investigated again.

Councillor Cuthbertson felt that this application should be put on hold until everything is put in place by Transport NI and issues based on these circumstances should be more open and transparent.

McAleer withdrew her proposal.

Councillor Cuthbertson stated that Transport NI accessed their proposal on previous drawings.

Proposed by Councillor Bell
Seconded by Councillor Bateson

Resolved: That planning application LA09/2016/1617/F be approved subject to conditions as per the officer's report.

LA09/2016/1650/F Extension of the existing dairy and factory facility to provide additional cold storage warehousing; reconfiguration of dispatch bay; new palletising line and relocation of powder store (Approved under I/2013/0124/F) at lands at 139 Moneymore Road, Dunman Bridge, Cookstown for Dale Farm Ltd

Councillor Robinson declared an interest in the above application.

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Glasgow
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/1650/F be approved subject to conditions as per the officer's report.

LA09/2016/1685/F Change of house type and road layout from previously approved application I/2003/1097/F to provide 22 dwellings at land adjacent to Carryview, Urbal Road, Coagh for Sydney Brown & Son Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McAleer
Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/1685/F be approved subject to conditions as per the officer's report.

LA09/2016/1750/F Non-hazardous waste transfer station at Drumcoo Recycling Centre, Coalisland Road, Dungannon for Mid Ulster District Council

All members declared an interest in the above application.

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/1750/F be approved subject to conditions as per the officer's report.

LA09/2016/1797/F Change of house type and re-siting of dwelling to previously approved I/2008/0310/RM at land 50m E and SE of 20 Loughdoo Road, Cookstown for Shauna Loughran

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McAleer
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/1797/F be approved subject to conditions as per the officer's report.

LA09/2016/1809/O Detached single storey dwelling adjacent to 84 Hillhead Road, Creagh, Toomebridge for Noel Nugent

The Chair, Councillor Mallaghan declared an interest in the above application and vacated the Chair.

The Vice Chair, Councillor Wills Robinson took the Chair.

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/1809/F be approved subject to conditions as per the officer's report.

LA09/2017/0074/O Dwelling (infill) at site adjacent to 61a Brough Road, Castledawson for Mary Scullion

The Chair, Councillor Mallaghan returned to the Chair.

Councillor McPeake declared an interest in the application.

Ms Doyle (SPO) presented a report on planning application LA09/2017/0074/O advising that it was recommended for refusal.

Councillors Glasgow and Reid left the meeting at 8.05 pm.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Scullion to address the committee.

Mr Scullion asked for an office meeting so investigations can take place regarding cluster issues.

The Head of Development Management said that due to unusual circumstances regarding frontage he would be happy for members to seek a deferral for an office meeting.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0074/O be deferred for an office meeting.

LA09/2017/0308/O Off site replacement dwelling and domestic garage/store, 55m North West of 53 Tirgan Road, Carncose, Moneymore for Mr Mark Moran

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/0308/O be approved subject to conditions as per the officer's report.

LA09/2017/0409/O Demolition and clearance of existing forestry school and rebuild of new forestry building at 56 Pomeroy Road, Tandragee Road, Pomeroy for Mid Ulster District Council

The Chair, Councillor Mallaghan declared an interest in the above application and vacated the Chair.

The Vice Chair, Councillor Robinson took the Chair.

Councillor Gildernew declared an interest in the above application.

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McAleer
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/0409/O be approved subject to conditions as per the officer's report.

LA09/2017/0472/F Provision of a new surfaced walking route with associated lighting. Adventure trail play equipment, refurbishment of existing play area safety surfacing, provision of 1.2m high spectator fencing and associated hard standing to existing football pitch, seating and planting at Drumgoose Road, Benburb for Benburb and District Community Association

The Chair, Councillor Mallaghan returned to the Chair.

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0472/F be approved subject to conditions as per the officer's report.

LA09/2017/0538/O Two-storey dwelling and garage 65m S of 61 Deerpark Road, Leitrim, Castledawson for Norman Leslie

Application to be withdrawn due to address query.

Resolved: That planning application LA09/2017/0538/O be withdrawn due to address query.

LA09/2016/0634/O Replacement of existing filling station, shop and car wash to incorporate, alongside it, the construction of mixed use units (including a filling station, classes A1 and classes B2) and associated car parking and landscaping (amended description) at 132 Drum Road, Cookstown for Seamus Molloy

The Chair, Councillor Mallaghan declared an interest in the above application and vacated the Chair.

The Vice Chair, Councillor Robinson took the Chair.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that after deferment at the February Committee meeting a site visit was arranged where it was assumed after altering the scheme that it was acceptable. He said that he was surprised that after no further communication from the Council it was recommended for refusal again.

He said that this was an Outline Planning Permission which was generally used to find out whether or not a proposal was likely to be approved by the planning authority, before any substantial costs were incurred. This type of planning application allows fewer details about the proposal to be submitted. The submitted concept plan was for indicative purposes only.

Policy PED2 Economic Development in the Countryside is relevant and allows for the redevelopment of an established economic use in compliance with PED4. A proposal would only be permitted under this policy where it is demonstrated all the following criteria can be met.

Part A states it is acceptable where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area; in this case there is no increase in the site area and the

structures to be replaced are a disused filling station, a house, two garden centre structures, a car wash and tyre sales sheds. All these buildings are in a fairly dilapidated state. Any scheme on this site has to be planning gain.

Part B requires there would be significant environmental benefits as a result of the redevelopment. The Council has added no weight this dilapidated sites, on the main road between Cookstown and Omagh being redeveloped. He said that he would suggest that the environmental benefits as being significant.

Part C requires the redevelopment scheme deals with the full extent of the existing site and addresses the implications of the remainder of the site.

Part D requires that the overall visual impact of the replacement buildings would not be significantly greater than that of the buildings to be replaced. The current structures on site amount to shop and fillings station measuring 155m² floor area, a tyre sales shed measuring 250m², two polytunnels measuring 205m², a car wash building measuring 36m² and a house measuring 100m². The total floor area of buildings to be replaced is 846m². Proposed buildings have a footprint of 700m² thus are approx.. 150m² less than that what currently exists.

He said that the Council had raised concern regarding car parking which may provide a negative visual impact of hard standing on a roadside site but this already exists unregulated. The proposal surely will be more visually pleasing than currently exists.

The Council also has concerns regarding impact negatively on the amenities of the adjoining residential properties. However, experts in the field, namely Environmental Health have replied in their consultee stating they would have no objections to this proposal subject to conditions. Road Safety issues have also been raised, but consideration should be given to the current state of the site. The current uses and previous approvals provides for an unfettered use of the yard, the building and significantly its present access to the public road thus permitting unrestricted use of it for any vehicle. There is no history of accidents at these premises.

The scheme proposes to regulate and improve this site on one of the main gateways entering Cookstown. The new site has the potential for significant job creation. Any concerns which the Council may have can be met with suitably worded conditions and that he would request that members approve the scheme.

Councillor Clarke stated that this site has been here for over 50 years and it seemed strange that when a business was in existence for such a long period of time and there's an opportunity for redevelopment that this should be encouraged and would propose that a site meeting be held to see where to site and what could come out of it.

The Planning Manager advised that the committee had already recommended this application for an office meeting and not a site meeting as this proposal was for a small retail park type development and that traders in Cookstown would not be happy with retail units in the countryside. He said the applicant had been advised that there were no objections to the redevelopment of the petrol filling station or tyre fitting element, however additional shops and offices give rise to policy concerns.

Mr Cassidy advised that there was a potential client for the proposal and after investigations he found that no-one was against the scheme.

The Planning Manager stated what was discussed and recommended was done, but that major units were out of character for the area.

Councillor Cuthbertson advised that this application was on the deferral list and to protect the Council he would recommended refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels

To refuse the application.

Councillor McPeake stated that this was a major industrial proposal and it merits a further discussion and suggested modifications be made to try and remedy the situation.

The Planning Manager advised that the application was for shop and office units and one large shop unit connected to the garage. If the applicant wanted to amend the application into a light industrial unit, this should be more acceptable given what was on the site.

Councillor McPeake said that it was unfair to get agreement tonight from the Agent and that it would be wise to give him time to investigate issues raised.

The Planning Manager said that it was up to Members to make the decision on the application.

Councillor Clarke said that he was disappointed that when he had comments to make, that they were rubbish and as he didn't see any objections to the application, he had merely only made a suggestion on a proposal on whether it should be accepted or not. He advised that he felt under minded by the Planning Manager and made a proposal to have a site meeting as he did not have the opportunity to attend the office meeting. He said that the site may be in the open countryside, but the site was always there in the first instance.

Proposed by Councillor Clarke
Seconded by Councillor McPeake

To hold a site meeting so members have an opportunity to make their own mind up.

The Chair put Councillor Clarke's proposal to hold a site meeting:

For 8
Against 4

Resolved: That planning application LA09/2016/0634/O be recommended for a site meeting.

LA09/2016/0693/F Detached shed for winter storage of caravan and general domestic use at 239 Ballygawley Road, Dungannon for Mr Martin McCaul

The Chair, Councillor Mallaghan returned to the Chair.

Councillor McAleer declared an interest in the above application.

Application listed for approval subject to conditions as per the officer's report.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Kelly to address the committee.

Mr Kelly addressed the committee and advised that following an office meeting after the September 2016 meeting conditions were applied to the application which were adhered too and that his clients welcomed that. He advised that the objectors live at 4 White's Road and that they are concerned that the garage would have a significant overshadowing effect on their sunroom as it is stated the sunroom requires the light to provide heat and light and that the ground floods where the garage is proposed may result in it being raised up and this would further dominate the house.

Councillor McAleer said that she was in agreement with the Objector as the Applicant's house is away from the garage and the Objector's house is in close proximity.

The Planning Manager stated that the applicant has already been asked and has moved the shed to increase the distance from the sun room. How far the sun lounge the garage should be is purely a subjective manner, and in this case the officer feels the distance is now adequate.

Councillor McAleer enquired if this means there is conditions on the site and that the Objector has not disagreed to the shed and was only asking for 3m the other way which she found reasonable.

Councillor McAleer felt if this was a residential building that this wouldn't be case and as it's a shed it doesn't impact on a person's life but this isn't the case.

Councillor Gildernew said that he was concerned about one neighbour putting restrictions on another and enquired when overshadowing usually occurs at the site.

The Head of Development Management said that across the road a hill would possibly result in early morning and late autumn overshadowing.

The Planning Manager in answer to Councillor McAleer said that the applicant may be agreeable to a condition that no development takes place in the area between the garage and curtilage next to the sunroom and that he would explore this.

Proposed by Councillor Gildernew
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/0693/F be deferred until further consideration is given.

Returned from Confidential Business

I/2012/0398/F Retention of 'as constructed' 11kw Gaia Wind Turbine with an 18.4m hub height, at approx. 103m SW of 29 Crancussy Road, Cookstown for P McNally

Proposed by Councillor Gildernew
Seconded by J Shiels

Resolved: That planning application I/2012/0398/F be approved subject to conditions as per the officer's report.

P091/17 Report on application LA09/2016/1307/F – Motorsport Racetrack at Coalisland

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1307/F in accordance with Mid Ulster Council's 'A Best Practice Guide for the processing of major planning applications in Mid Ulster', where it states the Council will provide an interim report to the Planning Committee where members views are needed to help progress the application. This will also provide an update to the Planning Committee on the status of the above major planning application proposal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Maneely to address the committee.

Mr Maneely wanted to thank the Council and especially the Planning Department for all their help to date. He outlined the benefits for the Mid Ulster area if the Motor track at Coalisland is progressed. He advised that the mix of business elements on the old clay quarry site would create a significant number of jobs over the next 3-5 years within many different sectors. On the periphery of the site, a link road would provide a long-needed bypass for Coalisland, with vehicles avoiding the centre of the town and significantly reducing congestion and pollution within the town itself. Depending on the mix of business elements as agreed with the planning authorities, the focal point ie. The circuit itself, would create a large number and full-time and part-time jobs (not just specifically for racing related activities, but also service operators and those operating concerts and markets etc.).

Mr Maneely stated that facilities such as a health centre, offices and buildings with the potential for use by the community may be included if there is sufficient interest. A large number of industrial units would be constructed to encourage small and medium sized enterprises to form a business park. A training centre is envisaged which would service the needs of engineering, plastics and metal finishing related businesses. The derelict site, currently an eyesore to the side Coalisland, would be regenerated and incorporate community access to upgraded site and facilities. Different aspects of the site would appeal to the schools and youth groups; from driver training in a controlled environment to bird watching and photography etc. creating opportunities for further education for many years to come.

Walkways and cycle paths would offer other potential usage such as cross country running and off-road cycling, creating opportunities to improve the general health and wellbeing of the area. The lakes would be stocked with fish, and sailing, windsurfing and other boating activities would be available to the general public. Lake Torrent believe each of the above activities and new business would draw people to Coalisland and the surrounding area bringing in additional revenues for local businesses including shops, restaurants and accommodation providers. This additional revenue would in turn create further employment to the local community and surrounding areas.

The Chair, Councillor Mallaghan thanked Mr Maneely for his presentation and enquired what he would like the Council to do to progress this.

Mr Maneely said that there is 18 various consultancy bodies involved i.e. noise pollution, traffic management etc. and this takes time to bring everything on board. There is an onus for technical approval for safety of cars and motorcycling which would take racing off the roads and onto the racetrack. Funders need to be in place and this can only happen when approval is in place, assessments and consultancy issues and maintaining funding is essential due to Brexit and when international programme is taken into consideration.

The Chair, advised the committee that this application was unique for this area and was significantly important to try and encourage it the best way possible.

The Planning Manager said that there was a problem with major applications due to the length of time it takes which can hold up funding. The purpose of the interim report was to inform the committee of progress and to allow members to express any initial thoughts on the proposal.

A lot of issues relating to traffic management, Transport NI have stated that they can work through these and related parking issues. There is currently no licencing system for car parking in relation to key race days. Race days could be potentially a noise nuisance to the Coalisland area and these issues would need to be taken into consideration. The Planning Manager advised that race days would be inevitably noisy. However this could be acceptable as under permitted development motor sports can take place on land up to 14 days per year and that Environmental Health would indicate the acceptability of noise level.

The Planning Manager went on to advise the meeting that in his view the principal of the recreation use was acceptable in policy terms.

The Solicitor advised there was a need to be cautious as there were objections to the application and if the Objectors choose to make a representation they should have that opportunity. She stated that a decision should not be taken tonight, as this could be detrimental for members.

Councillor Gildernew stated that if Mid Ulster was serious about tourism, then this was a fine example for the route to go and would see this kind of venture of as being a huge success.

Councillor Bell agreed with Councillor Gildernew's comments and given the special circumstances around Brexit and funding opportunities, would ask that the Chair instruct Council Officers to work with consultees and interested parties to try and speed the process up.

Councillor Cuthbertson agreed that the proposal was very impressive, but said that there was a need for the committee to be cautious due to the objectors to the application. He said that if this was approved then there would be serious problems relating to the A45 and this needs to be addressed with the private developers and government departments to remedy the situation as this could be a recipe for disaster.

Mr Maneely advised members that traffic management plan was part of the application and this would be put in place.

The Planning Manager said that he would be keen to progress the application but that there was a need to be careful and give full consideration beforehand as there was no clear indication from statutory agencies.

Councillor McPeake agreed with comments regarding Objectors and other legal issues and suggested a letter of comfort be provided to Mr Maneely within reason on a regular basis for funding opportunities for his investors.

The Planning Manager said that there was a need to reassure ourselves that the issues are addressed.

Councillor McAleer advised if motorsport was taken off the roads, this would decrease road fatalities

The Planning Manager advised that the proposal was impressive and given past performance on a month he was confident that issues would be sorted out quickly.

Resolved: Members to note the information given.

P092/17 Consultation response to Department for Communities, Historical Environment Division on the listing of the Presbyterian Church, 69 Main Street, Castlecaulfield

The Head of Development Plan and Enforcement drew attention to addendum item 7 and presented previously circulated report to provide members with background and draft response to a consultation by Department for Communities, Historic Environment Division (HED) regarding their consideration to list the Presbyterian Church, 69 Main Street, Castlecaulfield BT70 3NP.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Stephens to address the committee.

Mr Stephens advised that committee that a condition report in 2012 highlighted a number of problems. Mr Stephens stated that damp, wet rot and dry rot were all identified.

He said that damp was a general feature in the walls of the church, both externally and internally. Some areas were particularly badly affected especially the wall plaster at the rear of the church, the porch and the choir area and is affecting the church building as a whole. Wet rot was also a feature and this had rotted the floor boards. The floor had to be repaired twice in the past year, some of the areas had timber replaced in the past five years and have already rotted within this time. The floorboards and floor joists have also shown signs of woodworm infestation, a problem that also is particular prevalent in the organ and choir area. Another issue within the choir area is that the walls are stained due to moisture running down them whilst mould growth is evident in the internal corners. Finally, there is also evidence of dry rot, this is evident in the condition of the back seats of the Church. These problems have all been noted in the Architect's 2012 condition report and over time this is progressively getting worse.

The Chair, advised that this was a difficult one to deal with as it involves the Historic Environment Division.

Councillor Cuthbertson advised that the Representatives from the Church approached him and that he wasn't aware if was confidential business, he said that he went back to the representatives to contact Council. He said that after listening to the Agent it would be fair to go with option 3 to all people and let them see what their proposals are and ask the Department for Communities to delay their planning process.

The Planning Manager said that looking at the Church, it was a simple building with nothing special which it makes it more attractive. He said that the graveyard at the front enhances the landscape in such architectural merit. He felt that there was no need for this to be a listed building.

Councillor Cuthbertson said that listening to the Planning Manager he felt that there was an opportunity to object to this consultation and enquired if this was the sentiments of the Planning Manager.

The Planning Manager advised the Condition Survey Report needed to be taken into account and the views of the congregation and the Council. He felt that the committee could take the view that this building should not be listed although no significant weight should be given to the economic argument that it should demolish the Church, but this is up to the HED to make that statutory decision.

The Chair, felt that the views of the Committee should be known and that objection be made to having the Church classed as a listed building.

Proposed by Councillor Bateson
Seconded by Councillor Robinson and

Resolved: To object to Department for Communities proposal of classing Castlecaulfield Presbyterian Church as a listed building.

Meeting recessed at 10.10 pm and recommenced at 10.30 pm.

P093/17 Consultation response to Department for Infrastructure on planning application LA09/2017/0301/F – sand and gravel extraction at Lough Neagh

The Head of Development Plan and Enforcement presented previously circulated report to provide members with an overview and a draft reply to the consultation from the Department for Infrastructure (DFI) on planning application LA03/2017/0310/F for extraction, transportation and working of sand gravel from Lough Neagh and also to a consultation from the PAC on an updated and amended Environmental Statement submitted for planning appeals for the alleged unauthorised working of materials – Land at Lough Neagh, Co. Antrim, Co. Armagh, Co. Down, Co. Tyrone and Co. Derry.

Councillor Bateson said that it should be noted that the environmental statement invested into this venture. He said that two groups were directly affected by this, the Lough Neagh Fishermen and the Sand Extractors and that the committee should reflect that the report commissioned by the body which has a vested interest should be approached with caution.

The Planning Manager said that there was always a risk with kind of statement and that is why there is a long process of auditing the report by the various statutory consultees. Drainage assessments, environment and design statements are required to identify problems arising and to consider if mitigation can overcome these. He said that planners have been non-committal because they would like to see sand extraction and fishing and there would be an onus on the planning department to see there is not harm to wildlife or fish.

Councillor Bateson advised that Lough Neagh Fishermen had been in the area for over 50 years.

The Head of Development Plan and Enforcement advised that her report is a summary of the non-technical summary of the ES and that there was more detail on each on each of the points in report within the ES.

Proposed by Councillor Kearney
Seconded by Councillor Bateson and

Resolved: That it be approved that:

- 1) Members to note the contents of the report and that a response be issued to the PAC to thank the PAC for their consultation and to await the outcome of the planning appeal.
- 2) A response be issued to DFI to state that we have no comment to make on the planning application consultation since the application is being decided by DFI and to note that the responsibility for checking the probity of the ES documents rests with them.

Matters for Information

P094/17 Minutes of Planning Committee held on Tuesday 6 June 2017

Members noted minutes of Planning Committee held on Tuesday 6 June 2017.

P095/17 The Planning (Environmental Impact Assessment) Regulations (NI) 2017

The Head of Development Plan and Enforcement advised that the purpose of the report was to provide members with an overview of the new Environmental Impact Assessment Regulations, made by the Department of Infrastructure (DfI) on 16th May 2017. These new regulations, known as The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 cover the assessment of the effects of certain public and private projects on the environment and revoke the 2015 regulations.

P096/17 Consultations Received

- i) Consultation on Derry & Strabane District Council Local Development Plan, Preferred Options Paper (consultation period closes on 22nd August 2017)
- ii) Consultation on Mid & Antrim Borough Council Local Development Plan, Preferred Options Paper (consultation closes on 6th Sept 2017)

Members noted the previously circulated information.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor Kearney and

Resolved: In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P097/17 to P101/17.

Matters for Decision

P097/17 Receive Enforcement Case

Matters for Information

P098/17 Confidential Minutes of Planning Committee held on Tuesday 6 June 2017

P099/17 Enforcement Live Caseload

P100/17 Enforcement Cases Opened

P101/17 Enforcement Cases Closed

P102/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.55 pm.

Chair _____

Date _____