



09 April 2018

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Monday, 09 April 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

	Planning Reference	Proposal	Recommendation
4.	Receive Planning Applications		
4.1.	LA09/2015/1288/F	Regularisation of and amendments to 500kw anaerobic digestion (AD) plant previously approved under H/2011/0436/F adjacent to 1 Gortnaskey Road, Draperstown, for Lodge Renewables	APPROVE
4.2.	LA09/2016/0751/F	Engineering workshop and offices at NE and adjacent to 1 Washingbay Road, Springisland Industrial Estate, Coalisland, for McGrath Engineering	APPROVE

4.3.	LA09/2016/0847/O	Site for new chalet dwelling approx. 150m SE of 22-24 Hanover Square, Coagh, for Mr Trevor Love	REFUSE
4.4.	LA09/2017/0918/O	Replacement dwelling 120m E of 27 Mullaghbane Road, Dungannon, for Brian Quinn	APPROVE
4.5.	LA09/2017/1142/O	Dwelling and garage approx. 5m E of 74 Kinrush Road, Ardboe, for Ciara Curran	REFUSE
4.6.	LA09/2017/1206/O	Dwelling and domestic garage/store approx. 70m NE of 111 Bancran Road, Draperstown, for Miss Caoimhe McCormack	APPROVE
4.7.	LA09/2017/1426/F	Retention of boundary wall and the alteration of ground levels to provide concrete finish to hardcored yard at 55 Knockanroe Road, Cookstown, for Reid Engineering	APPROVE
4.8.	LA09/2017/1464/F	Dwelling and detached domestic garage (substitution for LA09/2017/0488/F) at new site location 30m E of 13 Mulnagore Road, Cookstown, for Mr and Mrs Fleming	APPROVE
4.9.	LA09/2017/1490/F	Widening of existing laneway adjacent to 50 Cookstown Road, Moneymore, for Mr Mark Hamilton	REFUSE
4.10.	LA09/2017/1582/F	Remove/vary conditions 7 and 8 of LA09/2016/1165/F at lands opposite 270 Killyman Road, Killyman, Dungannon, for Boa Island Properties Ltd	APPROVE
4.11.	LA09/2017/1583/F	Remove/vary conditions 7 and 8 of LA09/2016/1617/F at lands opposite 274 Killyman Road, Killyman, Dungannon, for Boa Island Properties Ltd	APPROVE
4.12.	LA09/2017/1584/F	Remove/vary conditions 6 and 7 of LA09/2016/1166/F at lands W of 281 Killyman Road, Killyman, Dungannon, for Boa Island Properties Ltd	APPROVE
4.13.	LA09/2017/1659/O	Dwelling 120m NW of 83 Granville Road, Dungannon, for Peter O'Rourke	APPROVE
4.14.	LA09/2017/1805/F	Extension to public car park at 2	APPROVE

		Moore Street, Aughnacloy (adjacent to Tramline Way), for Mr Leo Daly	
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	Planning Reference	Proposal	Recommendation
5.	Receive Deferred Applications		
5.1.	LA09/2017/0528/O	Site for dwelling and detached double garage adjacent to 41 Drumsamney Road, Desertmartin, for Andrew Moore	APPROVE
5.2.	LA09/2017/0846/F	Cattle welfare unit including storage and proposed yard area for storage at 175m SE of 66A Kilnacart Road, Dungannon, for Niall McCann	REFUSE

- | | | |
|----|--|-----------|
| 6. | Receive Revocation Report | 161 - 164 |
| 7. | Receive Planning Department Service Plan | 165 - 186 |
| 8. | Planning Programme for Elected Members | 187 - 204 |

Matters for Information

- | | | |
|----|--|-----------|
| 9 | Minutes of Planning Committee held on 6 March 2018 | 205 - 226 |
| 10 | Receive Appeal Decision | 227 - 238 |

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

Matters for Decision

11. Receive Enforcement Report

Matters for Information

12. Confidential Minutes of Planning Committee held on 6 March 2018
13. Enforcement Live Case List
14. Enforcement Cases Opened
15. Enforcement Cases Closed



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/1288/F	Target Date:
Proposal: Proposed regularisation and amendments to 500kW anaerobic digestion (AD) plant previously approved under H/2011/0436/F (Amended plans received)	Location: Lands adjacent to 1 Gortnaskey Road Draperstown BT45 7JX
Referral Route: This application is being referred to Committee as 19 objections have been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Lodge Renewables 24 Lisgorgan Lane Maghera BT46 5TE	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	DAERA - Veterinary Service (Animal By-Products)	No Objection
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	NIEA	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NIEA	Substantive Response Received

Non Statutory	Rivers Agency	No Objection
Non Statutory	DAERA - Veterinary Service	No Objection
Non Statutory	DAERA - Veterinary Service (Animal By-Products)	Add Info Requested
Non Statutory	NIE - EIS Applications	No Objection
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	24
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues including Representations

19 representations from 12 objectors, including some repetitive letters, have been received in respect of this proposed development and relate to the following issues:-

- A significant increase over the previously approved development;
- Development already commenced;
- Lack of details regarding the quantity of throughput and its origin;
- Additional traffic generated;
- Intended operating levels;
- Why has a stop notice not been issued;
- Grant aid for the proposed development;
- Noise;
- River pollution;
- Waste disposal;
- The need for an Environmental Statement;
- No neighbour notification to No.60 Magherafelt Road;
- Proposed development was not advertised;
- Previous pollution incidents caused by this plant;
- Odours;
- Approval rate for planning application in Mid-Ulster;

Description of proposal

This is a 'full' application for the 'proposed regularisation and amendments to 500kW anaerobic digestion (AD) plant previously approved under H/2011/0436/F' which includes a 1no 32m diameter anaerobic, a reception tank building which houses 2 no. 9.4m diameter and 2 no. 12m diameter reception tanks, a 4258m³ covered slurry lagoon which measures 128m x 30m, a

roofed feed hopper, a welfare office building, containerised pump room, containerised control room, a containerised CHP, a gas derailer, a NIE control panel unit, a package treatment plant, 2 no. silage clamps, landscaped earth bund, security fencing and other associated structures. A previous planning approval was granted under H/2011/0436/F for a smaller AD plant on a 0.41ha site but the current proposal is on a much larger site and extends to 2.066ha. A statement has been submitted with the application and details that the feed stock for the plant will be grass silage/slurry (EWC 20 01 06) as per the previous approval with the feedstock being drawn from the applicant's holding and wider area.

Characteristics of the site and area

This site is located on lands adjacent to 1 Gortnaskea Road, Draperstown. The site is currently under construction with the proposed AD plant well underway. The site sits adjacent to an existing working farm yard with extensive farm buildings and yard on a road frontage site. There is a large two storey dwelling associated with the farm holding to the immediate south with separate access onto the Gortnaskey Road. The site is surrounded by agricultural land which is currently used for grazing/silage. The Altagoan River exists adjacent to the eastern boundary of the site. The northern site boundary is defined by a thick belt of conifer trees which effectively screens the development on approach from the north and gives a good backdrop when viewed from the south. This is aided by the backdrop of a mature thick belt of trees further east of the site running along the Altagoan River.

A number of amendments have been made from the original site layout and include, the containerised control room being repositioned approximately 13m west with a concrete base laid for additional plant. This has now been detailed as a 'gas derailer', the provision of this has necessitated the repositioning of the containerised CHP and the NIE control panel unit further westwards and closer to the road.

Planning Assessment of Policy and Other Material Considerations

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

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

Consultee responses:-

TransportNI - No objection subject to the inclusion of stated conditions.

Environmental Health – Following numerous amendments and the provision of additional information it has been accepted that the proposed AD plant would be acceptable subject to the inclusion of suggested conditions relating to noise and feedstock.

Shared Environmental Services – The proposed development would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

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

NIEA: Water Management Unit advised that subject to conditions, all the relevant statutory permissions being obtained, the applicant adhering to standing advice they have no objections. Also advised that they have considered the Construction Management Plan and given that this is a retrospective application, they have nothing further to add.

NIEA: Waste Management Unit advised that a waste authorisation will be required.

DARD – Veterinary Service have no objections.

DARD – Veterinary Service Animal By-Products advised that under current policy guidelines such a plant would not require ABPR approval. Normal on farm biosecurity requirements should be observed. If there are any changes to the list of feedstocks then DARD should be consulted as soon as possible. The movement of slurry off the farm and the movement of digestate back to the farm will need to be recorded in accordance with the Nitrates Action Programme Regulations.

Rivers Agency advised that they previously granted consent to discharge and have no reason to disagree with the drainage assessment.

NIE – had no issues of concern subject to relevant advice.

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

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

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

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

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

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

The proposed development is grouped and sited with existing farm sheds, therefore meeting the locational criteria of Policy WM 2. The scale and design of the proposed container to store the CHP generator is acceptable and has the appearance of an industrial container. The existing farm outbuildings and mature trees in close proximity to the site provide an adequate degree of screening to integrate the proposed development into the site. The proposal will not impact upon visual amenity and landscape character.

The proposal involves the processing of waste which is carried out within a purpose built facility as required by Policy WM2 and the facility is appropriate to the handling, storage, treatment and processing of the waste which is to be accepted at the site. The process involves the recovery of energy through anaerobic digestion and the use of a CHP plant which makes the best use of the recovered energy with the residual digestate being available for land spreading as a fertiliser. The proposal has been considered by Environmental Health who have advised that following a number of amendments that the proposal is acceptable subject to conditions and therefore it will not result in an unacceptable adverse environmental impact.

It is my considered opinion that when the proposed development is assessed against all the criteria in Policies WM1 and WM2 of PPS 11 it meets all those criteria and is acceptable.

The statement submitted with the application details that the main feedstock for the digester will be grass silage and slurry as per the previous approved AD plant. The throughput is also stated as being unchanged from the previous approved plant and remains at approximately 2.5m³ of cattle slurry will be added to the system each day. In addition grass silage, cereal crops, farmyard manure and other organic waste produced on the farm may be included as additional feedstock. European Waste Catalogue code 02 01 06 has been provided for the silage and animal slurry and is acceptable.

Relevant consultees have been consulted with regard to public safety, human health and air quality. DAERA Veterinary Service Animal By - Products advised that under current policy guidelines such a plant would not require ABPR approval. Normal on farm biosecurity requirements should be observed. If there are any changes to the list of feedstocks then DAERA should be consulted as soon as possible. The movement of slurry off the farm and the movement of digestate back to the farm will need to be recorded in accordance with the Nitrates Action Programme Regulations.

Noise impact by the proposed development to the nearest residential dwellings has been considered in a submitted noise impact assessment. Following numerous amendments and additional information being provided together with an additional structure being provided on site, Environmental Health agree with the findings of the assessment and find the proposed development is acceptable subject to the conditions.

With regard to Air Quality, AERMOD Dispersion Modelling was used to consider pollutant air emissions and to predict potential impacts the development would have on the nearest sensitive receptors. The results of the modelling indicates that average pollutant concentrations over an annual period would be significantly below limit values.

Best Practice Guidance to Planning Policy Statement 18 details that serious farm pollution incidents can occur through the leakage or run-off of raw agricultural wastes. The AD of farm waste should reduce the likelihood and capacity of the material to pollute controlled waters. However, it is noted that the proposed development also includes a new slurry lagoon which extends to within 17m of the Altagoan River. By following the Department of Agriculture and Rural Development Code of Good Agricultural Practice for the prevention of Pollution of Water, Air and Soil, emissions to ground and watercourses should be minimised. NIEA Water Management Unit have been consulted and outline measures required and the relevant legislation with regard to pollution. NIEA Natural Heritage have no objections to the proposal provided a condition as specified above in the consultee responses is specified on any approval.

Consideration of issues:-

Environmental Health raised issues regarding predicted noise levels, the sound reduction index provided by the container housing the CHP plant, additional information is required on the working of the proposed foil lagoon and is the floating cover on the lagoon odour and air tight. Following a number of amendments and the submission of additional information, EHD advised that the proposal is considered to be acceptable subject to suggested conditions. The suggested conditions relate to noise, type of feedstock, hours of operation for vehicle movements both within and to/from the site, the provision of an earth bund and an acoustic barrier to screen the CHP container and the minimum height of the stack serving the CHP plant.

It has been advised that a condition be attached to any planning permission detailing organic feed stocks accepted at the proposed development site shall only include those detailed in the application. A condition restricting the types of waste to EWC code 02 01 06 will ensure no other feedstocks can be used that would be detrimental on neighbouring residents by way of odour.

The feedstock detailed in the application will not cause detrimental impact in terms of odour. Paragraph 3.2.5 of Best Practice Guidance to PPS18 details

A copy of the Transport Assessment Form submitted in respect of the previously approved development on this same site (H/2011/0436/F) was submitted with regard to traffic movements. DRD Roads Service were consulted with the TAF and in assessing the proposal have no objections to the proposal provided conditions are attached relating to the provision of necessary visibility splays at the proposed access.

NIEA were consulted and advised of the following:-

Water Management Unit were content subject to conditions and informatives;

Waste Management Unit advised that a waste authorisation will be required and that the applicant should satisfy themselves that they have sufficient storage capacity for the closed period;

Natural Environment Division requested additional information to allow a robust Habitats Regulation Assessment and an assessment of the impact on the ASSI site to be undertaken.

Following the submission of additional information relating to the land spreading of the digestate, NED advised that they had no further concerns subject to conditions.

Consequently, this planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has therefore been assessed in accordance with those requirements and it is concluded that the proposal would not be likely to have a significant effect on the features of any European site.

The response from NIEA considered the impact on the adjacent Altagoan river. NIEA Natural Heritage have noted the site is adjacent to Altagoan River and have no objection to the proposal provided there shall be a temporary 10 metre buffer fence constructed between the red line of the site and the river bank and no construction activity associated with the development including removal, dumping or storage of materials shall take place within the buffer strip. This will ensure the river is protected and a condition requiring this can be specified on any approval.

Development must comply with the regulations specified in NIEA Water Management Unit consultation response. Under the NAP Regulations any run-off meeting the definition of slurry must be collected in a slurry tank. Run-off meeting the definition of dirty water must be collected with the slurry or in a separate dirty water tank. Only clean water should be disposed of to a soakaway or waterway. The last revised site layout plan states that 'all handling of silage to be contained over an impermeable surface as shown. All silage effluent run-off to be collected within proposed drainage system and connected to slurry storage reception tanks. Yard to be set at a fall running to gullies connecting to slurry reception tanks.

Policy CTY 1 details that planning permission will be granted in the countryside in the case of renewable energy project in accordance with PPS 18. Given the mature vegetation that exists in the area, the backdrop provided by existing trees and that the site is located adjacent to existing farm buildings on land owned by the applicant, it is considered the proposal is acceptable in terms of Policies CTY 13 and 14 of Planning Policy Statement 21. Whilst it is acknowledged that the green cover of the digester tank is visible on approach from the east along the Desertmartin Road, it is not unreasonable to expect to see some form of development at a large scale farm yard. The determination as to whether a new building integrates into the landscape is not a test of invisibility but rather an assessment of how well the proposed development blends into the surrounding area. In my opinion, the proposed development will achieve an adequate degree of integration into the surrounding landscape and although the top of the digester tank will be the most visible, these are limited to short distance critical views and as the cover is a typical green colour, it blends in with the surrounding landscape and existing agricultural buildings to such an extent that it is not unduly conspicuous.

The assessment of this proposal is on the basis of the information provided with the application and that feedstock for the digester will be organic matter in the form of silage and slurry from the applicant's farm holding and surrounding area. This is the same as the previously approved AD plant and is therefore acceptable.

In assessing the proposal it is my considered opinion that the proposed development will not result in an unacceptable adverse impact on any of the areas raised in Policy RE1 above.

Issues raised in the objections received have been considered as follows:-

- A significant increase over the previously approved development;

It is acknowledged that the proposed development is significantly larger than the previously approved AD plant, however, this application must be considered on its merits and the extent of the previous approved development should not act as a limit for this proposal;

- Development already commenced;

Whilst the development has already commenced and is now operational, this is not a determining factor in the consideration of this application as the application has been considered as if this was a green field site. However, consideration must be given to the fact that there is an extant planning approval for a similar development on this site;

- Lack of details regarding the quantity of throughput and its origin;

Details have been provided within the supporting statement of the throughput of the feedstock. It is stated that this will not change from the previous approved AD plant and the origins of the feed stock will remain the same, ie. the applicants farm holding and the wider area;

- Additional traffic generated;

Transportni have accepted the traffic levels and have no issues of concern.

- Intended operating levels;

The operating levels are considered to be acceptable;

- Why has a stop notice not been issued;

A stop notice was not issued as the principle of the proposal was already accepted through the previous approval. Therefore to have issued such a notice may have given rise to a claim of compensation for financial loss;

- Grant aid for the proposed development;

This is not a planning consideration;

- Noise;

This has been fully considered by Environmental Health through the relevant noise reports submitted;

- River pollution and previous pollution incidents caused by this plant;

It is noted that reference has been made to a previous pollution incident, however, this is subject to investigation under separate legislation and therefore as the issue of pollution of nearby watercourses has been considered by NIEA: Water Management Unit who advised that the proposal is acceptable subject to conditions, the proposal is considered acceptable in this regard;

- Waste disposal;

The waste generated from the proposed development will be spread on agricultural land as a fertiliser and is therefore acceptable;

- The need for an Environmental Statement;

An Environmental Impact Assessment has been completed for the proposal and as this has resulted in a nil-determination, an Environmental Statement is not required;

- No neighbour notification to No.62 Magherafelt Road;

The site of the proposed AD plant is located approximately 250m from No.62, therefore this address was not entitled to be neighbour notified.

- Proposed development was not advertised;

The details of the proposal were advertised in the local papers on 11th January 2016;

- Odours;

The issue of odours has been considered by Environmental Health who have no concerns in this regard;

- Approval rate for planning application in Mid-Ulster;

The rate of applications being approved in Mid Ulster District Council Area is not an issue for consideration in the assessment of this application.

Objections received in relation to the proposal have been considered and following consultation with relevant bodies no concerns have been raised regarding the impact of the proposal on human health or on the environment subject to suggested conditions as detailed in the main assessment of the report. The proposal has been assessed under the relevant Policies and is considered acceptable.

Recommendation

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to conditions.

Conditions

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

Reason: This is a retrospective application.

2. The level of noise emitted from the CHP plant shall not exceed 50 dB LAeq,15min, as measured at location grid reference 279790 394786.

Reason: To protect residential amenity

3. Within 4 weeks of a written request by Planning Department following a reasonable noise complaint, the site operator shall at their expense employ a suitably qualified and competent person, to assess the level of noise emissions from the site at the complainant's property following the procedures described in BS4142:2014. Details of the noise monitoring survey shall be submitted to the planning department for written approval prior to any monitoring commencing.

Reason: To protect residential amenity.

4. Organic feed stocks accepted at the proposed development site shall only include;

- Silage or maize stored in the covered open clamp
- Farm animal slurries and glycerine held in sealed storage tanks
(European Waste Catalogue code 02 01 06).

Reason: To protect residential amenity.

5. All vehicles operating within the development site shall be fitted with tonal reversing alarms. This does not prevent the use of white noise (full spectrum) reversing alarms.

Reason: To protect residential amenity.

6. Vehicle movements within and to/from the site shall be limited to within the hours of 07.00 to 23.00.

Reason: To protect residential amenity.

7. A 4m high acoustic barrier shall be constructed and maintained around the CHP building as annotated on stamped approved drawing no. 03/1 date stamped 6th December 2016.

Reason: To protect residential amenity.

8. An earth bund at least 2m in height shall be constructed and maintained along the Northern boundary of the proposed development site as indicated on stamped approved drawing no. 03/1 date stamped 6th December 2016.

Reason: To protect residential amenity.

9. The stack serving the combined heating and power (CHP) plant shall have an 'effective stack height' no less than that as defined within the Environment Agency Document entitled, "Standard rules SR2010No16 – On-farm anaerobic digestion facility including use of the resultant biogas

Reason: To protect residential amenity.

10. The vehicular access, including visibility splays of 2.4m x 45m north and 2.4m x 60m south on Gortnaskey Road, and visibility splays of 4.5m x 90m in both directions at the junction with Magherafelt Road shall be in place in accordance with Drawing No. 03 bearing the date stamp 21st December 2015, 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.

11. 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.

12. A temporary 10 metre buffer fence shall be erected between the redline boundary and the river bank and no construction activity associated with this development including dumping or storage of material shall take place within the buffer strip.

Reason: To protect the river.

13. A Method of Works Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

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

Signature(s) Date:

ANNEX	
Date Valid	21st December 2015
Date First Advertised	11th January 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Gortnaskey Road, Gortnaskey, Draperstown, Londonderry, BT45 7JX, Pearse Bradley 11 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Nakita Bradley 11 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Marie Bradley 11 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Jemma Bradley 11 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Shay Bradley 11 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Pierce Bradley 11, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Jemma Bradley 11, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Nakita Bradley 11, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Marie Bradley 11, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Shay Bradley 11, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Adrian & Catherine McCoy 14 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Siobhan Convery 2 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Margaret Sargent 3 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Katie Sargent 3 Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX K Sargent 3, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX M Sargent 3, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX K Sargent 3, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX M Sargent 3, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Cahan Kelly 4, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX	

Niamh Kelly 4, Gortnaskey Road, Draperstown, Londonderry, Northern Ireland, BT45 7JX Philip MAGUIRE 55 Loughbeg Road Ballyscullion East Toome Francis Quinn 5B Gortnaskey Road, Draperstown, Co. Derry, BT45 7JX Deirdre Quinn 5b Gortnaskey Road, Draperstown, Co. Derry, BT45 7JX Paul and Margaret Mulgrew 62, Magherafelt Road, Draperstown, Londonderry, Northern Ireland, BT45 7JT	
Date of Last Neighbour Notification	9th December 2016
Date of EIA Determination	1st April 2016
ES Requested	Yes /No
Planning History Ref ID: H/1993/6039 Proposal: BONING AND MEAT PREPARATION FACILITY GORTNASKEA ROAD DRAPERSTOWN Address: GORTNASKEA ROAD Decision: Decision Date: Ref ID: H/2011/0436/F Proposal: Construction of 1 no 28m diameter anaerobic digester, 1 no 25m diameter storage tank, 2m high landscaped mound along lane and 1 no shed to store CHP generator, gas balloon and plant equipment with gortnaskea road widened from B40 to site access and visibility splays to be provided at the junction of Gortnaskea Road onto B40 Address: lands adjacent to 1 Gortnaskea Road Draperstown BT45 7JX, Decision: PG Decision Date: 08.03.2013 Ref ID: H/2011/0317/F Proposal: Proposed Farm Building Address: Adjacent to 1 Gortnaskey Road, Draperstown, BT45 7JX, Decision: Decision Date: 14.12.2011 Ref ID: H/1992/0381 Proposal: IMPROVEMENTS TO DWELLING Address: THE LODGE 1 GORTNASKEY RD DRAPERSTOWN Decision: Decision Date: Ref ID: H/2009/0055/O Proposal: Site of Dwelling and garage (on a farm).	

Address: Approx 40m East of 3 Gortnaskey Road, Draperstown.

Decision:

Decision Date: 30.12.2010

Ref ID: LA09/2015/1288/F

Proposal: Proposed regularisation and amendments to 500kW anaerobic digestion (AD) plant previously approved under H/2011/0436/F

Address: Lands adjacent to 1 Gortnaskey Road, Draperstown, BT45 7JX,

Decision:

Decision Date:

Drawing Numbers and Title



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0751/F	Target Date:
Proposal: Engineering Workshop and Offices.	Location: NE and Adjacent to 1 Washingbay Road Springisland Industrial Estate Coalisland Dungannon
Referral Route: objection received to recommendation to approve.	
Recommendation: Approval	
Applicant Name and Address: McGrath Engineering 200 Annagher Road Dungannon BT71 5DA	Agent Name and Address: Teague and Sally Ltd Loy Buildings 18 Loy Street Cookstown BT80 8PE
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Error
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	Substantive Response Received

Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Rivers Agency	Advice
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Statutory	NIEA	Content
Statutory	NIEA	Content
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	3	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues - third party concerns in relation to scale, layout, noise and disturbance.		

Characteristics of the Site and Area.

Former industrial site, currently vacant of some 0.56 hectares. The site is somewhat elevated in relation to an adjacent nursing home at No 17 Annagher Road. Residential dwellings on opposite side of the road. The site falls within a zone of existing industry and business sandwiched between Annagher and Washingbay Road. Access to be via existing estate road.

Description of Proposal

Engineering Workshop and Offices. Overall building height of 13.5m, internally it will contain offices, canteen and lockers with main area for engineering workshop. 3 large sliding doors to provide access to workshop area. Materials to be of goosewing grey cladding, light grey slit face block work to office area. Proposed signage shown (subject to separate consent). 46 No. car parking spaces and lorry parking and circulation areas proposed and detailed on plans. Boundary mitigation proposed and internal soft landscaping.

Planning Assessment of Policy and Other Material Considerations

Dungannon Area Plan
SPPS
PPS4
PSRNI
PPS3

The above are the primary guiding policy documents relating to the assessment of this proposal.

The site as already indicated is located within an area identified as being established for existing industry and business. To that extent the principle of this type of development is deemed to be acceptable, subject to other relevant planning and environmental criteria.

The SPPS supports economic growth in the following strategic way:

4.19 'Planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions'.

4.20 'When assessing the positive and negative economic implications of planning applications planning authorities should ensure the approach followed is proportionate to the scale, complexity and impact of the proposed development. When taking into account the implications of proposals for job creation, planning authorities should emphasis the potential of proposals to deliver sustainable medium to long-term employment growth. Furthermore, in processing relevant planning applications planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region'.

4.21 Supporting sustainable economic growth through proactive planning does not mean compromising on environmental standards. The environment is an asset for economic growth in its own right and planning authorities must balance the need to support job creation and economic growth with protecting and enhancing the quality of the natural and built environment.

Economic growth can also contribute to higher social standards and improve the health and well-being of our society overall.

At a more operational level the SPPS advises:

6.81 The planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

6.91 All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

This application originally proposed some 2490sq.m of floorspace for an engineering workshop for McGrath Engineering located at No 200 Annagher Road. Initial internal group discussions and in light of objection from the adjacent nursing home lead to the submission of a reduced scheme and other amends to the buildings configuration to attempt to reduce its impact on the home, both in terms of overlooking and overbearing and indeed potential noise nuisance. A key change in the scheme was to re-locate the building away to the NE corner of the site to improve separation distances between the home and the unit and to introduce the parking and circulation areas to the nursing home side, with an appropriate buffer and 2m high sound barrier here also.

I will assess the proposal as amended and shown on plans dated 14 June 2017 against the policy requirements of PPS4 Policies PED1 and PED9.

PED1

Class B2 Light Industrial Use and Class B3 General Industrial Use

Under this Policy a development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

PED9

Policy PED 9 General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;

Compatibility of this proposal has been a key consideration of the application, not because it's at conflict with the site's industrial zoning, but rather to ensure the protection of neighbouring properties is not adversely impacted upon.

To that extent noise assessments have been submitted from both the applicants and objector to determine the likely noise impacts from this application. EHOs consultation response of 15th Feb 2018 recommends approve subject to strict conditions relating to the buildings fabric, its hours of operation and site in general. It should be noted that these are as presented at the end of this report. I would also wish to clarify that EHO have, in light of objections to a 09:00 hours of

operation limit, agreed to extend this to 08:00. It is also my view that the agent has gone some considerable way to address the Councils and objectors concerns in relation to the impact of the scheme on the residents of the nursing home by considerably amending the plans as described above. This takes into much better account the distance and level differences between the sites.

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

As above much of these concerns have related to noise, both from engineering activity and vehicle movements. I am satisfied that in light of the approval from EHO that nearby residents will not be adversely impacted upon by the proposal as amended and given the conditions proposed.

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

HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

This is in response to surveys submitted by the applicant in relation to flora and fauna.

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

Rivers Agency have advised that providing the drainage works described in the Drainage Assessment, noted on drawing 16-1443-201 are implemented and Schedule 6 approval is obtained as stated within 10.3 of the report, the proposed development should not increase the risk of flooding to the development or elsewhere.

(e) it does not create a noise nuisance;

I have addressed this matter previously.

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

No obvious impediments are raised in relation to these matters / usual consents required from NI Water / NIEA

(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;

DFI Roads in considering a TAF for this application have no objections on road safety grounds.

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

these are detailed on plans and have been agreed with DFI Roads.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

This site is fairly close to the town centre and has convenient access for all those who would require to visit.

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

the design offered is in my opinion of a high quality with adequate softening proposed.

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

as above – I feel that these matters have been carefully considered. The critical boundary with the nursing home is well detailed and provides adequate screening and protection.

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

I see no obvious site security issues with the proposal.

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

N/A

Consideration of local objections.

3 letters of objection are on file (2 from Sanville Nursing Home). 1 from the occupant of No 48a Annagher Road.

The key issues raised by No 48a relate to the following:

- that there is already a noise nuisance emanating from businesses in Springisland Industrial Estate
- an additional enterprise will exacerbate this and there are much more suitable countryside locations.

In response I would note that the proposed location is zoned as an area of existing industry. Policy would not support the applications in the open countryside. EHO have not objected to the application having considered noise mitigation measures and have suggested strict conditions. EHO have the ability when required to investigate any current noise complaints from the estate.

The nursing home made the following points of objection:

- that Policy PED8 /9 of PPS4 were not met
- as such the proposal is incompatible, will impact on an open amenity space, will overbear, lead to a loss of privacy and have a noise impact on the home.
- A desire to submit an 'independent noise report'
- GSNi clearance needed on ground conditions.

In response I would make the following observations.

Policy PED8

Development incompatible with Economic Development Uses

This Policy states that a proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

This Policy is intended to protect existing economic development uses from other development. As such I do not think it lends support to the argument presented that the nursing home benefits as the preamble to PPS4 defines economic development as follows:

For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2004:

Class B1: Business Use - (a) as an office other than a use within Class A2 (Financial, professional and other services); (b) as a call centre; or (c) for research and development which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2: Light Industrial Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B3: General Industrial Use for the carrying on of any industrial process other than one falling within Class B2. 1 Class B4: Storage or distribution Use for storage or as a distribution centre.

In any case careful consideration has been given to protecting the amenity of the nursing home by way of amendments to the layout. These have been significant changes resulting in an entirely different means of developing the site removing all built development away from the boundary shared by the Home. Added to this is the approval of EHO of the scheme subject to conditions having considered all noise reports offered. I have previously set out how I feel Policy PED 9 is satisfied.

It is therefore my view that the Council have from the outset attempted to protect the nursing home and other residents from nuisance and to ensure residents of the home in particular can continue to enjoy their residence. The proposed plans I feel offer this protection, have taken account of the layout and outdoor space around the home and will provide boundary treatments to reduce all likelihood of nuisance.

GSNI provided the following comments to the Council and did not object to the proposal:

Geological Survey of Northern Ireland (GSNI) assessed the above mentioned planning proposal in view of stability issues relating to abandoned mine workings

A search of the Geological Survey of Northern Ireland "Shafts and Adits Database" indicates that the proposed site is adjacent to the abandoned Ulster Fireclay Mine. This was abandoned in 1931 due to water ingress. There are no records on the current condition of the mine workings.

This letter summarises the information currently held by GSNI. We acknowledge that our databases may not be comprehensive and that in certain circumstances the precise location of features and boundaries cannot be guaranteed as being accurate. I would therefore draw your attention to the attached "Conditions and Limitations".

Conditions and Limitations:

Use by the customer of information provided by the Geological Survey of Northern Ireland is at the customers risk. The Department of Economy gives no warranty, expressed or otherwise implied as to the quality or accuracy of information supplied by the Survey. The report provides only general indications of ground conditions and must not be relied upon as a source of detailed information about specific areas or

as a substitute for site investigation or ground surveys. Users must satisfy themselves, by seeking appropriate professional advice and carrying out ground surveys and site investigations if necessary, that the ground conditions are suitable for any particular use or developments

Neighbour Notification Checked

Yes/No

Summary of Recommendation: approval subject to conditions.

Conditions

Approve drawing 02 (Rev.01) received 14/06/17 subject to the following condition:

1.No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02 (Rev.01) bearing date stamp 14/06/17 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.

2 . The enclosure of the building will have panelling or a composite/metal/masonry material, with have no gaps at any point and shall provide a sound reduction Rw of at least 25dB, as detailed in the *Environmental Noise Assessment, McGrath Engineering Spring Island Industrial Estate* by *Acoustic Designs* dated *3rd June 2016*, updated response *January 2017* and additional information dated 17th October 2017.

Reason: *To protect the amenity of residents.*

3 . The roof lights to the building will have no gaps at any point and shall provide a sound reduction Rw of at least 25dB, *Environmental Noise Assessment, McGrath Engineering Spring Island Industrial Estate* by *Acoustic Designs* dated *3rd June 2016*, updated response *January 2017* and additional information dated 17th October 2017.

To protect the amenity of residents.

4. The doors to the Engineering workshop shall be constructed and maintained at all times to provide a sound reduction Rw of at least 15dB, as detailed in the *Environmental Noise Assessment, McGrath Engineering Spring Island Industrial Estate* by *Acoustic Designs*

dated 3rd June 2016, updated response January 2017 and additional information dated 17th October 2017.

5. There shall be no deliveries and/or external activity outside the hours of 09:00 hours and 18:00 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sunday (EHO have since agreed to an 08:00 hours start time)

Reason: To protect the amenity of residents.

6 Prior to the commencement of site operations a 2m high acoustic barrier shall be erected and permanently retained along the site's boundary as presented on Drawings A02, Dated Nov 16 and Drawings A05, Dated Nov 16.

To protect the amenity of residents.

6. The barrier shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self-weight of 25 Kg/m²

Reason: To protect the amenity of residents.

7 The noise level from the facility with all plant and equipment fully operational shall not exceed the limits outlined in Table 1 below during the permitted hours of operation when measured at a distance of 3.5 metre from the façade of the appropriate property (17a Annagher Road).

Reason: To protect the amenity of residents.

Table 1: Noise limit with all plant and equipment fully operational taking place (dB LAeq, 1 hour (inc. tonal penalty)) at boundary of

17a Annagher Road, Coalisland 48dB

8. All planting to be carried out during the first available planting season after commencement of the development and replaced if necessary.

Reason: In the interests of visual amenity.

Signature(s) M.Bowman

Date: 27th March 2018

ANNEX	
Date Valid	25th May 2016
Date First Advertised	9th June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Washingbay Road, Springisland Ind Estate, Coalisland, Dungannon, BT71 4ND The Owner/Occupier, 17 Annagher Rd, Coalisland, Dungannon, County Tyrone BT71 4NE Brendan Gervin for Sanville PNH 17 Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 4NE The Owner/Occupier, 17a Annagher Road, Coalisland, Dungannon, BT71 4NE The Owner/Occupier, 28 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, The Owner/Occupier, 2A Washingbay Road Annagher Coalisland The Owner/Occupier, 30 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, The Owner/Occupier, 34 Annagher Road Annagher Coalisland The Owner/Occupier, 36 Annagher Road Annagher Coalisland The Owner/Occupier, 38 Annagher Road Annagher Coalisland The Owner/Occupier, 40 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, The Owner/Occupier, 42 Annagher Road Annagher Coalisland The Owner/Occupier, 46 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, The Owner/Occupier, 46a Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, The Owner/Occupier, 48 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, Peter Grant 48A Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 4NE The Owner/Occupier, 48a Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, The Owner/Occupier, 52 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE, The Owner/Occupier, 56 Annagher Road Annagher Coalisland The Owner/Occupier, 58 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE,	

The Owner/Occupier,
 62 Annagher Road, Annagher, Coalisland, Tyrone, BT71 4NE,
 The Owner/Occupier,
 Fireclay Works 2 Washingbay Road Annagher
 Brendan Gervin
 Sanville Private Nursing Home, 17 Annagher Road, Coalisland, Dungannon, Co.
 Tyrone, BT71 4NE
 The Owner/Occupier,
 UNIT 5 Washingbay Road Industrial Estate
 The Owner/Occupier,
 Unit 2, Washingbay Road, Industrial Estate, Annagher, Coalisland, Tyrone, BT71 4ND,
 The Owner/Occupier,
 Unit 4 Washingbay Road Industrial Estate

Date of Last Neighbour Notification

1st March 2018

Date of EIA Determination

6th June 2017

ES Requested

Yes /No

Planning History

Ref ID: M/2012/0055/F

Proposal: Proposed part change of use from existing grocery supermarket to off-licence within existing shop

Address: Springisland Supermarket, 2, Washingbay Road, Coalisland,

Decision:

Decision Date: 26.03.2012

Ref ID: M/1999/0078

Proposal: Petrol Filling Station comprising Kiosk and pump facilities

Address: Site no. 1 New commercial site development (adjacent to existing supermarket) Washingbay Road, Coalisland

Decision:

Decision Date: 15.02.2001

Ref ID: M/1997/0263

Proposal: New Vehicular/Pedestrian Access and Car Parking

Address: SITE 1 ADJACENT TO FIRECLAY WORKS WASHINGBAY ROAD
 COALISLAND

Decision:

Decision Date:

Ref ID: M/1997/0333

Proposal: Extension to Vacant building to provide retail shop
 outlet and warehousing

Address: SITE NO. 1 NEW COMMERCIAL SITE DEVELOPMENT WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1991/0581B

Proposal: Construction of service road for industrial sites.

Address: APPROX 60M EAST OF NO 1 WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1991/0581

Proposal: Development of vacant land to provide 6 No serviced sites for commercial or industrial development

Address: ADJACENT TO 5 & 7 WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0526

Proposal: Restructuring of fireclay works including part demolition and erection of new industrial buildings

Address: 1 WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2001/0228/F

Proposal: Extension to existing factory

Address: 1 Washingbay Road Coalisland

Decision:

Decision Date: 24.04.2001

Ref ID: M/2002/0252/F

Proposal: Extension to existing Nursing Home

Address: Sandville Nursing Home, Annagher Road, Coalisland

Decision:

Decision Date: 23.05.2002

Ref ID: M/2009/1046/F

Proposal: Renewal of previous approval (Ref M/2002/0252/F) extension to existing nursing home

Address: Sandville Nursing Home, Annagher Road, Coalisland

Decision:

Decision Date: 12.02.2010

Ref ID: M/1994/0003

Proposal: Erection of joinery works and ancillary offices for manufacture of specialist furniture

Address: SITE 5 INDUSTRIAL ESTATE WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2000/0960/F

Proposal: Extension to existing joinery workshop

Address: Unit 5 Industrial Estate Washingbay Road Coalisland

Decision:

Decision Date: 22.05.2001

Ref ID: LA09/2016/0751/F

Proposal: Engineering Workshop and Offices

Address: NE and Adjacent to 1 Washingbay Road, Springisland Industrial Estate, Coalisland, Dungannon,

Decision:

Decision Date:

Ref ID: M/2012/0512/F

Proposal: 2 No. proposed single storey extensions to Nursing Home to provide 9 no. additional bedrooms and associated facilities

Address: Sanville Nursing Home, 17 Annagher Road, Coalisland Dungannon, Co. Tyrone,

Decision: PG

Decision Date: 14.11.2012

Ref ID: LA09/2015/0988/F

Proposal: Extension to nursing home and internal alterations.

Address: Sanville Private Nursing Home, 17 Annagher Road, Coalisland, Dungannon,

Decision: PG

Decision Date: 11.03.2016

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/2013/0368/A

Proposal: Roadside sign to site entrance

Address: Sanville Nursing Home, 17b, Annagher Road, Coalisland,

Decision: CG

Decision Date: 24.09.2013

Ref ID: M/1999/0441

Proposal: Proposed store, offices and workshop

Address: Site 2 Washingbay Road Coalisland

Decision:

Decision Date: 31.05.2000

Ref ID: M/2006/1852/F

Proposal: Proposed office block to include ground floor parking and basement office storage only.

Address: Adjacent to 2 Washingbay Road, Coalisland

Decision:

Decision Date: 21.01.2008

Ref ID: M/1995/0318

Proposal: Engineering Workshop

Address: SITE 2 FIRECLAY WORKS WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1997/0446

Proposal: Extension to proposed new engineering factory

Address: SITE 2 FIRECLAY WORKS WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1996/0124

Proposal: Factory for fabrication of timber products

Address: SITE NO.1 NEW COMMERCIAL SITE DEVELOPMENT, WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1996/0723

Proposal: Change of use of a factory building to a retail shop outlet

Address: SITE NO. 1 WASHINGBAY ROAD, COALISLAND

Decision:

Decision Date:

Summary of Consultee Responses
Drawing Numbers and Title

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

Drawing No. 06
Type: Cross Sections
Status: Submitted

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

Drawing No. 03
Type: Proposed Floor 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: LA09/2016/0847/O	Target Date:
Proposal: Proposed site for new Chalet Dwelling (additional plans and tree survey)	Location: Approx 150M SE of 22-24 Hanover Square Coagh
Referral Route: Committee – Refusal - Contrary to QD1 of PPS 7 and Cookstown Area Plan 2010.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Trevor Love Hanover House 22-24 Hanover square Coagh	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Cookstown BT80 0BR
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	Historic Environment Division (HED)	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Contrary to QD1 of PPS 7 and Cookstown Area Plan 2010.

Characteristics of the Site and Area

The site is located within the development limits of Coagh, it is also located within LLPA 1: Ballinderry River as per the Cookstown Area Plan 2010. The site is identified to be approximately 150m SE of 22-24 Hanover Square, Coagh and on the site is number of mature trees. The site lies adjacent to the Ballinderry River whilst there is a mix of development to east inclusive of a B&B, residential and commercial properties.

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
LA09/2016/0847/O	Approx 150M SE of 22-24 Hanover sq	Proposed site for new Chalet Dwelling	VALID APPLICATION RECEIVED	
I/2000/0830/F	To rear of 24 Hanover Square Coagh	Dwelling	PERMISSION GRANTED	25.06.2002
I/2008/0236/F	Hanover House, 22-24 Hanover Squar	Upgrading of existing access to Hanover House	PERMISSION GRANTED	15.03.2010
TPO/2005/0070	Lands at Ballinderry River, Coagh.		TPO CONFIRMED	17.08.2005
PLA2/6/070/05	Lands at Ballinderry River, Coagh		TPO CONFIRMED	16.02.2006

Representations

There were three notification letters sent out however no objections were received.

Description of Proposal

This is a proposed outline application for a site for new Chalet Dwelling at the site located Approx. 150M SE of 22-24 Hanover Square Coagh.

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.

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 7: Quality Residential Environment

PPS 3: Access, Movement and Parking

PPS 15: Planning and Flood Risk

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

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

The site lies within LLPA 1 - Ballinderry River Local Landscape Policy Area as per the Cookstown Area Plan 2010, within this area there will be a presumption against new development apart from change of use to outdoor leisure and recreational uses or development that is ancillary to the enjoyment of the open space. However an exception to the above is the possible redevelopment, including suitable alternative land uses, of areas containing existing development. Proposals may be acceptable provided that they do not detract from the intrinsic value of the designated area. After group discussions it was agreed that this is not deemed as an exception and from this is contrary to the Area Plan, in I must recommend refusal.

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for a single storey detached dwelling. The Policy sets out nine criteria which all residential development proposals are expected to meet.

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

It must be noted that this is only an outline application and the exact siting or design details have been formally submitted. However an indicative position has been provided which ensures the development is outside the adjacent flood plain with minimal impact on the protected trees on site. From this I am content that an appropriately designed dwelling would be acceptable.

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

The entire site falls within a TPO, from this the Councils Tree Officers were consulted and in their initial response stated that the site is located within LLPA 1 however considered that the proposed dwelling not to be considered as 'minor works' under the LLPA and is not associated with open space purposes. However as it was only an outline application there was insufficient information to establish the impact on the existing protected trees. The agent subsequently submitted a Tree Survey and Report, the Tree Officers were re-consulted and responded to say that based on the information submitted that the development shall not detrimentally impact on any existing tree however relayed their concerns over the LLPA1. I share the view of the Tree Officers and do not deem this to either be 'minor works' or an exception to the LLPA and must recommend refusal on this basis.

The site also lies within the curtilage of the listed wall and the red line encompasses an area designated as an archaeological site and monument that of the standing stone 'The Honeymug Stone'. HED were consulted on this and responded to state that they had no objection in principle subject to conditions.

SES were consulted with regards to the Natural Habitats and responded that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar has been assessed in accordance with the requirements of Regulations 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

NIEA were also consulted with regards to the natural heritage and initially responded requesting a phase one habitat survey and depending on the results for the survey a 10 metre buffer to the Ballinderry River. An Extended Phase 1 Habitat Survey Report was submitted by the agent and NIEA were re-consulted however in their response stated they need additional information with regards to bats and otters to fully consider the impact. However the agent stated that due no trees with bat potential were to be affected meant that a Phase 2 bat survey was not necessary however the otter survey would be carried out and submitted. This information is felt not to be required due to the application being contrary to the Area Plan and would be prudent to be the applicant to this expense.

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:-

A development of this size and scale does not need to make provision for public open space.

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

The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.

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

There is a good public road network and existing footpath within the area.

f) adequate and appropriate provision is made for parking:-

DFI Roads were consulted and responded with no objections to the proposal subject to planning conditions. However did go on to state that it is their opinion that part of the stone wall belonging to the listed bridge in the North West splay would have to be moved in order to achieve the required splays.

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

This is an outline application therefore no design has been submitted however if approved it will be conditioned that the design will draw upon the best local traditions of form, materials and detailing.

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:-

Using the indicative position submitted I am content that an appropriately designed dwelling would not result in an unacceptable effect on existing and proposed properties.

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

It is my opinion that the proposed development will not increase the potential for crime.

PPS 15: Planning and Flood Risk

As per the Strategic Flood Map (NI) indicates that the site lies adjacent to the 1 in 100 year fluvial plain. Rivers agency were consulted and confirmed the same however went on to state that the predicted 1 in 100 year flood level at this location is 25.33mOD Belfast and the agency would recommend that finished floor level should be raised to a minimum of 600mm above the predicted flood level, giving the minimum finished floor level of 25.93mOD Belfast.

Consultations were also sent to SES and Environmental Health who all responded with no objection subject to conditions and informatives.

As the application has failed under Policy QD1 of PPS 7 and contrary to the Cookstown Area Plan 2010 and I must recommend refusal for this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7, Quality Residential Environment and to LLPA 1 of the Cookstown Area Plan 2010 that the proposed development is contrary to the presumption against new development in this Landscape Policy Area and is has not been demonstrated that it would not have a detrimental impact on the mature vegetation, wildlife and setting at this important river corridor.

Signature(s)

Date:

ANNEX	
Date Valid	14th June 2016
Date First Advertised	30th June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22-24 Hanover Square Coagh The Owner/Occupier, 26 Hanover Square, Coagh, Tyrone,, The Owner/Occupier, 27 Hanover Square, Coagh, Tyrone,,	
Date of Last Neighbour Notification	7th August 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/0847/O Proposal: Proposed site for new Chalet Dwelling Address: Approx 150M SE of 22-24 Hanover square, Coagh, Decision: Decision Date: Ref ID: I/2000/0830/F Proposal: Dwelling Address: To rear of 24 Hanover Square Coagh Cookstown Decision: Decision Date: 25.06.2002 Ref ID: I/2008/0236/F Proposal: Upgrading of existing access to Hanover House Address: Hanover House, 22-24 Hanover Square, Coagh Decision: Decision Date: 15.03.2010	
Summary of Consultee Responses	

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Housing Concept Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



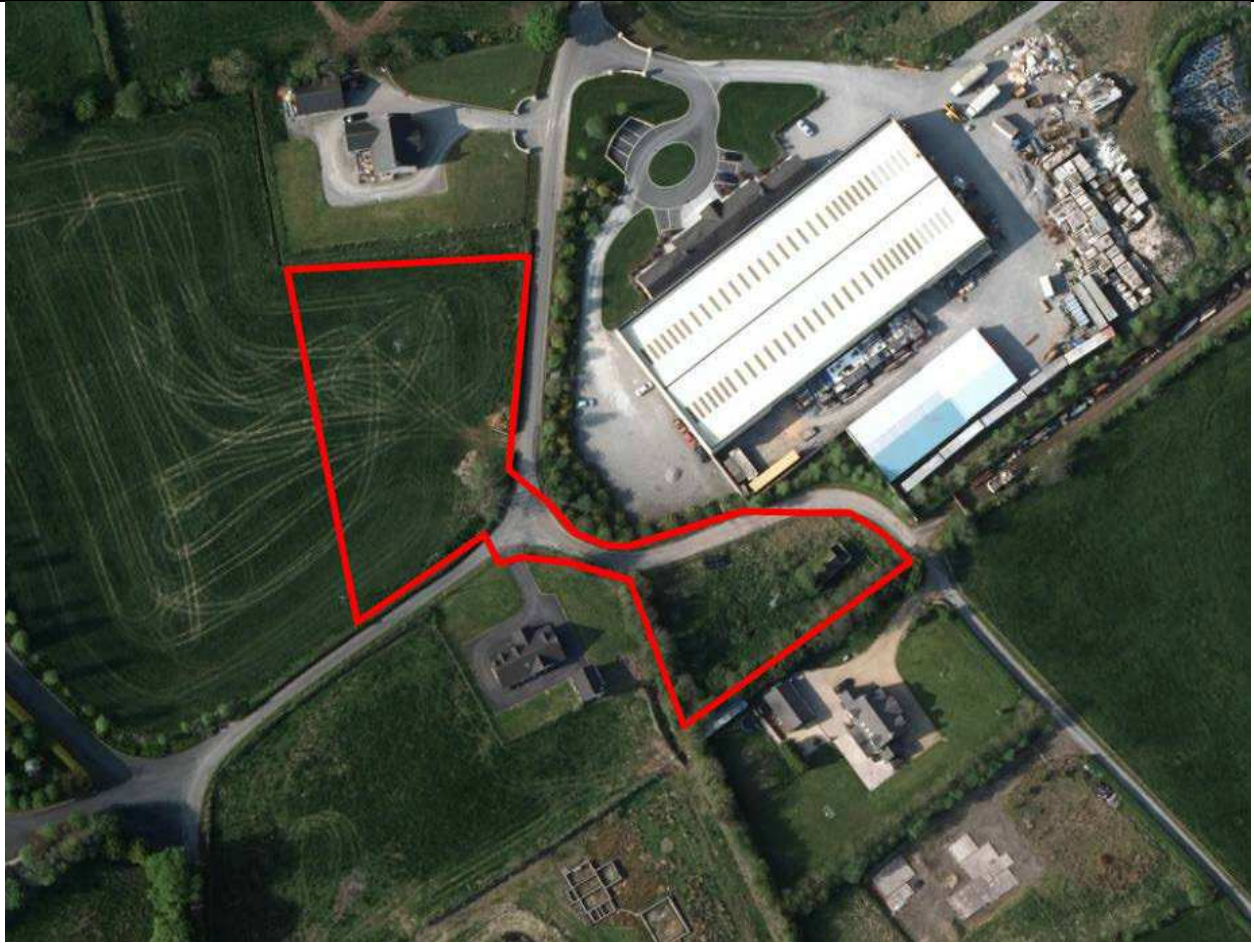
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0918/O	Target Date:
Proposal: Replacement Dwelling	Location: 120m East of 27 Mullaghbane Road Dungannon
Referral Route: No fully in accordance with Planning Policy	
Recommendation:	Approve
Applicant Name and Address: Brian Quinn 25 Mullaghbane Road Dungannon	Agent Name and Address: Paul McAlister Architects Ltd The Barn 64A Drumnacanvey Road Portadown Craigavon BT63 5LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is an outline planning application for an off-site replacement dwelling located in the open countryside.

Characteristics of Site and Area

The site includes land between Woodmarque Factory and No 24 Mullans Road which is accessed via an existing private shared laneway, and, land opposite Woodmarque just south of No. 19. On the parcel of land to the east there is an existing direct single storey dwelling located to the NE part of the site. Along the laneway boundary is a post and wire fence and agricultural field gate to the SW. Mature trees and hedges mark the SW and SE boundaries. To the south is 2 detached dwellings accessed the private laneway. West is a single storey dwelling and to the north is Woodmarque Factory.

The parcel of land west of Woodmarque is a plot of land arbitrarily cut out of a larger field, with the western boundary not clearly defined. The northern boundary is shared with a 2 storey dwelling No. 19 and is defined by a wooden post and wire fence with the roadside boundary being defined by a sweeping hawthorn hedge. From the site Woodmarque factory and office building is visible.

The area has a number of residential properties and farm holdings in close proximity to the site, along with the factory opposite the site. Agricultural land is the main land use in the area with undulating land.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- The site is located in the countryside on unzoned land, the policy provisions of PPS21 and SPPS apply.

Relevant History

None

3rd party planning objections

None

Key Planning Policy and Consideration

The proposal is for a replacement dwelling in the countryside. Planning Policy Statement 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including replacement dwellings, subject to policy criteria within CTY3 being met. It is important to note that the newly published Strategic Planning Policy for Northern Ireland (SPPS) retains the policy provisions of PPS21.

CTY3 states that planning permission will be granted for a replacement dwelling where the dwelling to be replaced exhibits the essential characteristics of a dwelling and as a minimum, all external structural walls are substantially intact. The dwelling on site has the remains of all four external walls, part of the roof is in place and the doorways and window openings are clearly visible. The structure bears the essential characteristics of a dwelling.

The dwelling on site is not vernacular nor is it an important element in the landscape as it is tucked behind an existing factory building and is not visible from the public road.

Policy CTY3 then goes on to say that in all replacement cases, a dwelling will only be permitted where;

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling sufficient to meet modern living requirements, or (b) it can be demonstrated that an alternative position nearby would result in clear landscape, heritage, access or amenity benefits;
- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; and
- where practicable, access to the new dwelling should be obtained from an existing lane.

An off-site replacement is proposed in this case. In support of this the applicant/agent has provided a brief statement citing noise from the rear yard of the existing joinery factory as the reason for not situating a dwelling on the site of the replacement dwelling. On my site visit I was aware of a low humming noise from existing machinery and plant to the rear of the factory. Plus some knocking and banging could be heard. This was not as audible at the site south of No. 19. Environmental Health in their reply state that the applicant should be aware that the proposed is located in close proximity to an existing large joinery factory/business. Such an activity may give rise to offensive conditions and a resulting impact upon the amenity enjoyed by the proposed development due to noise, odour and dust. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future

increases or intensification of adverse impacts may be considered in the determination of nuisance. On brief discussion with Environmental Health they made it clear that a dwelling on the site to the south of the factory, where the existing replacement opportunity currently exists, would not suffer detrimental amenity impacts from current noise levels and activities experienced at Woodmarque, but that this may change in the future. While the proposal would be subject to noise levels at this location, this reason for an off-site replacement is not determining in this instance.

While the site in question does not have the same integration qualities of the site to the rear of the factory, it is sited beside No. 19 which is a new build 2 storey dwelling, and is opposite a sizable factory site and associated buildings and yard. There is also a single storey dwelling (No. 24) which is located to the south of siting hereby proposed. Given the context of the site and surrounds it is my view that a 2 storey dwelling and associated access, indicated on drawing No. 02, will not be incongruous in this landscape, given the character of the surrounding development and that the proposal will round off development on 3 sides and will not change the character of development in the area.

While I acknowledge that the proposal does not meet the policy criteria set out in CTY8 for infill, or CTY2a for clustering, I argue that it does meet the thrust of these policies in that the character of the area will not be detrimentally impacted and it is for this reason that the proposal should be permitted at this location.

Design can be assessed at Reserved Matters stage in accordance with design guidance contained within Building on Tradition and in my view can be designed so that existing private amenity of No. 19 can be protected.

When approached from either direction it is my view that a proposed 2 storey dwelling will group with the 2 storey to the north and the factory to the east and will integrate satisfactorily into the landscape, in accordance with CTY13 of PPS21.

Due to the low lying nature of the site in the landscape and grouping with other development it is my view that this proposal will not have detrimental impact to the existing character of development in this area of countryside. Policy CTY14 is not offended.

Other considerations

The site is not subject to flooding and there are no contamination or ecology issues to consider. Adjacent landuses will not be detrimentally impacted.

Environmental Health advise that the proposal is located in close proximity to an existing large joinery factory. Such an activity may give rise to offensive conditions and a resulting impact upon the amenity enjoyed by the proposed development due to noise, odour and dust. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of nuisance.

DfI have no objection subject to 2.4m by 70m in both directions in compliance with attached RS1 form.

Rivers Agency were consulted due to concern over surface water showing up on strategic flood maps. They raise no objections to the proposal and indicate that the proposal does not lie within a 1 in 100 flood plain and have no historical information indicating flooding at the site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions.

Conditions

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

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

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

2. 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. The ridge height of the dwelling shall not exceed 8 metres above existing ground level at the lowest point within its footprint (including underbuild).

Reason: So that the building integrates into the surrounding countryside and respects the size and scale of surrounding properties.

4. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan No. 02 date received 6th July 2017, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing. The hedge shall be allowed to grow to 2m above ground level at that point, and shall be kept no less than 2m above ground level at that point in permanence.

Reason: In the interest of visual amenity and to assist with integration.

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

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

6. Notwithstanding the provisions The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no walls, gates, pillars, fences or other means of enclosure shall be erected at the access onto the public road, or adjacent to the public road, except those indicated on drawing No. 02 date received 6th July 2017, without prior written consent from Mid Ulster Council.

Reason: To preserve the amenity of the countryside.

7. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved plan No. 01 date stamp received 06th July 2017 is demolished and all rubble and foundations have been removed.

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

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 and shall include sight splays of 2.4m by 70m in both directions onto the public road. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved and 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, and to assist with integration.

Signature(s)

Date:

ANNEX	
Date Valid	6th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Mullaghbane Road Mullaghbane Dungannon The Owner/Occupier, 20 Mullaghbane Road Mullaghbane Dungannon The Owner/Occupier, 24 Mullaghbane Road,Mullaghbane,Dungannon,Tyrone,BT70 1SR, The Owner/Occupier, Mullaghbane Road,Mullaghbane,Dungannon,Tyrone,BT70 1SR, The Owner/Occupier, Woodmarque, 16 Mullaghbane Road,Mullaghbane,Dungannon,Tyrone,BT70 1SR,	
Date of Last Neighbour Notification	15th February 2018



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1142/O	Target Date:
Proposal: Dwelling and garage (infill site)	Location: Approx 5m East of 74 Kinrush Road Ardboe
Referral Route: refusal recommended.	
Recommendation: Refusal.	
Applicant Name and Address: Ciara Curran 74 Kinrush Road Ardboe	Agent Name and Address: Henry Murray 37c Claggan Road Cookstown BT80 9XJ
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Adjacent double in-fill site




Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues – gap is too small to accord with Policy CTY8

Characteristics of the Site and Area.

Very small gap site (20m frontage) located within rural area and sandwiched between a small rural dwelling (No 74) to the west and a large plot which has the benefit of recent RM permission for 2 in-fill dwellings (one of which has been built) under I/2014/0104/RM.

This established line of bungalows continues around the corner in a NE direction. The old Ardboe Aerodrome is located opposite where another dwelling is immediately located.

Description of Proposal

Dwelling and garage (infill site)

Planning Assessment of Policy and Other Material Considerations

CAP
SPPS
PPS21

PPS21 Policy CTY1 acknowledges that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

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

Planning permission will be granted for an individual dwelling house in the countryside in a number of circumstances, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

Policy CTY 8 – Ribbon Development

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.

In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements.

I was struck by the very limited width of the frontage of this proposed site for an infill dwelling. Whilst acknowledging that other plot sizes such as those occupied by Nos 80 / 82 are modest, taking an average plot width of all of the dwellings at this located reveals a figure closer to 50m. This application, when taking a measurement of the frontage from the edge of No 74 to the eastern boundary of the site reveals a width of some 20m.

The policy above requires that an infill dwelling should respect development pattern along the road frontage in terms of plot size. This in my opinion is where this proposal fails to adequately meet the policy. A dwelling here would appear squeezed between No 74 and would look even more conspicuous and out of keeping when considering the larger plot sizes of the double in-fill development to the immediate east of the site.

Integrational qualities are not bad here given the treed boundary to the east but the frontage will be wiped out to form a safe access.

The agent was advised to submit a block plan to indicate how a dwelling could be located within this narrow site. This was received on the 28 Feb 2018 and in my reinforces my concerns relating to how a dwelling will have to be squeezed to fit, and therefore appearing out of keeping with development pattern along this stretch of Kinrush Road.

It is my considered opinion that whilst a dwelling here would not be overly detrimental to rural character due to surrounding existing and proposed development, the site's very restricted width would undoubtedly draw attention to any future development of it in a negative way to the overall harm of rural character.

The application is therefore recommended for refusal on grounds of being too small a gap size to develop in accordance with Policy CTY8 of PPS21.

Neighbour Notification Checked

Yes

Summary of Recommendation: refusal contrary to policies CTY1 and 8.

Reasons for Refusal: the proposal is contrary to Policies CTY1 and CTY8 of PPS21 as the proposed gap site is too small and fails to respect the existing development pattern along the road frontage.

Signature(s) M.Bowman

Date: 22nd March 2018

ANNEX	
Date Valid	24th August 2017
Date First Advertised	8th September 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 76 Kinrush Road Cookstown Tyrone The Owner/Occupier, 78 Kinrush Road Cookstown Tyrone	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1142/O Proposal: Dwelling and garage (infill site) Address: Approx 5m East of 74 Kinrush Road, Ardboe, Decision: Decision Date: Ref ID: LA09/2017/1061/F Proposal: Proposed detached domestic garage for storage of a boat and vintage tractors Address: 76 Kinrush Road, Moortown, Cookstown, Decision: Decision Date: Ref ID: I/2003/0215/A41 Proposal: Replacing flat roof and extending bathroom at rear Address: 74 Kinrush Road, Coagh Decision: Decision Date: Ref ID: I/1987/0002 Proposal: ERECTION OF WAREHOUSE FOR STORING AND PACKING FISH Address: 78 KINRUSH ROAD, ARDBOE, DUNGANNON Decision: Decision Date:	

Ref ID: I/2014/0104/RM
 Proposal: Proposed site for 2 no. dwellings and shed
 Address: Adjacent to and SW of 78 Kinrush Road, Coagh,
 Decision: PG
 Decision Date: 15.05.2014

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. 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: LA09/2017/1206/O	Target Date:
Proposal: Proposed dwelling and domestic garage/store based on policy CTY10-dwelling on a farm	Location: Approx 70m North East of 111 Bancran Road Draperstown
Referral Route: The application is considered an exception under part (c) of CTY 10	
Recommendation:	Approval
Applicant Name and Address: Miss Caoimhe Mc Cormack 9 White Water Court Straw Draperstown	Agent Name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues: No issues	
<p>Characteristics of the Site and Area</p> <p>The site is located approximately 2.5 miles northwest of Straw in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 70m northeast of 111 Bancran Road, Draperstown and consists of a cut out portion of a large agricultural field, identified as field No 3 on the submitted farm maps. The site slopes gently uphill from the roadside to the rear of the site. Further back beyond the site the landform rises significantly. The northern boundary consists of hawthorn hedgerow approximately 2m high and the western boundary consists of mature vegetation approximately 4m -5m high with some mature trees. The eastern and southern boundaries are undefined</p> <p>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.</p>	
<p>Description of Proposal</p> <p>The application seeks outline planning permission for a detached dwelling and garage on the farm</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Relevant Site History: H/2004/0755/O – Site of Dwelling. Refused 25th January 2006 – Prematurity</p> <p>Representations: 2 neighbour notification letters were sent to the occupiers of Nos 118 Bancran Road, Draperstown. No letter of representation have been 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>Magherafelt Area Plan 2015: The site is located in the open countryside. The site is located within the Sperrin's Area of Outstanding Natural Beauty.</p> <p>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.</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> <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.</p>	

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DARD has confirmed is currently active and has been established more than 6 years and that the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

Under criterion (b) which requires 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. A planning history search reveals no development opportunities have been sold off, therefore the proposal complies with criterion (b).

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. As there are no existing buildings located at this part of the farm holding, the proposed dwelling will not be visually linked or sited to cluster with an established group of buildings on the farm. In exceptional circumstances, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing group have been provided.

The only established farm grouping is located at No 70 Glengomma Road which is approximately 425m southeast of the site. The farm maps indicate that there is only one agricultural field located besides the farm grouping. The applicant argues that this field is not a viable option to site a dwelling in because access to the field is only possible through a shared laneway used to access a working farmyard and would make acquiring a mortgage difficult. The applicant also argues that the field sits at a drastically lower ground level than the farm grouping and constructing a new access would be difficult.



I carried out a site inspection to check for myself if it was at all possible to provide a safe access to the field. I observed that the field sits approximately 3m – 4m lower than the farm grouping and in order to gain access to the field from the road you have to pass by the front of the existing dwelling at No 70 and then through the farmyard before descending down a steep laneway. Therefore, I would concur with the applicant that there may be some difficulties constructing a safe access to this field and in my opinion the siting of a new dwelling away from the farm grouping is justified. Therefore the proposal is considered as an exception under part (c)

Furthermore, I am content that policy tests in relation to integration in the countryside (CTY 13) and impact on rural character (CTY 14) have been met. The site is setback 60m from the edge Bancran Road and I am satisfied a single storey dwelling with a ridge height of 6m can visually integrated into the surrounding landscape. A new dwelling will be enclosed by vegetation along the northern and western boundaries of the site and the rising landform to the rear of the site will provide a good backdrop for a new dwelling to integrate in to the landscape. The site slopes gently uphill from the roadside to the rear boundary and as a result a small amount of cut and fill may be required to provide a level surface to construct a new dwelling on and is considered acceptable. A new access is proposed along the western boundary and will run alongside an existing hedgerow.

Other Policy and Material Considerations

I am satisfied that the proposal will not have a significant adverse impact on third party neighbour amenity and I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement.

Neighbour Notification Checked	Yes
---------------------------------------	------------

Summary of Recommendation: That planning permission be approved subject to the following conditions.

Conditions

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

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

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

2. 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. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent in and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21

4. No development shall take place until a cross-section of the site indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Department. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45m at any point.

Reason: In the interest of visual amenity.

5. The existing natural screening along the laneway and the north and west boundaries of the site shall be permanently retained at not less than 2 metres and trees allowed to grow on 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 the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: In the interests of visual amenity.

6. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme providing for the planting of a new native species hedgerow/trees and shrubs of mixed woodland species along the northwest and southeast boundaries of the site.

Reason: To ensure the proposal is in keeping with the character of the rural area.

7. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no walls, gate pillars, fences or other structures, other than the development permitted shall be erected along the front boundary of the site without the written consent of the Council.

Reason: To preserve the amenity of the countryside.

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

Informatives

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

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

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

4. The applicant's attention is drawn to the attached information note from Northern Ireland Water.

Signature(s)

Date:

ANNEX	
Date Valid	8th September 2017
Date First Advertised	21st September 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 111 Bancran Road, Draperstown, Londonderry, BT45 7DA, The Owner/Occupier, 118 Bancran Road, Draperstown, Londonderry, BT45 7DA,	
Date of Last Neighbour Notification	18th September 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/1206/O Proposal: Proposed dwelling and domestic garage/store based on policy CTY10-dwelling on a farm Address: Approx 70m North East of 111 Bancran Road, Draperstown, Decision: Decision Date: Ref ID: H/2007/0080/F Proposal: Two storey rear extension for utility area, shower room and first floor bedroom. Address: 111 Bancran Road, Draperstown Decision: Decision Date: 25.04.2007 Ref ID: H/2004/0755/O Proposal: Site Of Dwelling. Address: 65 Metres North East Of 111 Bancran Road, Draperstown Decision: Decision Date: 13.02.2006	
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. 02
Type: Farm Boundary Map
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: LA09/2017/1426/F	Target Date:
Proposal: Proposed retention of boundary wall and the alteration of ground levels to provide concrete finish to hard cored yard.	Location: 55 Knockanroe Road Cookstown
Referral Route: recommendation to approval / objections received.	
Recommendation: Approval.	
Applicant Name and Address: Reid Engineering (Cookstown) Ltd 55 Knockanroe Road Cookstown	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan




Consultations: None

Consultation Type	Consultee	Response
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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 – impact of wall on visual and private amenity to be assessed.

Characteristics of the Site and Area – part of SE boundary and rear yard of established Reid Engineering works. Neighbouring private dwelling at No.53 Knockanroe Road shares this common boundary. Adjacent vacant dwelling subject to a current replacement dwelling application which remains under consideration.

Description of Proposal - Proposed retention of boundary wall and the alteration of ground levels to provide concrete finish to hard cored yard.

Planning Assessment of Policy and Other Material Considerations

SPPS

CAP

PPS4

PPS21

General Permitted Development Order NI 2015.

It is important at the outset of this report to set the context for the site and in particular this retrospective application to retain the wall as constructed.

Mid-Ulster Council issued an approval for full planning permission under reference I/2014/0246/F for the “Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard” on the 28th June 2017. After much detailed consideration of that application some very prescriptive conditions were attached to the permission primarily around the requirement to provide boundary walls / close up parts of the existing buildings with the aim of providing betterment and reducing nuisance from noise experienced by neighbouring dwellings.

In the course of complying with the various conditions attached to the 2014/0246 permission, in particular the following:

Within 60 days from the date of this permission a permanent 3m high solid acoustic wall shall be fully constructed along the boundary (in the location identified in blue on drawing No 04/1 dated 17.02.2017) between the site and No.53 Knockanroe Road. Prior to construction, finalised plans for this wall shall be submitted to Council for agreement.

Reason: In the interests of neighbouring amenity.

This condition related to 2 stretches of acoustic wall, one along the existing laneway at the NE boundary of the site and the other along the rear of No 53 Knockanroe Road. Whilst a plan was submitted by the applicant to comply with this condition, the details related only to the laneway wall to the NE boundary and not to the section of wall to the rear of No 53 in relation to its height or precise location. The applicant proceeded to construct a wall some 5m in height along the shared boundary with No 53.

As a result of an investigation into the wall which was constructed to the rear of No 53, and in addressing concerns from the occupant of that property, Dr Boomer determined that the wall did not benefit from permission and therefore in order to meet the condition a separate planning application was required to determine to retain the wall at what is now its reduced height from that originally constructed, but at a height still in excess of 3m (approx. 3.7m at its highest based on original ground levels within the yard). The Councils investigations of the wall height when measured from the yard side show the wall to be at 2 points measuring just over 3m, at 3.03m following infilling which has taken place on the yard side.

The current planning application now before the Committee was received on the 13th October 2017 to retain the wall at its present height and location and to raise yard levels by some 200mm.

Policy considerations.

The SPPS in considering the 'purpose of planning' recognises that there are competing interests and that it can be difficult to distinguish between public and private interests. Good neighbourliness and fairness are recognised at Par. 2.3 as being among the yardsticks against which development proposals will be measured. Whilst the presence and operation of Reid Engineering has caused issue for neighbouring residents the planning system must operate to achieve a balance between what is an established rural enterprise and how its day to day operations are carried out in the interests of rural amenity and neighbouring amenity. Par 6.91 of the SPPS requires that all applications for economic development must be assessed in accordance with normal planning criteria considering also impacts such as amenity.

As this is development associated with an established commercial enterprise I feel that it should be assessed principally against Policy PPS4, PED9.

Policy PED 9 General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The council have previously accepted the 'principle' of a sound wall at this location as required by a condition of the recent approval for the 0246/F application. Its compatibility for the purposes of this application is a judgement in terms of its height and position relative to adjoining properties. In considering that the overall difference in height between the 'as constructed' wall and that approved is of some 700mm approx (based on original yard levels) at its highest point I do not consider this to be to an overall extent that this application should be refused. The height of the wall does drop relative to ground levels towards its southern point. The exact position of the wall is now also defined by this application. The outlook and amenity space presently enjoyed by No 53 is not significantly more impacted upon by the wall in its present height and position that what the I/2014/0246 would have resulted in.

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

It is my view that the current height of the wall and its position behind an evergreen hedge in itself is not unduly harmful to neighbouring amenity and in fact has benefits in terms of acting as an acoustic screen.

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

None

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

In examining the site I do not find there to be any clear reason why this should be the case. The occupier of No 53 has objected on grounds of waterlogging being caused to the rear garden of No 53. My observations on site did not lead me to associate this with the wall given that the direction of fall as I recall was primarily away from the wall and its foundations. A means of storm water collection has now been shown on amended plans.

(e) it does not create a noise nuisance;

The purpose of the wall has always been to reduce noise at a height of 3m.

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

N/A

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

The addition of the wall will not lead to any extra vehicular traffic.

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

N/A

(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; N/A

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

N/A

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

Whilst its primary purpose is as an acoustic wall, the wall also helps to screen any storage taking place within the yard area to its rear.

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

N/A

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

The wall has a measurable but limited visual presence in the locality. This portion of wall being located primarily to the rear of No 53 reduces its visual appearance. In the context of the taller commercial shed and considering the presence of a tall leylandii hedge along the rear boundary of No 53 I do not consider the wall to have an unacceptable visual impact.

A secondary aim of this application is to raise /resurface the yard area to the rear of the wall by some 200mm. I note that the General Permitted Development Order 2015 permits under Part 9 class C as permitted development the:

- (a) 'provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or, (b) the replacement in whole or part of such a surface'

Considering this I have no particular concerns about the proposal to level the yard and raise it as proposed on the submitted plans. On the whole matter of the yard levels, it is clear that the

applicant in the course of constructing the unauthorised wall raised these on his side and the enforcement investigations on site would support this view. The approved block plan associated with I/2014/0246 did not have many levels shown on it and none were given on the existing adjacent concrete yard. The Councils enforcement section have estimated that the yard levels are approx. 0.67m higher than what originally existed. In considering the totality of the impact of the wall and the yard I have also recognised that the increase in levels in the yard have resulted in a wall appearing taller than it should be when viewed from the rear of No 53 particularly at the point at which it abuts the existing Reid Engineering shed. An additional 75mm coping to be added to the top of the wall which I assume is to help to protect it from weathering has also been factored into this consideration.

Objections.

Objections received from the occupants of No 53/57 Knockanroe Road state the following:

1. That the applicant continues to build without permission.

Unfortunately the Council are faced with having to determine a further retrospective application at this location. That said the application is before the Council now for a decision and no beneficial weight is attached to my recommendation because of its retrospective nature.

2. That they were not afforded the opportunity to comment on the detail / location of the wall during the last permission

The Council are presently responding to the planning ombudsman on concerns raised around how the wall at this location was previously provided for in the last permission. The retrospective location and height of the wall are now the purpose of this application to which all interested parties have been presented with an opportunity to comment.

3. The wall overshadows the garden and hedge and blocks out light from the window to the rear of the garage.

Whilst taller than that originally envisaged I don't consider the overall difference in height to be fatal to the application. The imposition of the wall as demanded by the original 0246 approval would have had the same impact on the garage in my view.

4. It does not integrate with its surroundings

I have commented within my report on this matter.

5. That the increased levels of the yard have led to water logging of the rear garden

The General Permitted Development Order permits yard resurfacing – this is caveated by the need to use porous materials OR to make provision to direct run-off from the hard surface to a permeable or porous area within the curtilage.

Amended plans were submitted to the Council detailing proposed gully locations and connection into an existing drainage network within the remainder of the yard area. Provision is also provided for dropped kerbs and an aco channel across the corner of the yard area to prevent water seepage onto the adjoining laneway. It is my understanding that the rear lawn area of No 53 slopes away from the new wall and I therefore do not feel that it is clear that the wall has introduced a drainage problem for the garden.

6. That any concreting of the yard will increase surface water run off

A concrete surface will undoubtedly lead to increase run-off, however I feel the drainage measures shown on amended plans should deal with this satisfactorily.

7. The wall has had no effect on reducing detrimental noise impact from the yard and when yard is concreted the echo of noise will be enhanced.

The yard could have been resurfaced as Permitted Development. The operation of the yard is still bound by noise conditions attached to the 0246 permission.

8. That a public right of way is incorrectly declared on submitted plans

Plans were amended to remove this and neighbours re-notified.

Later objections received following notification of amended plans raised the following matters of concern:

9. Drainage system appears to be at a higher level than existing gully / is there capacity / will any runoff continue to detrimentally affect surrounding lands.

Connection is to an existing underground existing system which I have been provided with no evidence to show that it will not be able to deal with any additional run-off and the appropriate gully locations and aco channel proposed are intended to avoid any run-off to surrounding lands.

10. Potential contamination of run off water due to yard activities.

The onus in my view remains with the developer to ensure compliance with any relevant legislation surrounding this matter.

Under the terms of the Water (Northern Ireland) Order 1999 for example, it is an offence to cause pollution of a waterway or groundwater. Where the source of pollution can be traced, it is the policy of the Northern Ireland Environment Agency (NIEA), where appropriate, to take action.

Article 7 (1) of the Order deals with the main pollution offence, which is:

'a person commits an offence if, whether knowingly or otherwise, that person discharges or deposits any poisonous, noxious or polluting matter so that it enters a waterway or water contained in an underground strata'

'A person guilty of an offence under this Article is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000 or to both'

11. The recently built wall along the laneway is not shown

I do not see that not showing the recently constructed wall along the NE laneway has any bearing on the determination of this proposal.

12. Differences in yard levels prior to its raising in 2015 are up to 1m in places

The Council accept that levels have been altered within the yard and I have commented on this earlier in my report.

13. Photo of alleged flooding on laneway after laneway levels raised

The image presented is not clear, it appears to show Knockanroe Road and it is possible that this could have been due to a blocked road drain. This application does not propose alterations to the lane but rather the associated yard area.

14. Garden drainage has been affected by laneway levels being raised.

I have commented on my observations of this earlier in my report.

15. That a large storage tank will be required at the entrance to the laneway which isn't shown on plan

The agent has clarified that no tank is proposed or required.

16. Additional 75mm coping further increases the already unacceptable wall height.

I have considered the additional coping in my assessment above and do not find the Additional 75mm in overall height as being to an extent that my recommendation is Changed.

Summary of Recommendation: Approval

Conditions

1. Retrospective permission condition.

Informatives:

Under the terms of the Water (Northern Ireland) Order 1999 for example, it is an offence to cause pollution of a waterway or groundwater. Where the source of pollution can be traced, it is the policy of the Northern Ireland Environment Agency (NIEA), where appropriate, to take action.

Article 7 (1) of the Order deals with the main pollution offence, which is:

'a person commits an offence if, whether knowingly or otherwise, that person discharges or deposits any poisonous, noxious or polluting matter so that it enters a waterway or water contained in an underground strata'

'A person guilty of an offence under this Article is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000 or to both'

-Any Developers obligations in relation to additional storm water discharge which may / may not apply.

-Any Permission does not confer title.

Signature(s) M.Bowman

Date: 27th March 2018.

ANNEX	
Date Valid	13th October 2017
Date First Advertised	26th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 53 Knockanroe Road Dungannon Tyrone Carla Fowley 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Carla Fowley 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX The Owner/Occupier, 57 Knockanroe Road Dungannon Tyrone Julie Reid 57/59 Knockanroe Road,Dungannon,Co. Tyrone,BT71 5LX	
Date of Last Neighbour Notification	11th January 2018
Date of EIA Determination	
ES Requested	No
Planning History. Most recent permission granted under I/2014/0246/F.	
Summary of Consultee Responses N/A	
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. 02
Type: Proposed Plans
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



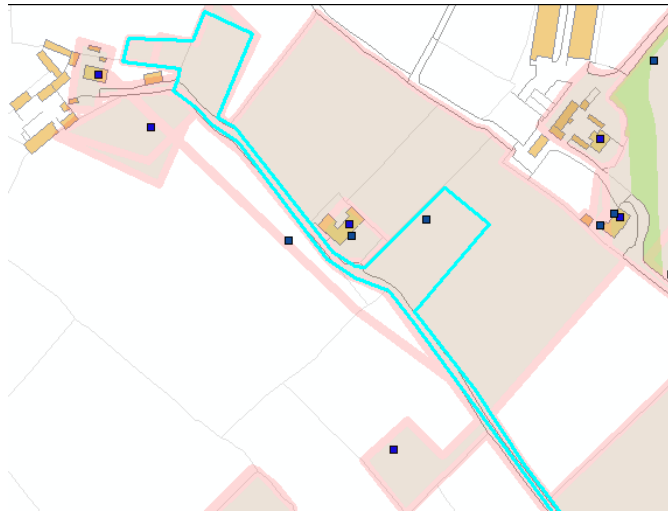
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1464/F	Target Date: 06.02.18
Proposal: Substitution for approved planning application LA09/2017/0488/F to new site Location 30m East of 13 Mulnagore Road, Cookstown for erection of dwelling and detached domestic garage on a farm	Location: 30m East of 13 Mulnagore Road Cookstown
Referral Route: Application is being presented to committee as it does not fully meet criteria C of the PPS 21, Policy CTY 10.	
Recommendation:	APPROVE
Applicant Name and Address: Mr and Mrs Wm Fleming 13 Mulnagore Road Sandholes Cookstown	Agent Name and Address: G Richardson 36 Drumconvis Road Coagh Cookstown BT80 0HD
Executive Summary: Substitution for approved planning application LA09/2017/0488/F to new site Location 30m East of 13 Mulnagore Road, Cookstown for erection of dwelling and detached domestic garage on a farm	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - 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 - 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

Proposed substitution for approved planning application LA09/2017/0488/F, to new site location 30m east of No13 Mulnagore Road, Cookstown, BT80 9BS, for erection of dwelling and detached domestic garage on a farm.

There have been no third party objections to this application. Transport NI, Water NI, Env Health, DAERA, and HED were consulted on the application and have no objections to the proposal.

Characteristics of the Site and Area

The application site forms part of an active farm at 65m East of 11 Mulnagore Road, Sandholes, Cookstown. The site is outside any settlement limits as identified in the Dungannon and South Tyrone Area, Plan 2012.

The applicants farm holding comprises a cluster of outbuildings and a dwelling (family home and main farm dwelling No11), which all relates to the applicants farm business 609512. The surrounding area is undulating countryside. The application site sits directly below the main farm house, and the boundary consists of mature hedgerows and trees to the north, north west and south west. The eastern boundary is undefined as the site is a plot within a larger agricultural field.

Description of Proposal

The applicant seeks permission for substitution for approved planning application LA09/2017/0488/F, to new site location 30m east of No13 Mulnagore Road, Cookstown, BT80 9BS, for erection of dwelling and detached domestic garage on a farm. The dwelling has a proposed ridge height of 6.5 m above finished floor level with a frontage of 4.5m, a depth of 12 m. There is a small side projection set back from the front built line which is 5.7m in height above finished floor level, a frontage of 4.5m and a depth of 8.7m. The materials/finishes to be used on the proposed dwelling include 'peach' marble chip finish, rustic granite stone, UPVC brown doubled glazed windows and doors, blue/black natural slate roof and black gutters and drain pipes.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS)
2. Dungannon and South Tyrone Area Plan 2010
3. Planning Policy Statement (PPS) 21 – Sustainable Development in the countryside
4. Planning Policy Statement 3 – Access, Movement and Parking

Planning History

LA09/2017/0488/F- Erection of dwelling and detached domestic garage on a farm, for Mr and Mrs Fleming, PERMISSION GRANTED, 14.08.2017

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered. The Dungannon and South Tyrone Area Plan 2010 identifies the site within a rural area. The development plan offers no specific policy or guidance in respect of the proposal and is therefore not material.

Assessment

PPS 21, policy CTY 1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes the principle of

development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10.

This application meets the criteria of the farm business being active and established for at least 6 years, as the applicant has provided an Agricultural Business Identification number and has been in receipt of Single Farm Payments. DAERA have been consulted and have confirmed that the farm business has been in existence and active for a period of more than 6 years. I am content with the consultation response from DAERA, along with the observations made on-site, that there is sufficient evidence to show that the farming business is active and established for at least 6 years. 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.

In regard to Criteria C of the policy, the proposed site is not sited to cluster with 'an established group of buildings' on the farm. However, it is sited beside the main farm dwelling (No 11) and it is believed to be visually linked. Also, I consider this proposed substitute site to be a much more suitable location than that previously approved under LA09/2017/0488/F, as it has less of an environmental impact visually as it is sited at a lower level, below the main farm dwelling. When viewed from critical viewpoints, I believe would be much less intrusive on the existing landform and given the lower elevation and I believe that a dwelling in this location would not be overly prominent. Also given the proposed orientation of the dwelling, the frontage of the dwelling would be facing onto the existing laneway as opposed to the Mulnagore road. Also the proposal will obtain access from the existing laneway.

I noted during the site visit that development had not commenced on the site approved under LA09/2017/0488.

CTY 13

Policy CTY 13, 14 and PPS 21 are material considerations. CTY 13 outlines the criteria to be met in terms of the integration and design of new buildings in the country side

It is considered that the level of vegetation surrounding the site and the natural topography helps integrate the proposal into the surrounding landscape. In addition to this the design, size and scale of the proposal respects the character of the surrounding area and the nature of the existing built environment. There are no issues regarding integration and in my opinion the site would have the capacity to absorb a dwelling of the size and scale proposed. With regard to the design of the proposal, the house type and form of the proposed dwelling it is of a nature which is appropriate to the setting. I consider the design to be appropriate to the site and locality. The proposal satisfies policies of CTY 13.

CTY 14

CTY 14- Rural Character, is also a material consideration. CTY 14 identifies that new buildings in the countryside will be expected to not cause a detrimental change to, or further erode the rural character of an area. In consideration of the criteria of CTY 14 I am content that the proposal satisfies these. The proposal does not present an unduly prominent feature in this local landscape and is sited at a lower elevation to that previously approved under LA09/2017/0488/F. It is considered that the proposed site and its surrounding environment has the capacity to absorb the proposed dwelling. I am content that the proposal will not give rise to an unacceptable level of impact on the rural character of the area and I am therefore content that the proposal accords with the policy provision contained within CTY 14.

Access

Transport NI were consulted on this application and responded stating they had no objections to the proposal. The application confirms that the access point is taken from an already existing access point on the public road. I am satisfied that an adequate means of access to the site has been proposed and that it complies with the policy requirements of PPS 3- access, movement and parking.

Conclusion

In conclusion I consider the proposal to be acceptable and is a more suitable location for a dwelling than that previously approved under LA09/2017/0488/F and development has not commenced on the site approved under LA09/2017/0488/F, therefore, I recommend permission is granted subject to conditions.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

Approve, subject to the conditions outlined below.

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.

2. This permission is granted solely as a substitute to the permission previously granted on the site under LA09/2017/0488/F on the 14th August 2017 and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on the site in accordance with the Planning Authority's policies for the control of residential development in the countryside.

3. All landscaping comprised in the approved details of landscaping on stamped drawing No.02, date stamped 24.10.2017 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

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

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

5. The existing mature trees and vegetation along the 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 prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

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

6. The vehicular access, including visibility splays of (2.4m*65.0m) in both directions, shall be in place, in accordance with Drawing No 02 bearing the date stamp 24th October 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 interest of road safety and the convenience of road users.

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.

Informatives

1. The applicant is advised that under Article 11 of the roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.
2. Notwithstanding the terms and conditions of the department of the 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 Service Section Engineer whose address is Dfi Roads & Rivers, 49 Tullywiggan Road, Cookstown, Co.Tyrone, BT80 8SG. A monetary deposit will be required to cover works on the public road.
3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
4. All construction plant and materials shall be stored within the curtilage of the site.
5. It is the responsibility of the developer to ensure that
 - Surface water does not flow from the site onto the public road
 - The existing roadside drainage is accommodated and no water flows from the public road onto the site
 - Surface water from the roof of the development hereby approved does not flow onto the public road, including footway
 - The developer should note that this planning approval does not give consent to discharge water into a transportni drainage system.
6. 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.
7. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s)

Date:

ANNEX	
Date Valid	24th October 2017
Date First Advertised	9th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Mulnagore Road Cookstown Tyrone The Owner/Occupier, 11a Mulnagore Road Cookstown The Owner/Occupier, 13 Mulnagore Road Cookstown Tyrone The Owner/Occupier, 9 Mulnagore Road Cookstown Tyrone The Owner/Occupier, B Hamill Golf Academy 7 Mulnagore Road Cookstown	
Date of Last Neighbour Notification	30th November 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0488/F Proposal: Erection of dwelling and detached domestic garage on a farm Address: 65m East of 11 Mulnagore Road, Sandholes, Cookstown, Decision: PG Decision Date: 15.08.2017 Ref ID: M/2011/0545/F Proposal: Change of house type and orientation of dwelling approved under planning application M/2010/0411/F Address: 65m SE of 11 Mulnagore Road, Cookstown, Decision: Decision Date: 11.10.2011 Ref ID: M/2010/0411/F Proposal: Proposed Bungalow & Garage 65 M South East of 11 Mulnagore Road, Cookstown Address: 65 M South East of 11 Mulnagore Road, Cookstown Decision:	

Decision Date: 12.08.2010

Ref ID: M/2007/0175/F

Proposal: Replacement dwelling.

Address: 11 Mullnagore Road, Cookstown, Co.Tyrone

Decision:

Decision Date: 21.05.2007

Ref ID: M/1977/0069

Proposal: 11KV O/H LINE

Address: COLONAN, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2017/1464/F

Proposal: Substitution for approved planning application LA09/2017/0488/F to new site
Location 30m East of 13 Mulnagore Road, Cookstown for erection of dwelling and detached domestic garage on a farm

Address: 30m East of 13 Mulnagore Road, Cookstown,

Decision:

Decision Date:

Ref ID: M/1995/0389

Proposal: Extension and alterations to dwelling

Address: 13 MULNAGORE ROAD SANDHOLES

Decision:

Decision Date:

Ref ID: M/1977/0662

Proposal: DWELLING HOUSE

Address: CURLONAN, SANDHOLES, COOKSTOWN

Decision:

Decision Date:

Ref ID: M/1977/066201

Proposal: SUBSIDY BUNGALOW

Address: CULLONAN, SANDHOLES, COOKSTOWN

Decision:

Decision Date:

Ref ID: M/2010/0082/F

Proposal: Proposed bungalow & garage 170m south of 13 Mulnagore Rd, Cookstown

Address: 13 Mulnagore Road, Cookstown, BT80 9BS

Decision:

Decision Date: 12.05.2010

Ref ID: M/2000/1264/F

Proposal: Golf Driving Range & Club House

Address: 140 M North of 14 Mulnagore Road, Dungannon

Decision:

Decision Date: 12.03.2001

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.
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Status: Submitted

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Drawing No.

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 03

Type: Cross Sections

Status: Submitted

Drawing No. 04

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 05

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 06

Type: Garage Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

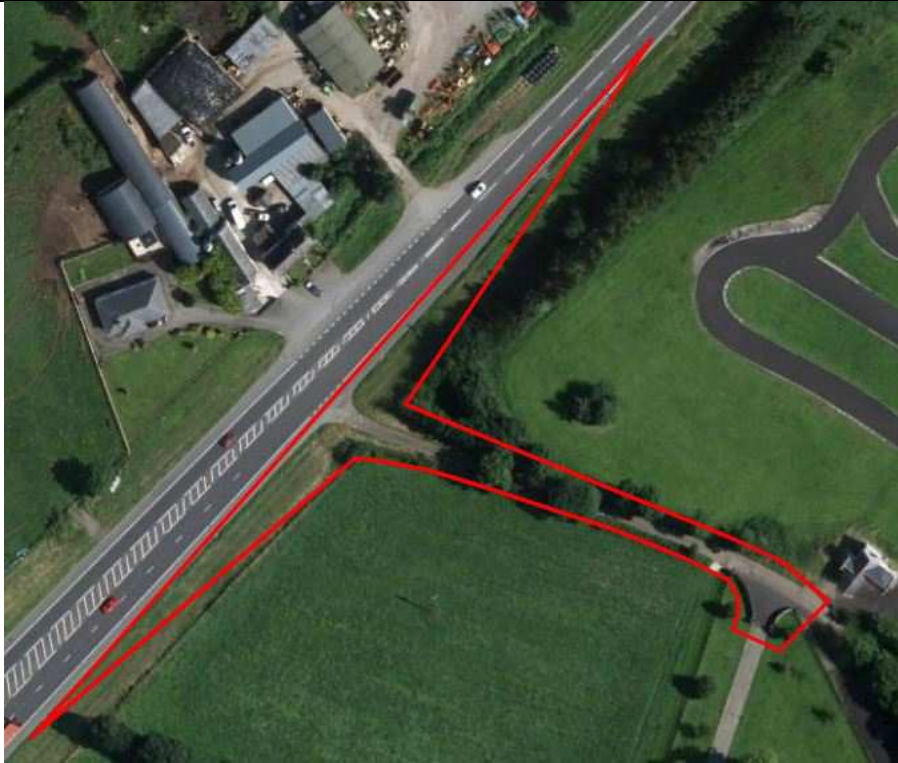


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1490/F	Target Date:
Proposal: Widening of existing laneway (amended description)	Location: Adjacent to 50 Cookstown Road Moneymore
Referral Route: Committee – Refusal – Contrary to CTY 14.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Mark Hamilton Railway View 50 Cookstown Road Moneymore	Agent Name and Address: Manor Architects Stable Buildings 30a High Street Moneymore BT45 7PD
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Refusal - Contrary to CTY 14 of PPS 21.

Characteristics of the Site and Area

The site is located adjacent to 50 Cookstown Road, Moneymore and is located approximately 0.95km south west of the village of Moneymore and is located within the open countryside as defined by the Cookstown Area Plan 2010. On the site sits an existing laneway that is used to accessed no.50 Cookstown Road and leads to an agricultural laneway leading to no. 46 Cookstown Road. The laneway is defined by a line fencing leading to the dwelling and the neighbouring kart track.

Relevant planning history

LA09/2017/1490/F	Adjacent to 50 Cookstown Road, Mon	Widening of existing laneway (amended description)	CONSULTATION(S) ISSUED	
LA09/2017/1023/F	Adjacent to 50 Cookstown Road, Mon	Retrospective application for the retention of storage ur	PERMISSION GRANTED	15.03.2018
LA09/2017/0810/F	Coltrim Lane, Money more (approx. 220)	New Dwelling	DEFERRED FOR OFFICE MEETING	
LA09/2016/1259/F	Adjacent to 46 Cookstown Road, Mon	Variation of Condition No's 3 and 4 of Planning Approv	PERMISSION GRANTED	27.06.2017
LA09/2016/0098/CA	At Entrance To 46 Cookstown Road, C	Unauthorised advertisements	ENFORCEMENT CASE CLOSED	07.06.2016
LA09/2016/0038/CA	Kart Track Adjoining 46 Cookstown Rd	Unauthorised access onto a Protected Route to serve	RECEIPT OF PLANNING APPLICAT	
LA09/2016/0016/F	4 Coltrim Road, Money more,	Proposed temporary staff room / office	PERMISSION GRANTED	26.02.2016

Representations

There were three neighbour notifications sent however no representations were received on this application.

Description of Proposal

This is a full application for the widening of existing laneway. It must be noted that the original description of the application was for the upgrading/improvement of access lane to dwelling at 50 Cookstown Road but was subsequently amended.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 3 Access, Movement and Parking
PPS 21 Sustainable Development in the Countryside
DCAN 15 Vehicular Access Standards/

This application is for the widening of the existing laneway.

The site is located in the open countryside as defined by the Cookstown Area Plan 2010. Development in the countryside 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 account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. 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'.

In terms of policy AMP 2 of PPS 3, the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with policy AMP 3 relating to Protected Routes. DFI Roads were consulted on the proposed development and provided conditions and informatives if the Council decides to approve the application.

As the application is located within the open countryside it must also comply under PPS 21, mainly that of CTY 13 and 14. It must be noted that the access point was measured by the

Council's enforcement team under LA09/2016/0038/CA which confirmed that the access point measured 6.1m wide with it measuring 16.8m at the bell mouth entrance. Upon review of the submitted plans which must be noted do not appear to be indicative of what is existing which has made it difficult to determine the full impact. Regardless it appears that the intention to widen the existing access to 10m and extend the bell mouth entrance closer to the Cookstown Road widening it to about 30m. With this in mind I am of the opinion that this is unacceptable as it does not respect the character of the area in that these ancillary works would resultantly damage rural character, this opinion was agreed and shared during group discussions. The agent did submit a letter to aid in justifying the width of the access; in that the letter stated that this laneway is shared with the neighbouring farm, and due to farm machinery being much larger nowadays and therefore widening of the access is for this purpose mainly and to make it more useable and fit for purpose. Whilst I acknowledge this contents of the letter, I hold the opinion that the existing arrangements should be more than sufficient to accommodate any farm machinery and still hold the opinion that this is contrary to CTY 14 of PPS 21 and must recommend refusal.

There were no objections to this development. DFI Roads were the only consultee and they had no objections to development.

On balance, I recommend refusal for this development as it contrary to the policy tests of PPS 21.

Neighbour Notification Checked	Yes
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Summary of Recommendation:	
Refusal is recommended.	

Reasons for Refusal:	
<p>1. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.</p>	

Signature(s)	
Date:	

ANNEX	
Date Valid	26th October 2017
Date First Advertised	9th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 43 Cookstown Road, Moneymore, Londonderry, BT45 7QF, The Owner/Occupier, 45 Cookstown Road, Moneymore, Londonderry, BT45 7QF, The Owner/Occupier, 46 Cookstown Road Moneymore Londonderry	
Date of Last Neighbour Notification	7th November 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1490/F Proposal: Widening of existing laneway (amended description) Address: Adjacent to 50 Cookstown Road, Moneymore, Decision: Decision Date: Ref ID: LA09/2017/1023/F Proposal: Retrospective application for the retention of storage units in association with established leisure/tourism karting facility, including provision of fixed bollards to established parking area. Address: Adjacent to 50 Cookstown Road, Moneymore, Decision: PG Decision Date: 15.03.2018 Ref ID: LA09/2017/0810/F Proposal: New Dwelling Address: Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road), Decision: DEF Decision Date: Ref ID: LA09/2016/1259/F	

Proposal: Variation of Condition No's 3 and 4 of Planning Approval I/2000/0565/F
Address: Adjacent to 46 Cookstown Road, Moneymore,
Decision: PG
Decision Date: 27.06.2017

Ref ID: LA09/2016/0016/F
Proposal: Proposed temporary staff room / office
Address: 4 Coltrim Road, Moneymore,
Decision: PG
Decision Date: 26.02.2016

Ref ID: LA08/2018/0157/DC
Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of Colebrooke River, Maguiresbridge)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision:
Decision Date:

Ref ID: LA08/2018/0156/DC
Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision:
Decision Date:

Ref ID: LA08/2018/0155/DC
Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of the Seskinore River, Corkhill Road)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision:
Decision Date:

Ref ID: LA08/2018/0146/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (Traditional Orchard locations)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (3 areas of Purple Moor Gass and Rush Pasture)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1619/DC

Proposal: Discharge of Condition 27 (Construction Method Statement) of planning permission LA08/2016/1328/F (G2W) - (Off road - IP Crossing - Colebrook River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2017/1352/DC

Proposal: Discharge of Condition 15 of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2017/1016/DC

Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: PG

Decision Date:

Ref ID: I/2004/0081/F

Proposal: Amendment to previous condition 03 on Planning Permission I/2000/0565 for the approval of 2No Karts (Rotax Leisure Kart) as tested and evaluated in accordance with guidelines agreed with statutory bodies

Address: Adjacent to no. 46 Cookstown Road, Moneynore

Decision:

Decision Date: 01.07.2004

Ref ID: I/2003/0884/F

Proposal: Conservatory Extension

Address: 50 Cookstown Road

Decision:

Decision Date: 12.12.2003

Ref ID: I/2002/0208/F

Proposal: Reduction in the area of car parking area from that originally approved under planning permission I/2000/0565.

Address: Cart Track, adjacent to No 46 Cookstown Road Moneymore

Decision:
Decision Date: 23.12.2002

Ref ID: I/2001/0619/F
Proposal: Office and Store
Address: Adjacent to 46 Cookstown Road Moneymore
Decision:
Decision Date: 13.01.2004

Ref ID: I/2001/0257/F
Proposal: Bus parking area with ancillary facilities including small building - office,WC and canteen
Address: 120 metres south east of Coltrim Cross Roads Coltrim Lane Moneymore
Decision:
Decision Date: 01.10.2002

Ref ID: I/2000/0827/F
Proposal: Replacement dwelling
Address: Railway View Cookstown Road Moneymore
Decision:
Decision Date: 28.02.2001

Ref ID: I/2000/0565/F
Proposal: Use of land for cart track
Address: Adjacent to 46 Cookstown Road Moneymore
Decision:
Decision Date: 18.06.2001

Ref ID: I/2000/0334/F
Proposal: Dwelling
Address: Adjacent to no 46 Cookstown Road Moneymore
Decision:
Decision Date: 08.11.2000

Ref ID: I/2000/0190/F
Proposal: Use of land for cart track
Address: Adjacent to no 46 Cookstown Road Moneymore
Decision:
Decision Date: 20.12.2000

Ref ID: I/1999/0490/O
Proposal: Dwelling house
Address: Adjacent to no 46 Cookstown Road Moneymore
Decision:

Decision Date: 14.04.2000

Ref ID: I/1978/0441

Proposal: IMPROVEMENTS TO DWELLING

Address: COLTRIM, MONEYMORE

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.
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Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 02
Type: Site Layout or Block Plan
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: 9th April 2018	Item Number:
Application ID: LA09/2017/1582/F	Target Date:
Proposal: Permission is sought to remove/vary conditions 7 and 8 of application LA09/2016/1165/F	Location: Lands opposite 270 Killyman Road Killyman Dungannon
Referral Route: Objections	
Recommendation:	Approval
Applicant Name and Address: Boa Island Properties Ltd 88 Portadown Road Armagh	Agent Name and Address: Lisbane Consultants Ltd Office 31 Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



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

Objections have been received raising concern over pedestrian safety. These issues will be dealt with in the main body of my report.

Description of proposal

This proposal is to remove/vary conditions 7 and 8 of application LA09/2016/1165/F.

LA09/2016/1165/F- Proposed housing development comprising the replacement of previously approved two blocks of 4 apartments with 3 blocks of semi detached dwellings and exclusion of the previously approved right turning lane, permission was granted on 4th July 2017. This development has commenced with the dwellings substantially complete.

Characteristics of the Site and Area

The application site is a 0.5 hectare plot of land located opposite number 270 Killyman Road. It is within the development limits of the village of Killyman as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The land is not subject to any special designations or zonings contained within the DSTAP. The topography of the site falls from the Southern portion to the

Northern portion. It also falls in a Western direction towards the adjacent laneway and watercourse.

The immediate area is generally residential in character and is comprised of a mix of densities. Opposite the site are a mix of detached and semi-detached dwellings. The lands to the West of the site are agricultural and currently undeveloped. Further to the West/NW of the site is a water course and a designated flood plain. To the South of the site are lands currently in the process of being developed and further to the South is a small residential development, Watts Park. There is a post office and convenience store to the NE of the site on the opposite side of the road. Within the village there is also a primary school, RC Church and Methodist Church and Hall.

Planning Assessment of Policy and Other Material Considerations

Under Planning Act (Northern Ireland) 2011, Section 54 Council must only consider the question of the condition subject to which planning permission was granted.

LA09/2016/1165/F is live therefore consideration can be given to amend the conditions.

Conditions 7 and 8 are as follows;

7. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 09 bearing the date stamp 17/06/17. The Department of Infrastructure has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

8. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 09 bearing the date stamp 17/05/17 have been fully completed in accordance with the approved plans.

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

These conditions are attached to ensure that necessary road infrastructure is put in place, including footways, pedestrian crossing points, road improvements, traffic control measures etc, to ensure proper, safe and convenient means of access for all road users. This includes pedestrian and vehicular movement.

Proposed road layout improvements are broadly similar to what was granted under LA09/2016/1165/F. The main difference is that approx.. 30m stretch of proposed footway is not included along Killyman Road, along the frontage of No. 281 towards the crossroads to the east where the Killyman Road, Trewmount Road, Tamnamore Road and Cavan Road converge. To address road safety concerns for pedestrians a pedestrian crossing point (PCP) is proposed, to link into an existing public footpath system on the opposite side of the road. The proposed footway for adoption granted under LA09/2016/1165/F did not link all the way to the cross road junction, nor was a PCP proposed to cross the road at this point. It is also important to note that there is no public footpath in place when rounding the bend from Killyman Road and onto Trewmount Road on the development side of the road. In my view the proposed arrangements are safer than what has been previously approved.

Objections have been received which raise concern that the proposed amendments will cause road safety concerns as people walking from the proposed development to the primary school or Methodist Church and Hall will have to cross the Killyman Road, then the Cavan Road, then Tamnamore Road. Objectors state that should what has been approved remains, then children/pedestrians will only have one road to cross. However this is not the case, when you view the private street plans that have been approved under the 2016 proposal it is clear there is also an un-adopted stretch of footway from the end of the proposed adopted footway to the cross roads, therefore crossing of three roads will also have to take place, unless they continue along the un-adopted stretch and cross at that point. The difference is that the current proposal provides a PCP which demarcates a crossing point for pedestrians with lowered kerbs and blister surface slabs which in my view is safer than what was granted.

DfI were consulted on this proposal, and they raise no objections to the proposal in terms of road safety. The proposed conditions are amended to;

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 02 Rev 1 bearing the date stamp 10th January 2018.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

8. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 02 Rev 1 bearing the date stamp 10th January 2018 have been fully completed in accordance with the approved plans.

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

I agree that conditions 7 and 8 of LA09/2016/1165/F should be amended to above.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission be granted to amend conditions 7 and 8 of LA09/2016/1165/F to read as follows;

Conditions

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 02 Rev 1 bearing the date stamp 10th January 2018.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

2. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 02 Rev 1 bearing the date stamp 10th January 2018 have been fully completed in accordance with the approved plans.

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

Signature(s)

Date:

ANNEX	
Date Valid	14th November 2017
Date First Advertised	30th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Cavan Cottages,Dungannon,Tyrone,BT71 6RF, The Owner/Occupier, 2 Cavan Cottages,Dungannon,Tyrone,BT71 6RF, The Owner/Occupier, 260 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 261 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 268 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 269 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 270 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 271 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 272 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 274 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 275 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 3 Cavan Cottages,Dungannon,Tyrone,BT71 6RF, The Owner/Occupier, 4 Cavan Cottages,Dungannon,Tyrone,BT71 6RF, The Owner/Occupier, Holly Ridge,262 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, Tempan House,Killyman Road Dungannon Tyrone	
Date of Last Neighbour Notification	29th January 2018

Planning History

Ref ID: LA09/2016/1165/F

Proposal: Proposed housing development comprising the replacement of previously approved two blocks of 4 apartments with 3 blocks of semi detached dwellings and exclusion of the previously approved right turning lane

Address: Lands opposite 270 Killyman Road, Killyman, Dungannon,

Decision: PG

Decision Date: 04.07.2017

Ref ID: LA09/2017/1582/F

Proposal: Permission is sought to remove conditions 7 and 8 and/or vary 7 and 8 of application LA09/2016/1165/F

Address: Lands opposite 270 Killyman Road, Killyman, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2017/1583/F

Proposal: Condition(s) which permission is sought to remove 7 and 8 and/or vary 7 and 8 of application LA09/2016/1617/F

Address: Lands opposite 274 Killyman Road, Killyman, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2016/1617/F

Proposal: Amendment to previously approved housing scheme (M/2008/0445/F) to replace 4 no. detached dwellings with 6 no. semi-detached dwellings, change of house type of 6 no. semi-detached dwellings and associated development

Address: Lands opposite 274 Killyman Road, Killyman, Dungannon,

Decision: PG

Decision Date: 26.07.2017

Ref ID: M/2004/0175/O

Proposal: 4 no detached dwellings

Address: Adjacent and behind no 269 Killyman Road, Dungannon 4 no dwellings

Decision:

Decision Date: 15.10.2004

Ref ID: M/1985/0203

Proposal: DWELLING HOUSE

Address: LAGHEY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/1232/O

Proposal: Site for one and a half storey dwelling and detached domestic garage.
Address: Land adjacent to 270 Killyman Road, Dungannon.
Decision:
Decision Date: 21.03.2001

Ref ID: M/1999/0144
Proposal: Extension to existing dwelling & new carport
Address: 271 KILLYMAN ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2007/0064/F
Proposal: Proposed demolition of existing dwellings 279 & 277 Killyman Rd & the construction of supermarket & stores.
Address: Lands adjacent to 279 Killyman Rd, Killyman
Decision:
Decision Date: 21.01.2008

Ref ID: M/2004/0099/Q
Proposal: Housing development
Address: Laghey Corner, Killyman, Dungannon
Decision:
Decision Date:

Ref ID: M/2004/0073/Q
Proposal: Housing Development
Address: Laghey Corner, Killyman
Decision:
Decision Date:

Ref ID: M/2005/0577/Q
Proposal: Housing Development
Address: Killyman, Dungannon
Decision:
Decision Date:

Ref ID: M/2008/0445/F
Proposal: Demolition of existing buildings and construction of housing development (52 No units) 8 No detached dwellings, 36 No. semi detached dwellings and 8 No apartments.
Address: Lands at and to the rear (south and south west) of 269-271 Killyman Road, Killyman, and to the west of Watts Park, Killyman.
Decision:
Decision Date: 29.11.2011

Ref ID: M/2008/1022/LDP

Proposal: Improvements to Moygashel Waste Water Treatment Works

Address: Moygashel WWTW, 12 Moygashel Lane, Moygashel, Dungannon

Decision:

Decision Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9th April 2018	Item Number:
Application ID: LA09/2017/1583/F	Target Date:
Proposal: Remove and/or vary conditions 7 and 8 of permission LA09/2016/1617/F	Location: Lands opposite 274 Killyman Road Killyman Dungannon
Referral Route: Objections	
Recommendation:	Approval
Applicant Name and Address: Boa Island Properties Ltd 88 Portadown Road Armagh	Agent Name and Address: Lisbane Consultants Ltd Office 31 Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

Objections received raising concern over pedestrian safety. These issues will be dealt within the main body of my report.

Description of proposal

This proposal is to remove/vary conditions 7 and 8 of application LA09/2016/1617/F.

LA09/2016/1617/F- Amendment to previously approved housing scheme (M/2008/0445/F) to replace 4 no. detached dwellings with 6 no. semi-detached dwellings, change of house type of 6 no. semi-detached dwellings and associated development, granted 6.7.17.

Characteristics of site and area

This 0.9 hectare plot of land is opposite number 274 Killyman Road. It is within the development limits of the village of Killyman as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The land is not subject to any special designations or zonings contained within the DSTAP. Part of the development has been constructed including dwellings along the road frontage and footpath provision although the footpath is not complete.

This area is generally residential in character. It is comprised of a mix of densities. To the SE of the site is Watt Park, which is small development of detached dwellings. Opposite the site are a mix of detached dwellings, terraced dwellings and semi-detached dwellings. The lands to the South of the site are agricultural and currently undeveloped. Further to the South of the site is a water course and a designated flood plain. There is a post office and convenience store to the NE of the site on the opposite side of the road. Within the village there is also a primary school, RC Church and Methodist Church and Hall.

Planning Assessment of Policy and Other Material Considerations

Under Planning Act (Northern Ireland) 2011, Section 54 Council must only consider the question of the condition subject to which planning permission was granted.

LA09/2016/1617/F is live therefore consideration can be given to amend the conditions.

Conditions 7 and 8 are as follows;

7. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 08 rev2 bearing the date stamp 17/05/17. The Department of Infrastructure has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

8. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 08 rev2 bearing the date stamp 17/05/17 have been fully completed in accordance with the approved plans.

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

These conditions are attached to ensure that necessary road infrastructure is put in place, including footways, pedestrian crossing points, road improvements, traffic control measures etc, to ensure proper, safe and convenient means of access for all road users. This includes pedestrian and vehicular movement.

Proposed road layout improvements are broadly similar to what was granted under LA09/2016/1617/F. The main difference is that approx. 30m stretch of proposed footway is not included along Killyman Road, along the frontage of No. 281 towards the crossroads to the east where Killyman Road, Trewmount Road, Tamnamore Road and Cavan Road converge. To address road safety concerns for pedestrians a pedestrian crossing point (PCP) is proposed, to link into an existing public footpath system on the opposite side of the road. The proposed footway for adoption granted under LA09/2016/1617/F did not span all the way to the cross road junction on the same side of the development, nor was a PCP proposed to cross the road at this point. It is also important to note that there is no public footpath in place when rounding the bend from Killyman Road and onto Trewmount Road on the development side of the road. In my view the proposed arrangements are safer than what has been previously approved.

Objections have been received which raise concern that the proposed amendments will cause road safety concerns as people walking from the proposed development to the primary school or

Methodist Church and Hall will have to cross the Killyman Road, then the Cavan Road, then Tamnamore Road. Objectors state that should what has been approved remains, then children/pedestrians will only have one road to cross. However this is not the case, when you view the private street plans that have been approved under the 2016 proposal it is clear there is also an un-adopted stretch of footway from the end of the proposed adopted footway to the cross roads, therefore crossing of three roads will also have to take place, unless they continue along the un-adopted stretch and cross at that point. The difference is that the current proposal provides a PCP which demarcates a crossing point for pedestrians with lowered kerbs and blister surface slabs which in my view is safer than what was granted.

DfI were consulted on this proposal, and they raise no objections to the proposal in terms of road safety. The proposed conditions are amended to;

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 02 Rev 1 bearing the date stamp 10th January 2018.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

8. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 02 Rev 1 bearing the date stamp 10th January 2018 have been fully completed in accordance with the approved plans.

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

I agree that conditions 7 and 8 of LA09/2016/1617/F should be amended to above.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

That permission be granted to vary conditions 7 and 8 of LA09/2016/1617/F to the following;

Conditions

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 02 Rev 1 bearing the date stamp 10th January 2018.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

2. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 02 Rev 1 bearing the date stamp 10th January 2018 have been fully completed in accordance with the approved plans.

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

Signature(s)

Date:

ANNEX	
Date Valid	14th November 2017
Date First Advertised	30th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 1 Laghey Corner,Killyman,Dungannon The Owner/Occupier, 1 Trewmount Road,Moy,Tyrone,BT71 6RL, The Owner/Occupier, 12 Watts Park,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 14 Watts Park,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 16 Watts Park,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 1a ,Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 2 Cavan Road,Dungannon,Tyrone,BT71 6QP, The Owner/Occupier, 268 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 270 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 272 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 274 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 281 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 2a ,Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 3 Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 3a ,Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 4 Cavan Cottages,Dungannon,Tyrone,BT71 6QP, The Owner/Occupier, 4 Cavan Road,Dungannon,Tyrone,BT71 6QP, The Owner/Occupier, Holly Ridge,262 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, P Haughey & Co.,Solicitors,21 William Street,Dungannon,BT70 1DX	

The Owner/Occupier,
Post Office, Killyman Post Office, 2 Laghey Corner Shopping
Precinct, Dungannon, Tyrone, BT71 6TS,

Date of Last Neighbour Notification

7th February 2018

Planning History

Ref ID: LA09/2016/1165/F

Proposal: Proposed housing development comprising the replacement of previously approved two blocks of 4 apartments with 3 blocks of semi detached dwellings and exclusion of the previously approved right turning lane

Address: Lands opposite 270 Killyman Road, Killyman, Dungannon,

Decision: PG

Decision Date: 04.07.2017

Ref ID: LA09/2017/1582/F

Proposal: Permission is sought to remove conditions 7 and 8 and/or vary 7 and 8 of application LA09/2016/1165/F

Address: Lands opposite 270 Killyman Road, Killyman, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2017/1583/F

Proposal: Condition(s) which permission is sought to remove 7 and 8 and/or vary 7 and 8 of application LA09/2016/1617/F

Address: Lands opposite 274 Killyman Road, Killyman, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2016/1617/F

Proposal: Amendment to previously approved housing scheme (M/2008/0445/F) to replace 4 no. detached dwellings with 6 no. semi-detached dwellings, change of house type of 6 no. semi-detached dwellings and associated development

Address: Lands opposite 274 Killyman Road, Killyman, Dungannon,

Decision: PG

Decision Date: 26.07.2017

Ref ID: LA09/2016/1166/F

Proposal: 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

Address: Lands to the West of 281 Killyman Road, Killyman, Dungannon,

Decision: PG

Decision Date: 04.07.2017

Ref ID: LA09/2017/1584/F

Proposal: Condition(s) which permission is sought to remove 6 and 7 and/or vary 6 and 7 of application LA09/2016/1166/F

Address: Lands To The West Of 281 Killyman Road, Killyman, Dungannon,

Decision:

Decision Date:

Ref ID: M/1993/0414

Proposal: Extension to Shop units

Address: LAGHEY CORNER KILLYMAN DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0175/O

Proposal: 4 no detached dwellings

Address: Adjacent and behind no 269 Killyman Road, Dungannon 4 no dwellings

Decision:

Decision Date: 15.10.2004

Ref ID: M/1985/0203

Proposal: DWELLING HOUSE

Address: LAGHEY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/0242/F

Proposal: Chalet type dwelling with attached rear garage

Address: Site adjacent to no. 270 Killyman Road, Dungannon

Decision:

Decision Date: 30.05.2003

Ref ID: M/2000/1232/O

Proposal: Site for one and a half storey dwelling and detached domestic garage.

Address: Land adjacent to 270 Killyman Road, Dungannon.

Decision:

Decision Date: 21.03.2001

Ref ID: M/1999/0144

Proposal: Extension to existing dwelling & new carport

Address: 271 KILLYMAN ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/0064/F

Proposal: Proposed demolition of existing dwellings 279 & 277 Killyman Rd & the construction of supermarket & stores.

Address: Lands adjacent to 279 Killyman Rd, Killyman

Decision:

Decision Date: 21.01.2008

Ref ID: M/1988/0321

Proposal: NEW DWELLING HOUSE

Address: SITE NO 1 ADJACENT TO 271 KILLYMAN ROAD, LAGHEY CORNER, KILLYMAN, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0483/F

Proposal: Rear extension to dwelling

Address: 275 Killyman Road Dungannon

Decision:

Decision Date: 13.06.2000

Ref ID: M/1987/0676

Proposal: 1 NO DWELLING

Address: SITE NO 1, ADJACENT TO 271 KILLYMAN ROAD, LAGHEY CORNER, KILLYMAN, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/0687/F

Proposal: Proposed Demolition of Existing Dwelling and Construction of Supermarket, stores and 2 Shop Units (amended scheme).

Address: Lands Adjacent to 279 Killyman Road, Killyman.

Decision:

Decision Date: 20.12.2006

Ref ID: M/2005/0941/F

Proposal: Proposed demolition of existing dwelling & construction of supermarket 2 shop units with community hall .

Address: Lands adjacent to 279 Killyman Road, Killyman (amended address)

Decision:

Decision Date: 05.04.2006

Ref ID: M/1988/0132

Proposal: DWELLING

Address: SITE NO 2, ADJACENT TO 271 KILLYMAN ROAD, KILLYMAN,
DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/1018/Q

Proposal: New Development

Address: Killyman Road

Decision:

Decision Date:

Ref ID: M/1987/0675

Proposal: 1 NO DWELLING

Address: SITE NO 2, ADJACENT TO 271 KILLYMAN ROAD, LAGHEY CORNER,
KILLYMAN, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0716

Proposal: Mobiles for decanting purposes (temporary)

Address: SOMME PARK DUNGANNON

Decision:

Decision Date:

Ref ID: M/1987/0173

Proposal: 3 SHOP UNITS

Address: LAGHEY CORNER, KILLYMAN, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0099/Q

Proposal: Housing development

Address: Laghey Corner, Killyman, Dungannon

Decision:

Decision Date:

Ref ID: M/2004/0073/Q

Proposal: Housing Development

Address: Laghey Corner, Killyman

Decision:

Decision Date:

Ref ID: M/2005/0577/Q

Proposal: Housing Development

Address: Killyman, Dungannon

Decision:

Decision Date:

Ref ID: M/2008/0445/F

Proposal: Demolition of existing buildings and construction of housing development (52 No units) 8 No detached dwellings, 36 No. semi detached dwellings and 8 No apartments.

Address: Lands at and to the rear (south and south west) of 269-271 Killyman Road, Killyman, and to the west of Watts Park, Killyman.

Decision:

Decision Date: 29.11.2011

Ref ID: M/1974/0259

Proposal: ERECTION OF 9 NO PRIVATE DWELLINGS

Address: LAGHEY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1980/0348

Proposal: BUNGALOW

Address: WATT'S PARK, LAGHEY CORNER, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2005/2148/E

Proposal: Improvements to Moygashel Waste Water Treatment Works.

Address: Moygashel Lane, Moygashel.

Decision:

Decision Date:

Ref ID: M/2008/1022/LDP

Proposal: Improvements to Moygashel Waste Water Treatment Works

Address: Moygashel WWTW, 12 Moygashel Lane, Moygashel, Dungannon

Decision:

Decision Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9th April 2018	Item Number:
Application ID: LA09/2017/1584/F	Target Date: 28/02/2018
Proposal: Remove and/or vary conditions 6 and 7 of application LA09/2016/1166/F	Location: Lands To The West Of 281 Killyman Road Killyman Dungannon
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Boa Island Properties Ltd 88 Portadown Road Armagh	Agent Name and Address: Lisbane Consultants Ltd Office 31 Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

Objections received raising concern over pedestrian safety. These issues will be dealt within the main body of my report.

Description of Proposal

This proposal is to remove/vary conditions 6 and 7 of application LA09/2016/1166/F.

Characteristics of the Site and Area

The application site is a 0.56 hectare plot of land located to the West of number 281 Killyman Road. It is within the development limits of the village of Killyman as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The land is not subject to any special designations or zonings contained within the DSTAP. Development has commenced on site with some approved dwellings in place and the undercourse and kerbs of the footway in place. The site sits at a similar level to the level of the Killyman Road.

The immediate area is generally residential in character and is comprised of a mix of densities. Opposite the site are a mix of detached and semi-detached dwellings. The lands to the West of the site are agricultural and currently undeveloped. Further to the West/NW of the site is a water course and a designated flood plain. To the South of the site are lands currently in the process of being developed and further to the South is a small residential development, Watts Park. There is a post office and convenience store to the NE of the site on the opposite side of the road. Within the village there is also a primary school, RC Church and Methodist Church and Hall.

Planning Assessment of Policy and Other Material Considerations

Under Planning Act (Northern Ireland) 2011, Section 54 Council must only consider the question of the condition subject to which planning permission was granted.

LA09/2016/1166/F is live therefore consideration can be given to amend the conditions.

Conditions 6 and 7 are as follows;

6. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 09 rev1 bearing the date stamp 17/05/17. The Department of Infrastructure has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

7. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 09 rev1 bearing the date stamp 17/05/17 have been fully completed in accordance with the approved plans.

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

These conditions are attached to ensure that necessary road infrastructure is put in place, including footways, pedestrian crossing points, road improvements, traffic control measures etc, to ensure proper, safe and convenient means of access for all road users. This includes pedestrian and vehicular movement.

Proposed road layout improvements are broadly similar to what was granted under LA09/2016/1166/F. The main difference is that approx. 30m stretch of proposed footway is not included along Killyman Road, along the frontage of No. 281 towards the crossroads to the east where Killyman Road, Trewmount Road, Tamnamore Road and Cavan Road converge. To address road safety concerns for pedestrians a pedestrian crossing point (PCP) is proposed, to link into an existing public footpath system on the opposite side of the road. The proposed footway for adoption granted under LA09/2016/1166/F did not span all the way to the cross road junction on the same side of the development, nor was a PCP proposed to cross the road at this point. It is also important to note that there is no public footpath in place when rounding the bend from Killyman Road and onto Trewmount Road on the development side of the road. In my view the proposed arrangements are safer than what has been previously approved.

Objections have been received which raise concern that the proposed amendments will cause road safety concerns as people walking from the proposed development to the primary school or Methodist Church and Hall will have to cross the Killyman Road, then the Cavan Road, then Tamnamore Road. Objectors state that should what has been approved remains, then

children/pedestrians will only have one road to cross. However this is not the case, when you view the private street plans that have been approved under the 2016 proposal it is clear there is also an un-adopted stretch of footway from the end of the proposed adopted footway to the cross roads, therefore crossing of three roads will also have to take place, unless they continue along the un-adopted stretch and cross at that point. The difference is that the current proposal provides a PCP which demarcates a crossing point for pedestrians with lowered kerbs and blister surface slabs which in my view is safer than what was granted.

DfI were consulted on this proposal, and they raise no objections to the proposal in terms of road safety. The proposed conditions are amended to;

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 02 Rev 1 bearing the date stamp 10th January 2018.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

7. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 02 Rev 1 bearing the date stamp 10th January 2018 have been fully completed in accordance with the approved plans.

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

I agree that conditions 7 and 8 of LA09/2016/1617/F should be amended to above.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission be granted to vary conditions 6 and 7 of LA09/2016/1166/F to the following;

Conditions

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 02 Rev 1 bearing the date stamp 10th January 2018.

The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

2. No other development hereby permitted shall be occupied until the road works (including provision of 2.0 metre wide footway connecting to the existing network) as indicated on Drawing No 02 Rev 1 bearing the date stamp 10th January 2018 have been fully completed in accordance with the approved plans.

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

Signature(s)

Date:

ANNEX	
Date Valid	14th November 2017
Date First Advertised	30th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 1 Laghey Corner, Killyman, Dungannon The Owner/Occupier, 1 Trewmount Road, Killyman, Dungannon The Owner/Occupier, 1 Trewmount Road,Moy,Tyrone,BT71 6RL, The Owner/Occupier, 14 Watts Park,Laghey,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 16 Watts Park,Laghey,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 18 Watts Park,Laghey,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 1a ,Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 2 Cavan Road,Dungannon,Tyrone,BT71 6QP, The Owner/Occupier, 270 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 271 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 272 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 274 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 275 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 279 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 281 Killyman Road,Dungannon,Tyrone,BT71 6RT, The Owner/Occupier, 281, Killyman Road, Dungannon, Tyrone, Northern Ireland, BT71 6RT The Owner/Occupier, 2a ,Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 3 Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS, The Owner/Occupier, 3a ,Laghey Corner Shopping Precinct,Dungannon,Tyrone,BT71 6TS,	

The Owner/Occupier,
Post Office, Killyman Post Office, 2 Laghey Corner Shopping
Precinct, Dungannon, Tyrone, BT71 6TS,

Date of Last Neighbour Notification

7th February 2018

Planning History

Ref ID: LA09/2017/1583/F

Proposal: Condition(s) which permission is sought to remove 7 and 8 and/or vary 7 and 8 of application LA09/2016/1617/F

Address: Lands opposite 274 Killyman Road, Killyman, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2016/1617/F

Proposal: Amendment to previously approved housing scheme (M/2008/0445/F) to replace 4 no. detached dwellings with 6 no. semi-detached dwellings, change of house type of 6 no. semi-detached dwellings and associated development

Address: Lands opposite 274 Killyman Road, Killyman, Dungannon,

Decision: PG

Decision Date: 26.07.2017

Ref ID: LA09/2016/1166/F

Proposal: 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

Address: Lands to the West of 281 Killyman Road, Killyman, Dungannon,

Decision: PG

Decision Date: 04.07.2017

Ref ID: LA09/2017/1584/F

Proposal: Condition(s) which permission is sought to remove 6 and 7 and/or vary 6 and 7 of application LA09/2016/1166/F

Address: Lands To The West Of 281 Killyman Road, Killyman, Dungannon,

Decision:

Decision Date:

Ref ID: M/2005/0220/F

Proposal: Replacement dwelling

Address: 281 Killyman Road, Killyman

Decision:

Decision Date: 13.09.2005

Ref ID: M/1999/0144

Proposal: Extension to existing dwelling & new carport

Address: 271 KILLYMAN ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/0064/F

Proposal: Proposed demolition of existing dwellings 279 & 277 Killyman Rd & the construction of supermarket & stores.

Address: Lands adjacent to 279 Killyman Rd, Killyman

Decision:

Decision Date: 21.01.2008

Ref ID: M/1988/0321

Proposal: NEW DWELLING HOUSE

Address: SITE NO 1 ADJACENT TO 271 KILLYMAN ROAD, LAGHEY CORNER, KILLYMAN, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0483/F

Proposal: Rear extension to dwelling

Address: 275 Killyman Road Dungannon

Decision:

Decision Date: 13.06.2000

Ref ID: M/1987/0676

Proposal: 1 NO DWELLING

Address: SITE NO 1, ADJACENT TO 271 KILLYMAN ROAD, LAGHEY CORNER, KILLYMAN, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/0687/F

Proposal: Proposed Demolition of Existing Dwelling and Construction of Supermarket, stores and 2 Shop Units (amended scheme).

Address: Lands Adjacent to 279 Killyman Road, Killyman.

Decision:

Decision Date: 20.12.2006

Ref ID: M/2005/0941/F

Proposal: Proposed demolition of existing dwelling & construction of supermarket 2 shop units with community hall .

Address: Lands adjacent to 279 Killyman Road, Killyman (amended address)

Decision:
Decision Date: 05.04.2006

Ref ID: M/1988/0132
Proposal: DWELLING
Address: SITE NO 2, ADJACENT TO 271 KILLYMAN ROAD, KILLYMAN,
DUNGANNON
Decision:
Decision Date:

Ref ID: M/2003/1018/Q
Proposal: New Development
Address: Killyman Road
Decision:
Decision Date:

Ref ID: M/1987/0675
Proposal: 1 NO DWELLING
Address: SITE NO 2, ADJACENT TO 271 KILLYMAN ROAD, LAGHEY CORNER,
KILLYMAN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2004/0099/Q
Proposal: Housing development
Address: Laghey Corner, Killyman, Dungannon
Decision:
Decision Date:

Ref ID: M/2004/0073/Q
Proposal: Housing Development
Address: Laghey Corner, Killyman
Decision:
Decision Date:

Ref ID: M/2005/0577/Q
Proposal: Housing Development
Address: Killyman, Dungannon
Decision:
Decision Date:

Ref ID: M/2008/0445/F

Proposal: Demolition of existing buildings and construction of housing development (52 No units) 8 No detached dwellings, 36 No. semi detached dwellings and 8 No apartments.

Address: Lands at and to the rear (south and south west) of 269-271 Killyman Road, Killyman, and to the west of Watts Park, Killyman.

Decision:

Decision Date: 29.11.2011

Ref ID: M/2005/2148/E

Proposal: Improvements to Moygashel Waste Water Treatment Works.

Address: Moygashel Lane, Moygashel.

Decision:

Decision Date:

Ref ID: M/2008/1022/LDP

Proposal: Improvements to Moygashel Waste Water Treatment Works

Address: Moygashel WWTW, 12 Moygashel Lane, Moygashel, Dungannon

Decision:

Decision Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 09/04/2018	Item Number:
Application ID: LA09/2017/1659/O	Target Date: 14/03/2018
Proposal: Proposed dwelling	Location: 120m NW of 83 Granville Road Dungannon
Referral Route: 3 rd party Objections	
Recommendation:	Approve
Applicant Name and Address: Peter O'Rourke 5 Hawthorne Crest Dungannon BT70 1QS	Agent Name and Address: J Aiden Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: Objections in relation to Road Safety issues	
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

Road safety issues raised. See body of main report for considerations.

Description of proposal

This is an outline planning application for a single dwelling located within the development limits of Granville, a village identified in the Dungannon and South Tyrone Area Plan 2010.

Characteristics of Site and Area

The site is a roadside frontage plot with access from the minor Eskragh Road which feeds onto Granville Road to the south. Dungannon Town is located approx 1.6km to the NE. Some of the site to the rear has got vegetation/undergrowth within but most of the site is clear with the

roadside section consisting of part hardstand/gravel. To the rear SW of the site a larger area is covered in bog birch, whin/shrubs and dense undergrowth. The site is relatively flat.

Opposite the site there is linear detached dwellings fronting onto Eskragh Road on sizable plots. To the NW is agricultural land with no other development along this side of Eskragh Road. SW of the site dwellings front onto Granville Road with elongated rear gardens. South of the site you can view Lindon Foods, a slaughter, food processing and packaging factory, and other associated factories located within Granville Industrial Estate.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- unzoned land located within the development limits of Granville, a small village located just outside Dungannon, the majority of which is zoned for existing/proposed industry .

Relevant planning history

M/2007/0900/O- Proposed dwelling house, permission refused. This decision was appealed by the applicant and the Planning Appeals Commission allowed the appeal on 06.01.2010 (appeal ref 2008/A0140) The main issue was that the proposal was being refused as the applicant would not make improvements to Granville Road/Eskrah Road junction. The PAC took the view that in light of subsequent permissions and in the interest of fairness that it would be unreasonable to assist on these improvements, especially as the proposal is for one dwelling and no significant intensification would take place onto Granville Road.

On the entire field the following was approved;

M/2003/0988/O- Proposed housing development, permission granted 06.10.2004

M/2007/1405/RM- Proposed housing development - 5no. detached dwellings with detached domestic garages, permission granted 21.02.2008

Due to the overgrown nature of the site it is not clear if the housing development was ever commenced.

Key Planning Policy

It is important to note that the newly published Strategic Planning Policy for Northern Ireland (SPPS) states that the policy provisions of PPS7- Quality Residential Environments are retained until such times as a Plan Strategy for the whole of the council area has been adopted.

The site is of similar size to existing plot sizes in the area along this part of Eskragh Road. Given the previous permissions on this site it is my view that the proposal is acceptable as the planning policy context has not changed. The character of development is acceptable to it's surroundings and there is ample room for private rear amenity space, siting of the dwelling, in-curtilage parking and turning.

No features of archaeology or built heritage have been negatively impacted upon. Private space within the development can be assessed at Reserved Matters stage. The development supports a movement pattern that is appropriate for the size and scale of this proposal. There is adequate and appropriate provision for parking. The design can be assessed at RM stage and there is sufficient separation distance from neighbouring dwellings to ensure no unacceptable adverse effect in terms of overlooking, overshadowing, noise or other disturbance. Consideration to layout in terms of security and to deter crime and promote personal safety can be assessed at RM stage. PPS7 policy QD1 is met.

Other Considerations

Dfl recommend sight splays of 2m by 33m to the south east and 2m by 45m in both directions onto Eskragh Road. **3rd party objections** were received late on in the processing of this application as I noticed on my site visit on 26/01/2018 that some neighbours were not notified. These objections raised only road safety issues, including how the road had become more dangerous recently due to factory workers from nearby Granville Industrial Estate using the road as a shortcut for a local shop or route into Dungannon. Concern over Eskragh Road/Granville Road junction safety was also raised. I re-consulted Dfl for comment and they have come back with this reply;

The department has considered the letters of objection and points raised have been taken into consideration. The new development will not result in unsafe conditions on the road or will mean that traffic cannot move freely along the road.

In relation to the issue of visibility at the Eskragh road / Granville Road junction, this connection has been assessed by Forward Planning division and remains on a priority list.

From this reply it is clear that Dfl have no objections to this proposal and that they are giving consideration to improving the existing situation at the dangerous junction.

There are no contamination, human health or ecology concerns to consider. Most of the site is clear from vegetation. The biodiversity value of the site is thought to be low and there is ample ground nearby for wildlife to take safe haven should they be disturbed.

Part of the site is identified as an IPRI (Industrial Pollution and Radio Chemical Inspectorate) site. NIEA state that impacts from nearby IPRI industrial installations are not considered to be significant at the site of the proposal.

The site is not subject to flooding.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

That planning permission is granted subject to the following conditions.

Conditions

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

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

Reason: Time Limit

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

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

3. Details of all boundary treatments shall be provided at Reserved Matters stage. All boundaries, as agreed at Reserved Matters stage, shall

be completed in full and permanently retained thereafter prior to the occupation of the dwelling hereby approved, unless otherwise agreed in writing by Council.

Reason: To ensure a quality residential environment and in the interest of safeguarding private amenity.

4. A landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location and height of existing trees and hedges to be retained and planted. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

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

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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access from Eskragh Road to be constructed in accordance with the attached form RS1 and shall include sight splays of 2m by 33m to the south east and 2m by 45m in both directions. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved and 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.

Signature(s)

Date:

ANNEX	
Date Valid	29th November 2017
Date First Advertised	14th December 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) H Symington 60, Eskragh Road, Dungannon, Tyrone, Northern Ireland, BT70 1NN The Owner/Occupier, 62 Eskragh Road, Dungannon, Tyrone, BT70 1NN, The Owner/Occupier, 62, Eskragh Road, Dungannon, Tyrone, Northern Ireland, BT70 1NN The Owner/Occupier, 64 Eskragh Road, Dungannon, Tyrone, BT70 1NN, The Owner/Occupier, 64, Eskragh Road, Dungannon, Tyrone, Northern Ireland, BT70 1NN	
Date of Last Neighbour Notification	19th February 2018



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1805/F	Target Date: 06/04/2018
Proposal: Extension of public car park	Location: 2 Moore Street Aughnacloy (adjacent to Tramline Way Aughnacloy)
Referral Route: Objections Received.	
Recommendation:	Approve
Applicant Name and Address: Mr Leo Daly 2 Moore Street Aughnacloy	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: <p>This application is for an extension to an existing car park facility at an existing supermarket/filling station at Moore Street, Aughnacloy. The proposed car park will add an additional 8 no. parking spaces, however it is noted that the no of vehicles/persons visiting the premises on a daily basis is not to increase. Both DFI Roads and Historic Environment Division have been consulted on this application and have returned comment. Three objections have been received from neighbouring residential properties, each of which have been considered below.</p> <p>The small scale nature of the proposed works and the fact that the proposal does not involve an intensification of the site were key determining factors within the determination of this application. I am content that the proposed works will not create a significant negative impact on the character of the surrounding area or on the amenity of nearby residential properties. I am satisfied that the proposal meets with the requirements of the relevant policy consideration(s) and approval is recommended.</p>	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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

Department for Infrastructure Roads and Department for Communities Historic Environment Division were consulted on this proposal and responded accordingly. 3 objections/third party representations have been received.

Characteristics of the Site and Area

The application site is located at Moore Street, Aughnacloy, Co. Tyrone. The site is within the settlement development limits of the village as defined within the Dungannon and South Tyrone Area Plan 2010 (DSTAP). DSTAP also outlines that the site lies out-with the Village Area of Townscape Character.

The site is located at the north western fringe of the village and is located to the north of an existing supermarket. The site is currently vacant and is located to the north of the existing car park and

south/west of an existing housing development at Tramline Way, Aughnacloy. The site is accessed from Moore Street which is located to the west.

The application site exhibits a flat nature with very little in terms of discernible variation in elevation. The northern and eastern boundaries of the site are currently made up of a small (approx. 1m high) timber slot fence, whilst the southern and western boundaries exhibit a mature hedgerow. The eastern boundary of the site abuts the boundary of the dwelling addressed as No. 1a Tramline Way. The area surrounding the site includes a mix of land uses including residential and retail.

Description of Proposal

The proposed works include the provision of an extension to the existing customer car park. The works include the provision of 8 no. additional car parking spaces and a 2m high mesh fence along the northern boundary of the car park, where it meets Tramline Way. The existing southern boundary of mature hedgerow is to be removed to facilitate access to the site via the existing car park.

The applicant has clarified that the carpark will be used to service the existing retail supermarket and filling station and that there will be no expected increase in vehicles or persons visiting the premises daily.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon and South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access Movement and Parking.
4. Planning Policy Statement (PPS) 8 – Open Space, Sport and Outdoor Recreation
5. DOE – Parking Standards.

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 3 third party objections have been received.

Assessment

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, PPS 5 (Retailing and Town Centres), and PPS 9.

The SPPS aims to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. In addition the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

On balance I consider that the proposed works are of a modest and subordinate nature. The works will not create a greater degree of visual influence when compared with the existing setting and as such the proposal will not have a negative impact on the character of the surrounding area.

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

The site is situated within urban 'whiteland'. The plan highlights that development proposals will be expected to be in keeping with the existing built form of the village and be sympathetic in terms of scale, form, massing, design detailing and materials. The proposed scheme does not significantly or detrimentally alter the existing setting of the area, nor does it significantly increase the impact created by the existing development on the site.

The application relates to the extension of an existing car park at this premises and it therefore does not propose to introduce a new use. In addition the application relates to a modest extension to the car park which will not result in any intensification of the existing use. On this basis I am content that the proposal will not impact upon the character or setting of Aughnacloy.

Policy SETT 1 within the plan outlines a series of criteria by which all development proposals inside of settlement limits will be expected to adhere to. The proposed car park extension is sensitive to the size, character and function of the settlement in terms of scale, form and design. The use of materials is appropriate to the existing operational car park on the site.

The proposal respects the opportunities and constraints of the existing site area. The application site would be of an insufficient size/scale to accommodate further residential development and as such the proposed use will not impact upon any future development opportunities.

The site is outside of the Area of Townscape Character of the Village, however it is in close proximity to an area of archaeological site/monument. On this basis it was deemed necessary to consult with Department for Communities Historic Environment Division (HED). HED responded on the application and have highlighted that they have no concerns with the proposal put forward. With this in mind I am content that the proposal will not negatively impact upon any conservation or natural/built heritage interests.

I am satisfied that the proposal complies with Policy SETT 1 of the DSTAP.

PPS 3 and Parking Standards

The applicant has highlighted that there will be no expected increase in the number of people or vehicles visiting the site daily. In addition the applicant has outlined that it is proposed to use an existing unaltered access to the public road. Owing to the nature of the application I felt it pertinent to consult with DFI Roads, who have duly responded on the file highlighting that they have no objection to the proposal.

In consideration of Policy AMP 9 of PPS 3 (Design of Car Parking) I consider that the proposal respects the character of the local townscape and the surrounding area and in doing so does not negatively impact upon visual amenity. I am also satisfied that the proposal which does not involve the intensification or alteration of the existing access to the site, provides for secure, direct and safe access for vehicles, pedestrians and cyclists.

Owing to the fact that there is no intensification of use on the application site I consider that the proposal is in keeping with the policy provision of PPS 3 and the DOE's Parking Standards.

Open Space

The area of land within the application site was included within several planning approvals for the nearby housing development at Tramline Way. This included an approval under M/2001/0619/F which defines the application site as open space. The latest approval for 3 no. additional dwellings which was approved at Appeal by the Planning Appeals Commission (PAC) under reference 2009/A0232 included a condition requiring a landscaping scheme to be submitted to and approved by the Department. Said landscaping scheme was to include the retention of trees and hedges around site No. 6 (now No. 1A Tramline Way – to the east of the application site) as well as providing for a scheme of planting. Whilst the earlier permissions on the site appear to have been

exercised, no such landscaping scheme has been received. However on the basis of that above the area of land within the application site must be considered to be open space and is therefore afforded protection in accordance with the policy provision outlined within PPS 8 Policy OS 1. In total there are 8 No. dwellings approved within the housing development at Tramline Way.

Policy OS 2 of PPS 8 identifies that public open space should be provided as an integral part of a development which consists of 25 or more residential units. Outside of this the need to provide public open space will be considered on its own individual merits.

On the basis of that above it is clear that the proposal is on an area of land which is, by definition, categorised as open space, albeit currently vacant and fenced off. On this basis the site is afforded protection by Policy OS 1 of PPS 8 which outlines that development will not be permitted which would result in the loss of open space. However on the basis of the 25 unit threshold introduced by Policy OS 2 of PPS 8 and this open space was not necessary to serve development. Furthermore given its size and form it is of little value recreationally or cosmetically to the housing estate. On this basis I consider that the proposal is an exception to policy.

Neighbour Amenity

The proposed development is located immediately adjacent to and west of No. 1A Tramline Way, which is the closest residential dwelling to the proposal. This dwelling is within the ownership of the applicant and is contained within the blue line annotated on Drawing No. 01, date stamped 22/12/2017. Outside of this there is a recently constructed dwelling on the opposite side of Tramline Way to the proposal, and a dwelling at No.9 Tramline Way which will both look directly on to the proposal. The dwelling at No. 1 Tramline Way is separated from the proposal by the existing dwelling at No. 1A and as such I do not consider the proposal will significantly impact upon this dwelling. With regards to No. 9 and the recently constructed dwelling it abuts, I do not consider the proposal will create a significant negative impact in terms of amenity concerns. Although these dwellings will look onto the proposal, both dwellings are on the opposite side of the road and a sufficient distance (over 20m) away so as not to be significantly impacted.

I do not consider the proposal will give rise to an unacceptable impact on the amenity of nearby residential dwellings in terms of overlooking, privacy, dominance or noise/odour concerns.

Consideration of Representations

3 letters of objection were received on this application. The concerns raised by objectors are addressed below:

Access and Site Intensification

Concerns have been raised in relation to the intensification of the existing access of the site and how this would intensify road safety concerns at this location. The objections made on the application note concerns about increased traffic and the existing use of footpaths for unauthorised HGV Parking.

It is noted that the proposal relates to the extension of an existing car park at this supermarket/filling station facility. The proposal does not add to or extend the shop or any of the associated buildings. The P1 Form submitted with the application highlights that there is to be no expected increase in the number of vehicles or persons visiting the premises daily. With this in mind I am content that there will be no intensification of the use of the site and as such it is considered that the proposal will not add to or intensify any concerns related to site access/egress.

Perimeter fencing and landscaping

The objectors have raised concerns about the height of the fence to be erected around the proposed extended car park area and the hedging to be planted. It is noted that the applicant proposes to erect a 2m high perimeter mesh fence and a 450mm beech hedge, as annotated on drawing No. 02, date stamped 22/12/2017. The size and nature of the proposed fencing and hedging is deemed to be appropriate to the site and the surrounding area. I am content that the

proposed landscaping measures are sufficiently sited and appropriate to this urban context. The addition of the hedging helps soften the impact of the proposed fencing and acts as a natural screen to the development.

Privacy and Noise Concerns

The impact of the development in terms of neighbour amenity (including privacy and noise concerns) has been considered within the assessment above.

Neighbour Notification

The objectors have raised concerns about not having been neighbour notified about the proposal. Two of the objections make reference to the duty of the Council to carry out Neighbour Notification in accordance with the statutory provisions contained within the General Development Procedure Order (NI) 2015 (GDPO).

Article 8(2) of the GDPO stipulates that the Council is required to give notice of an application to any identified occupier on neighbouring lands. Identified occupier means the occupier of premises within a 90m radius of the boundary of the application site and neighbouring lands means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width. The objections received on the file have been received from identified occupiers (i.e. the occupier of premises within a 90m radius of the application site), however the identified occupiers do not have premises on neighbouring land (i.e. none of the houses directly adjoin the application site). With this in mind the Council was under no statutory obligation to neighbour notify these properties.

Character and Appearance

The impact of the development in terms of the Character and Appearance of the surrounding area/townscape have been considered within the assessment above.

Visibility Splays and access to Tramline Way

One of the objections makes reference to the proposal and its impact upon the existing visibility splays at the access to Tramline Way. Having assessed the proposal against what was previously approved on the site I am content that the existing visibility splays will not be impaired with the introduction of the proposed development at this location. Sufficient space remains along the road frontage to ensure that the visibility splays are not negatively impacted upon. Again, DFI Roads were consulted on this application from a road safety perspective and have returned comment highlighting that they have no objection.

Safety

The proposed development includes a 2m high fence around its perimeter and boundary with Tramline Way. Some of the concerns raised by objectors relate to safety concerns, however I do not consider that the proposal will give rise to any issues in this regard. The proposed fence and hedge along the site boundary will create a boundary around the site which is in keeping with the existing site boundary to the site.

The objections also included reference to non-material issues including the existing use/approval on the site and potential impact on house prices. I do not consider these to be material planning considerations. In addition one of the objections raised concerns about the title of deeds and site boundaries, I consider this to be a civil matter.

Conclusion

Members are advised that the proposal is considered to be acceptable on the basis that the proposal will not have a significant negative impact on the character or setting of the local area, local residential amenity, or give rise to road safety concerns. The members are reminded that the proposal is on an area of open space but for the reasons documented above I am content that the proposal should be considered as an acceptable exception.

Approval is recommended.	
Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approve, subject to the condition(s) below.	
Conditions/Reasons for Refusal:	
<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the use of the car park extension hereby approved becoming operational the car parking spaces, as identified on Drawing No. 02 bearing date stamp 22nd December 2017, shall be permanently laid out.</p> <p>Reason: To ensure adequate parking provision is provided for this development.</p> <p>3. All proposed landscaping in the approved details of drawing No 02 bearing the date stamp 22nd December 2017, shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of streetscape.</p> <p>Informatives</p> <p>1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.</p> <p>2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p> <p>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.</p>	
Signature(s)	
Date:	

ANNEX	
Date Valid	22nd December 2017
Date First Advertised	18th January 2018
Date Last Advertised	18th January 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1, Tramline Way, Aughnacloy, Tyrone, Northern Ireland, BT69 6BE The Owner/Occupier, 1A Tramline Way, Aughnacloy, Tyrone, BT69 6BE, Christine Mullen 2, Tramline Way, Aughnacloy, Tyrone, Northern Ireland, BT69 6BE The Owner/Occupier, 9 Tramline Way Aughnacloy Tyrone Orla Rafferty	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/1996/0136 Proposal: Amended access layout to serve approved dwelling Address: OPPOSITE 8 TULLYVAR ROAD, AUGHNACLOY Decision: Decision Date: Ref ID: M/2006/1963/F Proposal: Proposed 2No dwellings & 2No garages Address: Site 6 & 7 Tramline Way, Aughnacloy Decision: AU Decision Date: Ref ID: M/2008/0982/F Proposal: 3 No. dwellings (dwelling on site 6 and dwelling and garage on sites 7 & 8) Address: Sites 6, 7 and 8 Tramline Way, Aughnacloy Decision: Decision Date: Ref ID: M/1996/0138	

Proposal: Proposed Retirement Dwelling
Address: OPPOSITE 8 TULLYVAR ROAD, AUGHNACLOY
Decision:
Decision Date:

Ref ID: M/1996/0138B
Proposal: Dwelling
Address: OPPOSITE 8 TULLYVAR ROAD AUGHNACLOY
Decision:
Decision Date:

Ref ID: M/2008/1097/F
Proposal: Replace existing forecourt canopy with new canopy
Address: 2a Moore Street, Aughnacloy
Decision:
Decision Date: 17.11.2008

Ref ID: M/2007/0162/F
Proposal: Alterations and extension to supermarket including relocation of post office, shop extension, porch extension and internal alterations.
Address: Poundhill Supermarket 2a Moore Street, Aughnacloy.
Decision:
Decision Date: 18.05.2007

Ref ID: M/2000/0020/F
Proposal: Alterations and extension to existing Spar shop including additional car parking, relocation of car wash and provision of car valet bay.
Address: 2A Moore Street, Aughnacloy
Decision:
Decision Date: 26.04.2001

Ref ID: M/1991/0410
Proposal: Free standing internally illuminated variable price sign
Address: NEW FILLING STATION MOORE STREET AUGHNACLOY
Decision:
Decision Date:

Ref ID: M/2004/1439/F
Proposal: Extension of existing supermarket within covered area
Address: 2 Moore Street, Aughnacloy
Decision:
Decision Date: 09.11.2004

Ref ID: M/2002/0091/F

Proposal: Replacement shop & erection of a new shop unit including relocation of carwash and additional parking and provision of temporary shop during construction of new shop.

Address: Poundhill 2A Moore Street, Aughnacloy

Decision:

Decision Date: 23.07.2002

Ref ID: M/2006/1666/F

Proposal: Proposed Access Road for DOE Adoption to Access 5No. Dwelling.

Address: Adjacent to 7 Tullyvar Road, Aughnacloy

Decision:

Decision Date: 15.05.2007

Ref ID: M/1998/0026

Proposal: Site for dwelling

Address: 150M N.E. OF NO. 8 TULLYVAR ROAD AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/2001/0619/F

Proposal: Housing development

Address: Adjacent to 7 Tullyvar Road Aughnacloy

Decision:

Decision Date: 28.11.2003

Ref ID: LA09/2017/1805/F

Proposal: Extension of public car park

Address: 2 Moore Street, Aughnacloy (adjacent to Tramline Way Aughnacloy),

Decision:

Decision Date:

Ref ID: M/2005/0775/F

Proposal: Change of House Type from that approved under file ref: M/2001/0619/F and erection of garage.

Address: Adjacent to 7 Tullyvar Road, Aughnacloy

Decision:

Decision Date: 22.08.2005

Ref ID: M/2005/0409/F

Proposal: Provision of ATM machine to supercede location approved under M/2004/1439

Address: 2 Moore Street, Aughnacloy

Decision:

Decision Date: 15.06.2005

Ref ID: LA09/2016/1499/A

Proposal: Fascia signage, projecting sign and vinyl graphics. Erection of totem pole

Address: 2 Moore Street, Aughnacloy,

Decision: CG

Decision Date: 18.01.2017

Ref ID: M/1992/0045

Proposal: Site for Dwelling

Address: DERRYCUSH AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/2002/0589/F

Proposal: Proposed sun-lounge to side of dwelling

Address: 7 Tullyvar Road, Aughnacloy

Decision:

Decision Date: 19.08.2002

Summary of Consultee Responses

CONSULTATION RESPONSES									
Consultn Type	Consultee	Consulted	Target Reply	Rev Target	Date Reply	Response	Response Type	Substantive	
Statutory	DFI Roads - Enniskillen	15.01.2018	05.02.2018		15.02.2018	Standing Advice	Final Substantiv	Yes	
Statutory	Historic Environment Di	15.01.2018	05.02.2018		20.02.2018	Content	Final Substantiv	Yes	

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Existing and Proposed Floor Plans

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2017/0528/O	Target Date:
Proposal: Site for proposed dwelling and detached double garage	Location: Adjacent 41 Drumsamney Road Desertmartin Magherafelt
Applicant Name and Address: Mr A Moore 41 Drumsamney Road Desertmartin Magherafelt	Agent name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LH
Summary of Issues: No objections have been received in respect of this application.	
Summary of Consultee Responses: All consultees responded positively and provided suggested conditions/informatives	
Description of proposal This is an outline application for a dwelling and double garage associated with a farm holding.	
Characteristics of the site and area The site is located in an area of rural countryside which is characterised by groups of farm buildings and single dwellings both dotted along the roadside as well as set back off the public road and accessed by laneways. This site is located immediately to the north of a single detached dwelling, no.41 which is owned by the applicant's father. The site is located within a roadside field with the location map indicating the preferred position of a dwelling set back 50m from the site frontage. This places such a dwelling on the crest of the hill as the field rises up from road level towards the western boundary. To the rear of no.41 is a small, single agricultural shed with a second, unassociated dwelling to the south-west. There is an existing access laneway leading to the second dwelling and also to the	

agricultural shed. This laneway joins onto another laneway which extends along the northern boundary of the site, before extending to the south-west where there are a group of farm buildings and farmlands owned by the farm business in question.

The group of farm buildings associated with this farm business are located in two separate locations. The main farmyard and complex is located in excess of 450m to the south east of the site. A second grouping of farm buildings is located approximately 200m-250m to the south east of the proposed site.

Deferred Consideration:

This application was presented before the Planning Committee in January 2018 with a recommendation to refuse based on the following reason:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
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 and access to the dwelling is not obtained from an existing lane, no health and safety reasons exist to justify an alternative site not 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 building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed 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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.

Following a discussion at that meeting the application was deferred for a meeting with the Planning Manager, Dr Boomer. This meeting took place on 24th January 2018 and was attended by the applicant, Councillors' McGuigan and McKinney, the agent and planning advisor - S Curtin. At that meeting the following was discussed:-

The applicant's grandfather owned the farm which has not been sub-divided and is now farmed by his uncle. The applicant's home dwelling was built on the farm (under approval H/1986/0200) and no further approvals have been granted since. As any dwelling on the proposed site will be perched on the crest of a hill it would require to be set back behind the building line of the existing dwelling and any dwelling on the site should be designed to achieve an acceptable degree of integration.

Existing site levels should be submitted to support the claim that the field falls substantially from the crest towards the northern boundary and therefore a dwelling cannot be sited at the western side of the field.

Given that an argument has been made as to why the existing laneway cannot be utilised, a new access laneway could be created. However such a laneway should be adjacent to the northern boundary of No.41 and should have an acceptable landscaping scheme to reduce the visual impact of the access works. The landscaping scheme should also include planting all new boundaries.

Provided the above additional information is received and demonstrates that the site can be developed and achieve a satisfactory degree of integration, it may be acceptable.

This application falls to be considered under PPS 21 - Policy CTY 10 and as DAERA previously advised the farm business was both active and established for more than 6 years, it has been accepted under the proposal meets criteria (a) of the policy.

Following a planning history check of the farm lands included on the farm maps provided, I am satisfied that criteria (b) has been met as no previous planning approvals have been granted on this holding.

With regards to criteria (c), a new dwelling on the proposed site would be visually linked and sited to cluster with the small farm building to the south of the site as well as the applicant's parents dwelling. Although the proposed dwelling will only cluster with the one existing building on the farm, given the above it is my opinion that it can be considered as being acceptable, as it is in the spirit of the policy.

Additional information submitted.

The agent submitted additional information to suggest that a two storey dwelling would be acceptable on this site. This is based on the premise that the proposed dwelling will not be seen on approach from the south east as it will be screened by the existing dwellings at no's. 41 and 41A. This has never been disputed, as the critical view has always been presented as that on approach from the north. It should be noted that the agent has not provided a photo montage or concept to show how a two storey dwelling would be seen from this critical view. The agent has also stated that the ground levels within the site are the same as those surrounding the adjacent dwellings at 41 and 41A. I do not believe this to be the case, as can be seen from photos on file of the site which were taken at the time of initial site inspection, the site levels are above those of no 41. The agent goes on to state that the site levels will be reduced by 1.2m and that this will provide a reduced platform level for a two storey dwelling which would reduce the need for retaining structures to the north and west.

I do not agree with this assessment in that the ground levels do not fall to such an extent that grading could not be an effective means of dealing with the proposed levels. The agent has not taken account of the fact that a two storey dwelling on such an elevated site, in particular on one which will be highly visible on approach from the north, will be much more visible than low level retaining structures. Given that one of the initial reasons for the proposed site being recommended for refusal was on the grounds that it would result in a dwelling which was prominent and would suffer from a lack of integration as the site is unable to provide a suitable degree of enclosure, in my opinion, the site cannot accommodate a two storey dwelling as suggested by the agent. Undoubtedly, whilst reducing the ground levels on the crest of the hill will reduce the overall impact of a two storey dwelling, the visual impact of expensive excavations and cutting required to create an artificial platform will be equally as detrimental if not more so than a carefully graded site, even taking into account the addition of low level retaining structures, which with proper and careful consideration, could help to define the site and reduce the visual impact of this hill top

development. The agent's proposal of a two storey dwelling on this site is clearly contrary to the advice given at section 4.2 of 'Building on Tradition – A sustainable design guide for the Northern Ireland countryside' which advises to work with the contours (not against them).

Having considered all of this, the proposal is within the spirit of Policy CTY 10 and is considered acceptable.

I am therefore recommending an approval of this application subject to the following conditions:-

Conditions

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

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

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

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

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

3. The layout and siting of the dwelling hereby approved shall be in general conformity with the stamped approved drawing no. 02 date stamped 9th February 2018.

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

4. The dwelling hereby permitted shall have a ridge height of not greater than 7.0 metres above finished floor level, designed and landscaped in accordance with the Department of Environment's 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. The depth of under-building between finished floor level and existing ground level shall not exceed 0.30 metres at any point.

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

7. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

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

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

9. The dwelling hereby permitted shall not be occupied until all new boundaries have been 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 proposal is in keeping with the character of the rural area and in the interests of visual amenity.

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

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

11. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by Mid Ulster District Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

12. During the first available planting season after the occupation of the dwelling a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the northern sight splay along the front boundary of the site.

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

13. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer:	
Application ID: LA09/2017/0846/F	Target Date: <add date>
Proposal: Proposed cattle welfare unit including storage for hay and meal. Proposed yard area for storage of round bales ,farm plant and machinery	Location: 175m South East of 66A Kilnacart Road Dungannon
Applicant Name and Address: Niall McCann 66A Kilnacart Road Dungannon	Agent name and Address: Sam Smyth Architecture Unit 45 Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Summary of Issues: DAERA, Transport NI, and Rivers Agency were consulted and have made comment on this application. One letter of objection has been received and the comments made have been considered below. All material considerations, including policy considerations, have been addressed within the determination of this application.	
Summary of Consultee Responses: DAERA, Transport NI, and Rivers Agency were consulted and responded on this application. No issues have been identified through the consultation process.	

Characteristics of the Site and Area:

The site is situated on the Kilnacart Road, Dungannon, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. This is quite an enclosed area of the countryside with little in terms of wide spanning views or prospects.

The application site is bound on each of its sides by vegetation and hedgerows. The site is accessed via an existing access which is situated to the north of the site via Kilnacart Road. The site is part of an existing farm holding which includes lands surrounding the site and lands, in a separate parcel, some 250m to the north of the proposal. The lands which surround the application site do not host any farm buildings, however it is noted that the lands to the north of the site include up to nine farm buildings. The red line boundary of the site includes an existing hard stand area and agricultural pasture. The proposed access to the application site is also in situ. The site is currently being used to store round bales.

In terms of elevation the site area is relatively flat with a small rise in elevation to the south of the site and a gradual reduction in elevation towards a small stream to the west.

Description of Proposal

Members are advised that this application relate to a proposed cattle welfare unit on lands 175m south east of 66A Kilnacart Road, Dungannon, Co. Tyrone.

The proposal is sited to the eastern fringe of the application site and is measured at 9.5m in width and 24.5m in length. The maximum ridge height of the proposal is measured at 9.8m. The proposal includes the provision of external cattle pens to the front of the welfare unit in an area measured at 9m in width and 18.2 in length. In addition the applicant seeks permission for a hard stand area to make up part of a hardcore yard which surrounds the site. It is noted that this hardcore yard area is to be used for the storage of round bales as well as farm plant and machinery. Materials to be used on the proposed cattle unit include a shuttered concrete finish to lower walls, dark green coloured double skin cladding to upper walls and dark green coloured double skin cladding to roof.

The proposed cattle welfare unit is to be used for the storage of livestock on the farm holding, as well as storage of hay and meal. The applicant has highlighted that the proposal relates to the provision of a new agricultural shed at this location.

Deferred Consideration:

Members are advised this application was deferred at the Committee Meeting on 2 October 2017 as it had come forward with a recommendation to refuse as it was not demonstrated that the building was necessary for the efficient use of the holding, it would be prominent in the landscape and would affect the rural character of the area.

A meeting was held with Dr Boomer and Mr McCann provided additional information on his farming background. Mr McCann advised that his grandad started the farm in small buildings beside the main house at 65 Killybracken Road. Mr McCann operates under his Uncles business id. and has done so for a considerable number of years. Mr McCann's Uncle, Joe Hughes, lives at 65 Killybracken Road , there are 150 head of cattle in the business and the existing buildings at Mr Hughes property on Killybracken Road are no longer suitable or able to accommodate the herd. Mr Hughes has built chicken houses at Killybracken Road to the north of the existing farm house,

yard and buildings and there is no other opportunity at 65 Killybracken Roads to provide any new buildings. Mr McCann has bought land of his own and now wants to have his own farm business. DEARA allocated Mr McCann with a category 3 business id on 16th November 2017, this is to allow him to operate a flock/herd number. DEARA have advised that these types of ids are issued to keepers of a small number of animals, and advised this relates to 10 sheep or 5 cattle , which allows them to operate a herd number. DEARA also advised that Mr McCann has a crush, pen and adequate isolation facilities to operate a herd.

Members are advised that policy CTY12 has a number of criteria to be met, Mr McCann has advised that he has been farming for a considerable number of years under his uncles farm number and now wants to set up his own farm. He has been allocated a business number, but it is only recently and is for a category 3 business, which is for a small number of animals. The proposed development is for a building with approx. 250 sqm covered floor space with a hard-cored yard of approx. 3,000 sqm. Mr Hughes current agricultural buildings in the yard are approx. 1000sqm within an overall area of approx. 6,000sqm. I consider the proposed building and yard are disproportionate in scale to the number of animals that DEARA have indicated can be associated with this business ID and I have no information to demonstrate why this small number of cattle cannot be located within the existing buildings or why this size of building is required. Mr McCann was offered the opportunity to reduce the scale and size of the building but advised he wanted a decision on the basis of the proposal currently under consideration.

The proposed building sits on a prominent roadside position, it is nearly 10m in height and does not have existing landscaping, other buildings or land form to allow it to be integrated into the landscape. There is a low roadside hedge and low hedge along the east boundary of the site, beside where the building is being proposed. This building will be prominent in the landscape when viewed on approach downhill from Kilnacart Road and from the crossroads and along Killyliss Road.

In view of these concerns, I recommend to the committee that this application is refused as I do not see it is necessary, it will not adequately integrate and will be a prominent feature that affects rural character.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping; and it has not been demonstrated that there are no alternative sites available at an existing group of buildings on the holding and that an alternative site away from the farm buildings is essential for the efficient functioning of the farm business.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would fail to integrate into the surrounding landscape by virtue of its prominence.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would be unduly prominent in the landscape and result in a detrimental change to the rural character of the area.

Signature(s):

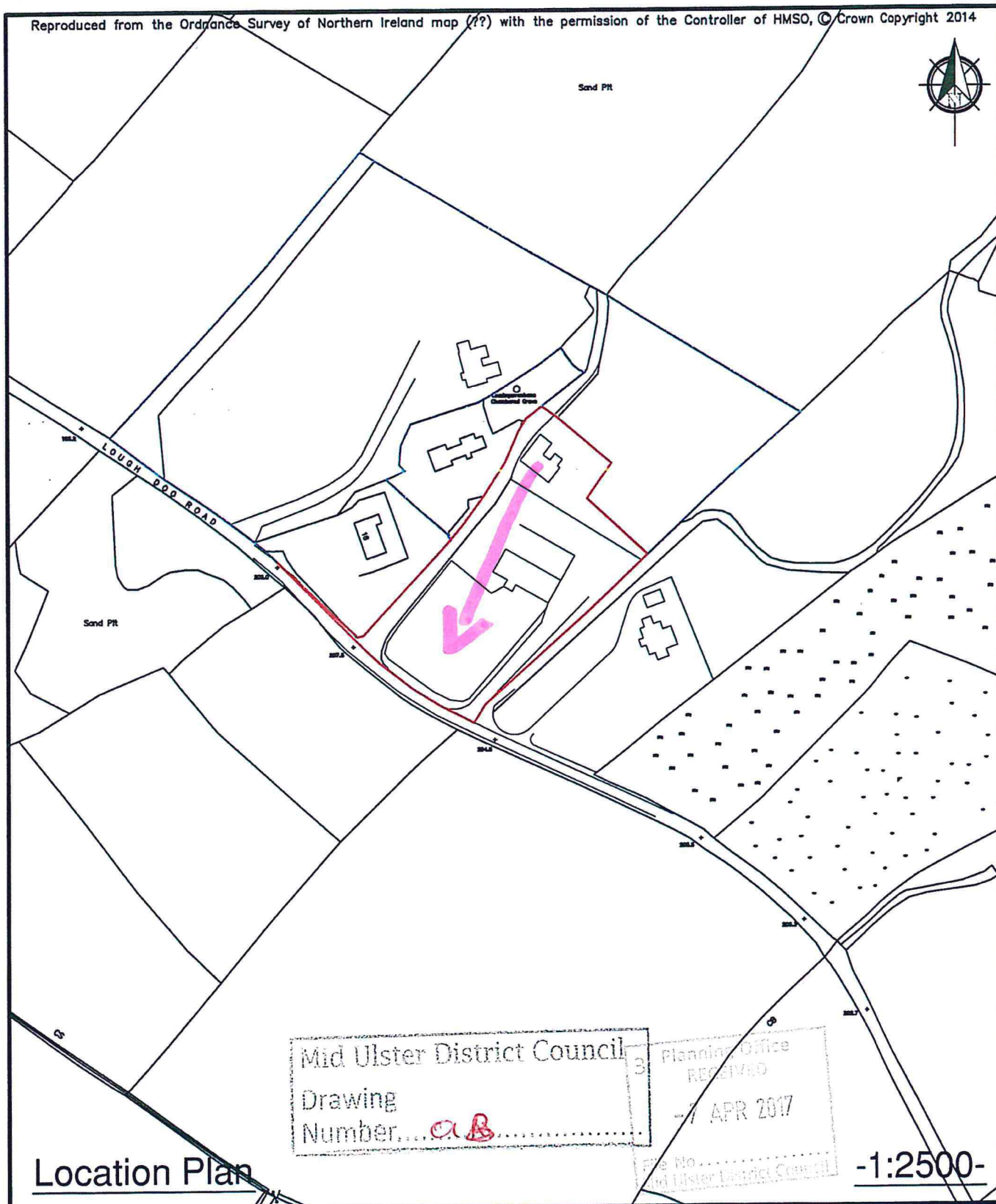
Date

Report on	Revocation of Planning Permission.(I/2005/0118/O) and (I/2008/0310/RM)
Reporting Officer	M.Bowman
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To seek members agreement to proceed with formal Revocation proceedings of previous Planning permissions for a rural dwelling.
2.0	Background
2.1	<p>The applicant, Ms Shauna Loughran, has applied for a Change of house type and re-siting of dwelling location to that previously approved under I/2008/0310/RM at Lands 50 m east and south east of 20 Loughdoo Road, Cookstown (LA09/2016/1797/F)</p> <p>In order to approve the alternative siting, and given that a material start has been made on the previous approved site, the Council will have to formally revoke 2 earlier permissions to allow this proposal to be approved. The applicant and all other interested parties are in full agreement with this requirement.</p>
3.0	Main Report
3.1	<p>Applications I/2005/0118/O granted on the 2 June 2005 and subsequent planning permission reference number I/2008/0310/RM granted on the 21 October 2008 for a proposed dwelling located at lands 50 m east and south east of 20 Loughdoo Road Cookstown County Tyrone are the 2 previous permissions to be revoked by agreement.</p> <p>Mid-Ulster District Council, under the provisions of (Article 68 of the 2011 Planning Act (2011) Northern Ireland, can make an Order Revoking the above permission in order to be able to approve the alternative site for a dwelling under planning permission LA09/2016/1797/F received on the 12 December 2016.</p> <p>Members were presented a recommendation on the alternative site at the planning committee held on 4TH July 2017 and have already accepted the principle of the re-siting.</p> <p>In addition, the applicant has agreed to reimburse Council all costs associated with the advertisement and legal work relating to the revoking process</p> <p>The Revocation Order will require approval by Council.</p>

4.0	Other Considerations n/a
4.1	<u>Financial & Human Resources Implications</u> N/A
4.2	<u>Equality and Good Relations Implications</u> <u>None</u>
4.3	<u>Risk Management Implications</u> None
5.0	Recommendation(s)
5.1	That members agree that the Council proceed with formal Revocation procedures for applications I/2005/0118/O and I/2008/0310/RM.
6.0	Documents Attached & References
	Site location plan.



s p d s	project	Change of Site Location & Design at Loughdoo Road, Cookstown, Co. Tyrone			
	client	Ms. Shauna Loughran			
	dwg title	Location Plan			
	dwg no.	2302-D-01 (A)	scale	1:2500	
	drawn	P.B.	checked	A.B.	date Sep'2015

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Report on	Planning Department Service Improvement Plan 2017 -2018
Reporting Officer	Dr Chris Boomer
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To provide Members with a copy of the Planning Department's Service Improvement Plan (SIP) for the period 2018 – 2019.
2.0	Background
2.1	The attached SIP shows how the service provided by the Planning Department will contribute to the Council's corporate objectives.
2.2	A SIP was in place for the period 2017 -2018 and a section of the attached SIP sets out the performance overview for that period. Also included is a work plan and action plan for the period 2018 – 2019 outlining the various actions to be taken by the Department over the new reporting period
3.0	Main Report
3.1	There are a number of actions and outcomes set out within the attached SIP which the Planning Department will report on over the course of the period 2018- 2019. The key initiative to improve performance is the pilot of how Roads consultations can be carried out more swiftly.
3.2	Also included are a number of risks for the Planning Department and details of the mitigation in place to control these in the most effective way. The key risk relates to staff retention and the ability to maintain a full complement of staff needed to deliver an effective service.

4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: Human:
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	That the attached Planning Department Service Improvement Plan 2018- 2019 is noted and agreed by Members.
6.0	Documents Attached & References
6.1	Planning Department Service Improvement plan 2018- 2019



Planning Department

SERVICE PLAN - 2018 / 19

	Date
Consulted within staff team	07/02 /2018
Discussed & signed off by Planning Manager	28/ 03 / 2018

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1.3	Customers & Stakeholders	
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3.0	IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2018/19	
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3.3	Risk Management of Service	

1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1 Purpose and Scope of the Service

The Planning Department is led by the Planning Manager and it is responsible for the delivery of a number of functions including the following:

- receiving and making decisions on planning applications;
- enforcing breaches of planning control;
- making tree preservation orders and providing advice on conservation area development; and
- producing a local development plan which will outline how land in Mid Ulster should be used and developed in the future.

1.2 Responsibilities

In order to deliver these services the Planning Department is divided into 2 separate functions:

Development Management

This function is made up of the following area teams all of which are based at the Councils offices on the Ballyronan Road, Magherafelt.

1. Cookstown, Magherafelt, Carntogher and Mayola
2. Dungannon, Clogher and Torrent
3. Major applications team

The Development Management function has a number of responsibilities including:

- Determining Major, Local planning applications
- Providing Pre-application advice and facilitating pre-application discussions
- Dealing with non-material changes to planning approvals
- Determining certificates of lawfulness

The 3 area teams are supported by an Administrative Support Team which also offers support for the wider Planning Department.

Development Plan, Environment and Enforcement

The Enforcement team are responsible for investigating and responding to enforcement complaints regarding breaches of planning control.

The Development Plan team are responsible for the production of the new Local Development Plan for Mid Ulster District.

The Environment team are responsible for consideration of environmental issues including the carrying out the Sustainability Appraisal/Strategic Environmental Assessment of the

new Local Development Plan as well as providing advice on Conservation matters and Tree Preservation Orders.

1.3 Customers & Stakeholders

Customers & Stakeholders
• applicants
• agent / architects
• objectors
• complainants in relation to breaches of planning control
• Planning Committee
• Council officers and elected representatives
• Statutory Consultees
• Local Development Plan Consultation Bodies
• Mid Ulster residents, businesses and interested parties

1.4 Performance Overview in 2017/18

The following table provides a progress summary and the impact made by last years' Service Plan (2017-2018). It also details key successes, remaining challenges for the Service and how it made a difference.

2017/18 Performance Overview
<ul style="list-style-type: none"> To determine 50% of all local applications within 15 weeks Interim figures up until February 2018 suggest performance on local applications has been within target for 2017/18. Latest unvalidated information indicates an average processing time of 14 weeks in relation to the statutory target of 50% of local application within 15 weeks. This represents a marked improvement on 2016/17 when processing times were 14.6 for the same period. Applications number are remaining steady for the period when compared to the previous year.
<ul style="list-style-type: none"> To determine 50% of all Major applications within 30 weeks Major applications average processing time is at 44.4 weeks for the period until end February 2018 (based on unvalidated figures) which remains below the target of 50% within 30 weeks. This is a vast improvement on the same period last year when processing times were at 73.6 weeks. There has also been a significant increase in the number of majors received within the 2017/18 year with 17 received to-date whereas only 10 were received in the same period in 2016/17.
<ul style="list-style-type: none"> To process 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint The statutory target of 70% has been met and exceeded during the period until the end of February 2018 (based on unvalidated figures). The percentage of cases concluded within 39 weeks at the end of February 2018 sits at 83.1% which is a further improvement on the figure for the same period in 2016/17 which was 78.2%.

<p>This is a marked improvement on the performance for the previous year. In addition prosecutions leading to successful convictions remains high.</p>
<ul style="list-style-type: none"> To progress the publication of a draft Plan Strategy and related Sustainability Appraisal/Strategic Environmental Assessment Interim Reports and supporting documents by end of Q4 2018. <p>The target for 2017/18 was to publish a draft Plan Strategy by the end of March 2018. Unfortunately this target has not been met due to a number of factors including prolonged absence within the Planning Department which has led to the diversion of resources from development plan to development management. In addition, as a result of the public consultation on the Preferred Options Paper, further evidence gathering has been undertaken. Mid Ulster has along led the way in working with neighbouring councils setting up planning forums for Lough Neagh, the Sperrins and Cross Border. Additional work has been undertaken to agree shared commons issues with neighbouring councils. It is anticipated that a draft Local Development Plan Strategy and related Sustainability Appraisal/Strategic Environmental Assessment Interim Reports and supporting documents will be published in the late 2018.</p>
<ul style="list-style-type: none"> To provide internal consultation advice on conservation matters on 90% of cases within 10 working days. <p>Over this period a response rate of 82% has been achieved. While this falls short of the internal target and is lower than the same period last year, which was 86%, it does relate to a higher number of internal consultations. It is anticipated that the internal target can be achieved in the next reporting year.</p>
<ul style="list-style-type: none"> To provide submissions on Appeals, Judicial Reviews, Consultations and Calls for Evidence – 100% response within set timeframe <p>Over this period there have been many consultation responses and well as JR and appeal submissions and all have been within the timeframe set by the external bodies.</p>
<ul style="list-style-type: none"> To have a planning enforcement strategy review document available by 30/09/16. <p>This document was agreed by the Planning Committee on 1 November 2016 and the review was agreed. The Enforcement Strategy remains as was adopted in January 2016.</p>
<ul style="list-style-type: none"> To respond to correspondence within 15 working days (20 days for requests under <p>The Planning Department received 39 EIR/FOI requests, 38 of which were responded to within target (97%) 11 complaints were received, 9 of which were responded to within target (82%) 239 items of general correspondence were received, 200 (84%) of which were responded to within the target date for response</p>

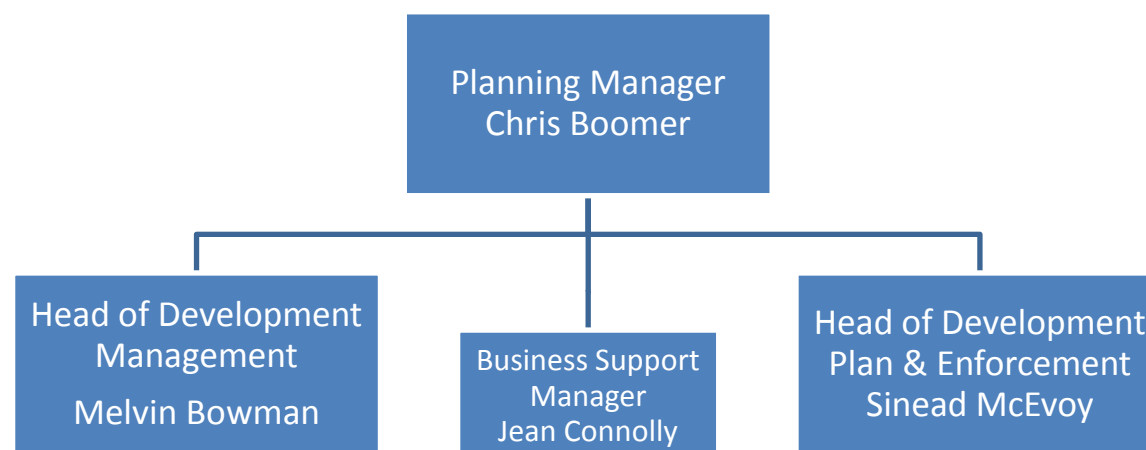
2.0 SERVICE WORKPLAN 2018/19

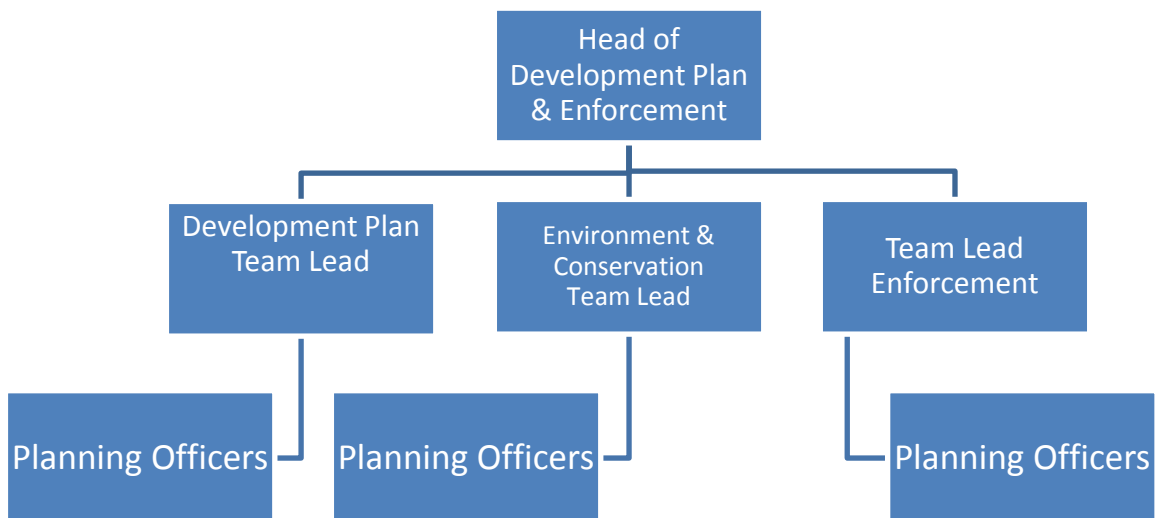
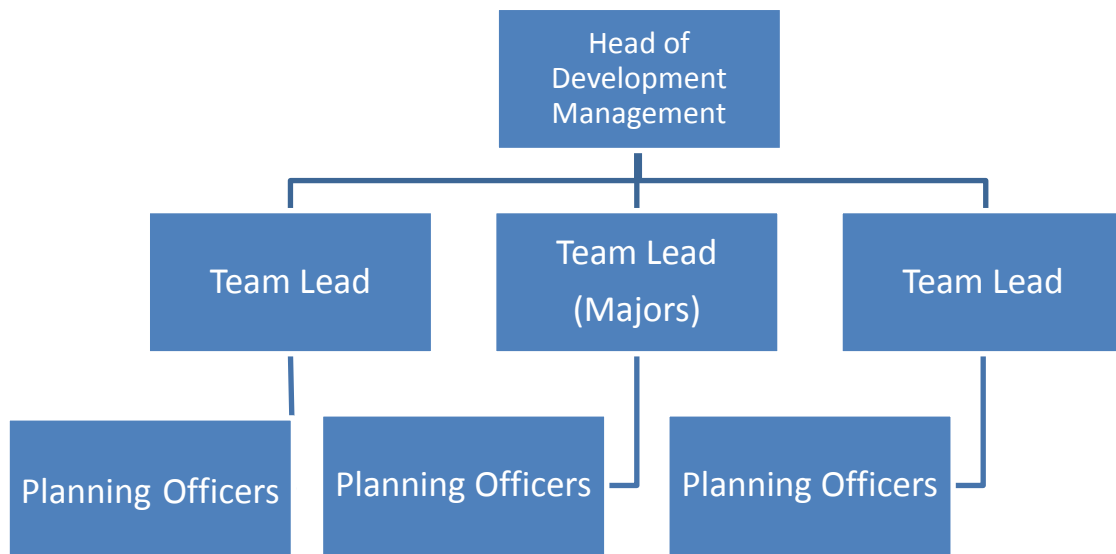
The following tables confirm the resources, financial and people, which the Service has access to throughout 2018-19 to deliver its actions, activities and core business.

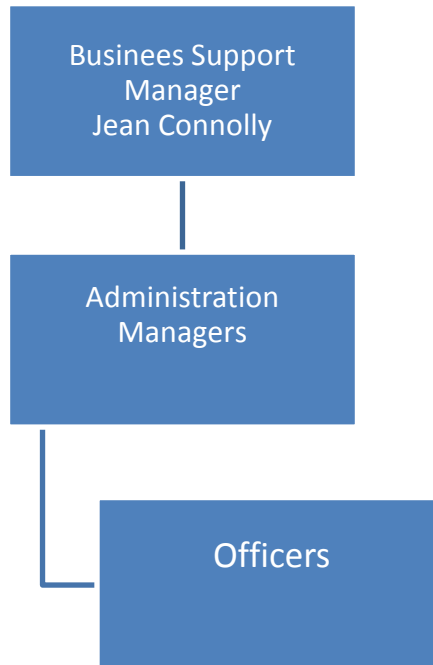
2.1 Budget 2018/19

Service Budget Headings	£
Salaries	1,732,833
Advertising/publishing	37,000
consultancy	35,000
mileage	14,900
General admin expenditure	14,650
Gross Budget	1,834,383
Income	1,642,000
Net Budget for 2018-19	192,383

2.2 Staffing Complement - 2018/19







Current Staffing	No. of Staff
Planning Manager	1
Head of Service	2
Managers	6.8
Officers	17.26
Business Support Teams	9
Total	36.06
Complement	39.86

2.3 Service Work Plan - 2018/19

This plan confirms the core activities and actions which will form your Service Work Plan for 2018-19. This should be a high level capture of the Service activities and work which it will focus on throughout 2018-19. The Plan links to the Council's 2015-2019 Corporate Plan priorities, Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

SERVICE WORK PLAN

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 1.1 Economic Growth - We prosper in a stronger & more</i>	<i>CRP 2.1 Creating Growth - Preparation of a local development plan</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To complete the second phase in the preparation of a new local development plan for Mid Ulster – publication of draft Plan Strategy, and associated documents including Sustainability Appraisal, incorporating the Strategic Environmental Assessment, by end of quarter 3.	Progress against key actions/milestones	Phase 1 – preparatory work and public consultation completed. Phased 2 - Working towards publication of draft plan strategy and associated documents.	100% against key actions	• Broker agreement with neighbouring councils on cross boundary issues	End Q2	Chris Boomer	Provide public certainty on the development of Mid Ulster District for the period up to 2030.
				• Broker agreement with elected members on the draft plan strategy	End Q2	Sinead McEvoy	
				• Complete SA/SEA of the draft plan strategy	End Q2		
				• Complete rural proofing of the draft plan strategy	End Q2		
				• Complete EQIA screening and where relevant assessment of draft plan strategy	End Q2		
				• Publish draft plan strategy and associated documents.	End Q3		

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>CRP 3.5 Sustaining our Environment - Efficiencies in processing Planning Enforcement Cases</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To process 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint.	By monitoring monthly and quarterly figures provided by DfI.	At the end of February 2018 the percentage of cases concluded within 39 weeks sits at 83.1%.	To continue to meet the target of processing 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint	<ul style="list-style-type: none"> Continue to hold monthly group meetings Monitor staff resources 	Monthly Ongoing	Chris Boomer Melvin Bowman Sinead McEvoy	Continued efficiencies in processing of enforcement cases.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To determine 50% of local planning applications with 15 weeks.	By monitoring quarterly figures provided in regional statistics	In the 2017/18 year we achieved a figure of 14 weeks	To continue to process local applications within target.	<ul style="list-style-type: none"> Weekly discussion on internal delegated decisions Monthly monitoring of progress at group meetings 	Ongoing	Chris Boomer Melvin Bowman	We contribute to the delivery of quality and timely planning decisions.

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Link to Community Plan Theme:		Corporate Plan Theme					
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>		<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>					
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To determine 50% of Major planning applications with 30 weeks.	By monitoring quarterly figures provided in regional statistics	In the 2017/18 year we achieved a figure of 44.4 weeks	To improve major processing times towards target	<ul style="list-style-type: none"> Planning Manager direct oversight of newly established Major applications team. monitoring of progress at Majors group meetings 	Ongoing	Chris Boomer Melvin Bowman	We contribute to the delivery of quality and timely planning decisions.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To provide internal consultation advice on conservation matters on 90% of cases within 10 working days.	By monitoring and our quarterly internal figures.	In the 2017/18 year we achieved a figure of 82%.	Achieve target of 90% responses within 10 working days.	<ul style="list-style-type: none"> Weekly discussion on internal consultations. Monthly monitoring of progress on internal consultations. 	Ongoing	Chris Boomer Sinead McEvoy	We contribute to the delivery of quality and timely planning decisions.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To speed up consultation responses on applications.	By monitoring quarterly figures provided in regional statistics	14 weeks to process 50% of local applications.	To surpass past performance.	<ul style="list-style-type: none"> To pilot planners undertaking the evaluation work for TNI Roads Service on single houses in the countryside 	April 2018	Melvin Bowman	Further improved processing times.

Link to Community Plan Theme:	Corporate Plan Theme						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To continue working with other councils on a new Planning portal to promote easier access on-line submission of applications.	By Progress against project timescales	Draft Business case circulated	An improved planning system	<ul style="list-style-type: none"> To continue to be represented on the Planning Portal Governance Board and to provide key staff to the project as required. 	March 2019	Chris Boomer	New PP that meets needs of MUDC

3.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE

3.1 Annual Improvement Objectives and Associated Programs

The Council has set a number of annual improvement objectives and associated programs (projects and activities) for 2018/19 which aim to bring about improvement. The improvement objectives and key improvement programs, set out Council's contribution to the sustainable Community Plan for the District; against which we can monitor and report progress.

Each Council department provides resources to assist with the improvement activities contained within each improvement project (individual service improvement contribution activity linked to corporate improvement programs can be found in 3.2 of the service plan). The annual improvement objectives also align to the Council's main corporate planning document (Corporate Plan 2015 - 2019), which contains the council's strategic direction and main priorities.

The Council will focus on the following improvement objectives for 2018 to 2019:

- (i) To assist in the growth of the local economy by increasing the number of visitors to our district.
- (ii) To help manage our waste and environment by reducing the amount of waste going to landfill.
- (iii) To improve the accessibility of our services by increasing the number available online.
- (iv) To support people to adopt healthier lifestyles by increasing usage of Council Recreational facilities

We utilise outcome based accountability methodology to manage our performance. This tells us the impact our services are having on communities. Further detailed information relating to Council's improvement objectives, associated activities, outcome indicators, projects and targets is available at www.midulstercouncil.org/Council/Performance (*Mid Ulster Council's Improvement Plan 2017/18 – 2018/19*) or by contacting the Democratic Services Team on 03000 132132.

3.2 Service Contribution to the Corporate Improvement Objectives/Projects

Link to Community Plan Theme:		Corporate Plan Theme						
Improvement Plan Objective	Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
					Key Actions	Dates	Owners	Outcome
3.0 To improve the accessibility of our services by increasing the number available online	To continue working with other Councils on a new Planning Portal to provide an ability to submit online applications.	By agreeing and progressing work in accordance with a joint business plan	A discovery phase has been completed to identify user needs	To be ready to implement new system by 2020.	<ul style="list-style-type: none"> To continue working with other Authorities Agree the Business Plan 	2018/19	Dr Chris Boomer	Progress made on new portal.

Link to Community Plan Theme:		Corporate Plan Theme						
Improvement Plan Objective	Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
					Key Actions	Dates	Owners	Outcome
					<ul style="list-style-type: none"> • • • • 			

3.3 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2018-19.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	Failure to meet Major application target	7	Use of Major applications team and dedicated Major applications group meeting with Planning Manager oversight.
2.	Failure to meet local planning applications target.	7	Risk caused by staff losses therefore efforts are being made to ensure staff retention. Continued efficient use of scheme of delegation, monthly group meetings and case allocation.
3.	Failure to publish the draft Plan Strategy and associated documents including Sustainability Appraisal, incorporating the Strategic Environmental Assessment, by end of quarter 3 as a result of not brokering agreement with neighbouring authorities and elected members and as a result of reduction in staff numbers.	7	Continued engagement at cross boundary forums. Further engagement with elected members and with project management team as part of SA/SEA process. Secure legal advice to audit SA/SEA process. Secure 'critical friend' on landscape work to audit and validate process.
4.	Failure to meet enforcement targets due to staff absence.	6	Continued use of monthly group meetings and monitoring of staff resources. Risk could become greater if staff are lost or need to be transferred to Development Management due to instability.

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

Report on	Planning Programme for Elected Members
Reporting Officer	C Boomer, Planning Manager
Contact Officer	P Moffett Head of Democratic Services E Forde, Member Support Officer

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 agree two nominees to engage in the NILGA Local Planning Programme for Elected Members.
2.0	Background
2.1	NILGA recently commissioned work to undertake a scoping and analysis to implement a Regional Programme for Elected Member Development. One of the findings and subsequent recommendations was the need for accredited training on Planning. The NILGA Local Planning Programme for Elected Members has been developed and will be delivered as a pilot commencing 27 April 2018 and run until November 2018.
2.2	The accredited pilot is a particularly good opportunity for Members involved in the Planning Committee to receive an endorsed accreditation which would be beneficial for the future, beyond May 2019 (it is assumed that members participating would, at least, be seeking continuity as a local government representative after the next Local Election).
2.3	Details of the programme were previously circulated to Party Leaders and Planning Committee Members. The programme was referenced at the Planning Committee meeting held on 6 March 2018.
2.4	Following the Planning committee and at the Council meeting on 22 March 2018 Councillors Robinson (DUP), Councillor Glasgow (UUP), Councillor McPeake (SF) and Councillor Kearney (SDLP) were proposed, following which it was suggested that party leaders discuss the nominees and the decision be referred to the April Planning Committee.
3.0	Main Report
3.1	<u>Design</u> The delivery of this programme will be interactive, allowing councillors to learn from case studies, ask questions and undertake role-play in workshops. Detail is outlined in appendix 1
3.2	<u>Modules</u> The course is made up of 8 modules

	<ul style="list-style-type: none"> (i) Understanding plan making and the role of councillors; (ii) How Local Development planning is linked to community planning and regeneration initiatives; (iii) Understanding the Local Development Plan Process from draft stage to adoption; (iv) Understanding development management; the planning process and the role of Councillors; (v) Understanding planning conditions and planning agreements and the role of Planning Committee; (vi) Understanding the statutory appeal system and best practice; (vii) The statutory enforcement process and the role of the Planning Committee and other Councillors; (viii) Maladministration charges to the Ombudsmen and the judicial review of planning decisions; (ix) Optional study trip to Council in Scotland (Costs for this must be met by Council and would thus be deducted from nominees Conference & Training budget)
3.3	<p><u>Evaluation</u></p> <p>The impact and success of the training will be monitored at individual level through returned course evaluation forms and through improved understanding demonstrated in workshops. Councillors who successfully complete the entire course to a satisfactory standard will be credited by an endorsed award.</p>
3.4	<p><u>Costs</u></p> <p>Costs for the pilot programme be met by NILGA and the Local Government Training Group (LGTG) with the exception of travel. Note that the study trip to Scotland is optional.</p>
3.5	<p><u>Attendance</u></p> <p>Members seeking nomination are required to attend all of the modules across the nine months of the programme.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: NILGA and Local Government Training Group (LGTG) will cover all costs with the exception of travel</p> <p>Human: not applicable</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p>Not applicable</p>
4.3	<p><u>Risk Management Implications</u></p> <p>Contribute towards skills base and decision making at planning committee.</p>

5.0	Recommendation(s)
5.1	<p>That</p> <ul style="list-style-type: none"> (i) two Elected Members be nominated to engage in the NILGA Local Planning Programme; (ii) other interested nominees be forwarded to NILGA to be included on the reserve list for the programme.
6.0	Documents Attached & References
6.1	Appendix A - NILGA Local Planning Programme for Elected Members



NILGA Local Planning Programme for Elected Members

1st March 2018

Diana Fitzsimons MA MSc FRICS MRTPI

Module Design, Delivery and Evaluation:

The delivery of this programme will be interactive and interesting for Councillors, allowing them to learn from case studies, to ask questions regularly and to undertake role play in workshops.

Clear illustrated hand-outs in plain English will be given to participants throughout the course, with each hand-out containing links to further reading and the policy/legislation referred to. The hand-outs will be hardcopy or electronic.

Case studies will be accompanied by maps and other illustrative material.

Real life examples from the presenters' experiences in Northern Ireland and in other parts of the UK will be used throughout the presentations and discussions to keep the modules interesting and relevant to each Councillor's every day role in relation to planning.

The delivery will include:

- (a) short presentations using PowerPoint;
- (b) discussions;
- (c) case studies and benchmarking practice in other jurisdictions;
- (d) workshops with role play;
- (e) question/answer sessions;
- (f) mock appeal
- (g) hand-outs in paper and electronic form
- (h) summary notes of discussions at each session and suggestions for further training.
- (i) optional site visit as detailed below for week 9

Outcomes and Evaluation:

Modules 1 -3 will:

- Improve each Councillor's understanding of the plan making system;
- Enable them to participate effectively in making robust and defensible decisions about the future of their Council area;
- Increase their understanding about what their Council's priorities for statutory plan making could and should be;
- Help them to ensure that the Council doesn't breach any statutory requirements or fail to get the plan through to adoption in a timely manner;
- Improve each Councillor's understanding of the linkages, both statutory and practical, between community planning and the statutory local development planning being carried out by the Councils;
- Highlight the need to understand linkages with planning activities carried out by the Department for Infrastructure and by the Department for Communities at regional and local level;

- Explain the range of plans prepared in the Republic of Ireland at regional and local level and their relevance to Councils with a common boundary to RoI council areas;
- Enable Councillors and their Councils to demonstrate 'joined up' good governance and to deliver planning and related activities in an holistic way;
- Help to safeguard each Council's reputation as a responsible decision maker across a range of interrelated areas of local government.

Modules 3-8 will:

- Improve each Councillor's understanding of the development management system;
- Build their decision making capability in order to deliver the Council's planning objectives as set out in their policies, their emerging LDP and in regional guidance;
- Improve the Councillors' understanding of the enforcement process and when enforcement action is desirable
- Reduce the Council's vulnerability on appeal and minimise the possibility of award of costs at appeal;
- Reduce the Council's vulnerability in relation to maladministration of their planning powers;
- Help to safeguard each Council's reputation as a responsible decision maker.

The impact and success of the training will be monitored at individual level through returned course evaluation forms and through improved understanding demonstrated in workshops. Councillors who successfully complete the entire course to a satisfactory standard will be credited by an endorsed award.

Module 1 - Understanding plan making and the role of Councillors

Date: 27th April 2018 2.00 to 4.30 pm, Antrim Civic Centre

Delivered by: Emma Walker and Sharon Mossman

Content:

An outline of best practice in preparing and approving a Local Development Plan (LDP):

- Summary of the current plan background to decision taking in each Council area in the absence of up-to-date Local Development Plans (LDPs).
- How can Councillors help shape their Council area for the future benefit of the people who live and work there?
- How important are the various stages of the process and demonstrating an understanding of the responses to the statutory consultation exercises.
- How can Councillors work closely with planning officers by giving them clear direction from the outset, helping them to stick to the timetable.
- The importance of an up-to-date plan for the economic prosperity of the locality and for implementing the government's Programme for Government.
- What are the statutory requirements for preparing the LDP and what is the continuing role for the Department for Infrastructure?
- How important are: fulfilling the Council's Statement of Community Involvement; proper environmental assessment; and ensuring a clear evidence base for decisions?
- What are the relevance of current RoI plans at regional and local level to those Councils with a common boundary to RoI councils?
- What is the emerging LDP's relationship with the current plan; the NI Regional Strategy; with the plans being prepared by neighbouring councils; with ongoing regeneration schemes and approved applications; and with the Council's own Community Plan? This will be expanded upon in Module 2 below.

Questions and Answers

Local Development Plans – How can Committee members best get involved without breaching the Code of Conduct.

Workshop case studies:

(a) should there be expansion of a settlement into the Green Belt or not? This theme will be developed at a later stage in the proposed study visit

(b) how to ensure development of social/affordable housing in the area – what are the choices? This theme will be developed at a later stage in the proposed study visit.

Questions and Answers

Module 2 – How Local Development planning is linked to community planning and regeneration initiatives

Date: 25th May 2018 2.00-4.30 pm, Antrim Civic Centre

Delivered by: Gavin Rafferty and Kevin Murray

Content:

Community Planning

- What is it? Ironing out misconceptions
- Careful programming of community planning and local development planning within the Council
- The statutory and practical links between the two types of planning
- Avoiding the pitfalls of delay, contradiction or unmet community expectations
- How best to ensure synergies

Questions and Answers

Best practice case studies in community planning, working alongside local development planning in Scotland

Questions and Answers

Regeneration planning

- Ironing out misconceptions on what regeneration planning is all about
- What DfC regeneration plans are being implemented and thus not renegotiable
- Avoiding the pitfalls of delay and contradiction

Best practice case studies/workshop in regeneration planning working alongside local development planning in Scotland

Questions and Answers

The Controls - Making sure that the Local Development Plan is implementable within defined resources.

- Making sure the Council committees understand each other's roles
- Performance setting and monitoring by the Dept for Infrastructure
- Call in powers by DfI – case examples
- DfI power to enforce Joint Plans
- Meeting the requirements of Environmental Assessment and other EU law

Questions and Answers

Module 3 - Understanding the Local Development Plan Process from draft stage to adoption

Date: 29th June 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Brian Kelly and Roger Clews

Content:

What can go wrong with Local Development Plan making?

- Delay
- Political divide within Council on key issues causing stalemate
- Non compatibility with regional policy and guidance
- Call in by DfI Planning
- Breach of the Code of Conduct by a Councillor
- Judicial Review of the plan or an element of it

Examination of the LDP

Insight into the process of getting the draft plan safely through the two-stage public examination process.

- The need to demonstrate clearly how the statutory requirements have been fulfilled.
- The “soundness” test and how it has been applied in England by the Planning Inspectorate.
- Learnings from recent plan Examinations in N Ireland.

Questions and Answers

Workshop case studies:

(a) A Councillor not on Planning Committee wants to take an active part in an Inquiry topic session at Stage 2 as he/she opposes the proposed zoning of a particular site for housing.

(b) an example of an element of the draft LDP which may not be “sound” as arguably inconsistent with the evidence base (e.g. calculation of the amount of new housing required over the plan period).

Questions and Answers

Module 4 - Understanding development management: the planning process and the role of Councillors

Date: 27th July 2018 2.00 - 4.30 pm, Craigavon Civic Centre

Delivered by: Karen Blair and Sheila Murphy

Content:

The statutory development management process:

- Which applications come to Planning Committee for decision and which are delegated to Council officers or made by DoE Planning
- The importance of case law and regional policy/guidance in making robust planning decisions
- The need to abide by statutory requirements in dealing with planning applications – consultation with statutory agencies, community involvement, timescales etc
- The need for good reporting and clear advice by officers to the planning committee
- The pre-determination hearing and how Councillors should treat this.

Questions and Answers

Making timely, effective and defensible decisions:

- Understanding the need for timely decisions and the costs to the local economy of any unnecessary delays
- The planning committee's role in evaluating planning applications and planning conditions suggested by officers
- Propriety and leadership in decision making by Councillors
- The Committee meeting and best practice – a view from Scotland and England practice
- Whether site visits are required
- Constraints on matters which Councillors can take account of when making planning decisions
- Dealing with lobbying by applicants and objectors
- Avoiding unreasonable behaviour and potential award of costs

Questions and Answers

Case studies on best (and not so good) practice from Scotland and N Ireland e.g.

(a) application for demolition and replacement of an historic building in a local town

(b) application for a bar/restaurant on the edge of the defined town centre

(c) application for a mixed use affordable housing scheme on former industrial land

Questions and Answers

Module 5 - Understanding planning conditions and planning agreements and the role of Planning Committee

Date: 31st August 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Gary McGhee and Diana Fitzsimons

Content:

The legal and policy requirements for planning conditions:

- Types of planning condition
- The importance of clear wording
- Applications to remove or vary a condition in a planning permission
- Enforcement for breach of a condition
- Appeal against a planning condition

Questions and Answers

Case studies: e.g.

(a) should an agricultural occupancy condition be applied in granting planning permission for a rural dwelling?

(b) should a condition be applied for specific sight lines coming out of a vehicular access to a proposed business even if neighbours claim that they own the land required for the sight lines?

(c) an appeal against a condition restricting hours of opening of a motor cycle race track

(d) an appeal against a car parking condition for a commercial development which is viewed by the applicant as unreasonable.

Questions and Answers

Planning agreements:

- The law and any relevant guidance
- What are the practical issues in getting timely agreements prepared?
- Avoiding delays
- When can they be removed?

Case studies of recent planning agreements: e.g.

(a) financial contributions from developers of student accommodation in Belfast City Centre

(b) financial contributions to off -site road infrastructure for edge of centre retailing park

(c) Getting a planning agreement removed/amended at Belfast City Airport

Questions and Answers

Module 6 - Understanding the statutory appeal system and best practice

Date: 28th September 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Trevor Rue and Conor Hughes

Content:

The various types of appeals and the role of the Council officer and Councillor:

- Managing the process – Planning Committee best practice
- The role of the Planning Appeals Commission
- Presenting the Council's case on appeal – officers and Councillors
- Dealing with lobbying by appellants and third parties
- Decisions by the Planning Appeals Commission and their repercussions
- Avoiding Award of Costs by the PAC

Questions and Answers

Case examples from N Ireland: e.g.

- (a) hot food bar in small parade of shops;
- (b) demolition and new house in a Conservation Area;
- (c) out of town centre retail development;
- (d) infill dwelling in AONB part of the countryside

Questions and Answers

Mock Planning Appeal with role play by delegates

- Briefing material to be given to Councillors several weeks in advance
- Each Councillor to play a different role in the appeal
- Outcomes and behaviours to be evaluated by the group

Questions and Answers

Module 7 - The statutory enforcement process and the role of the Planning Committee and other Councillors

Date: 26th October 2018 2.00 – 4.30 pm, Antrim Civic Centre

Delivered by: Judith Winters and Maria O'Loan

Content:

The essentials of law and policy relating to enforcement:

- Understanding the legislation; regional policy and advice; and case law
- Making an appropriate response to unauthorised development in the context of Council resources and reputation
- When is enforcement out of time?
- What can go wrong in enforcement cases?
- Planning Committee procedures for enforcement decisions (and for drawing up the Council's own enforcement policy)
- Balancing the proper arguments for and against the enforcement case

Questions and Answers

Examples of cases from Scotland/England and N Ireland e.g.

- (a) Unauthorised car sales in former countryside barn;
- (b) Change of use of inner city dwelling to multiple occupation;
- (c) Non-compliance with a planning condition in major new mixed use development;
- (d) unauthorised extension to village dwelling

Questions and Answers

Module 8 – Maladministration charges to the Ombudsmen and the judicial review of planning decisions

Date: 30th November 2018 2.00 – 4.30pm, Craigavon Civic Centre

Delivered by: Faye Dunwoody and Richard Harwood

Content:

The different types of challenges by individuals or groups and possible outcomes:

- To the Courts for a Judicial Review
- To Local Government Ombudsman
- To Public Services Ombudsman

Questions and Answers

How Councillors and Councils can avoid maladministration charges related to planning:

- Examples of breaches of the Code of Conduct and Guidance in planning decisions
- Cases relating to either “actual” or “apparent” bias
- Cases relating to breach of protocol
- Pre-determination of the outcome of a planning application by Committee members
- Need to take time to consider all the information pertinent to a decision
- Duty to give reasons for a decision especially if the Planning Committee makes a decision contrary to the case officer’s recommendation
- These cases will relate to N Ireland and other parts of the UK

Questions and Answers

Outcomes and possible penalties – case studies from NI and elsewhere in the UK

- Quashing of the planning decision
- suspension or disqualification from office of the Councillor
- a prison sentence
- surcharging of Councillors if wilful misconduct found

Questions and Answers

Module 9 – Optional Study Trip to a Council in Scotland

Delivered by: Diana Fitzsimons

Date: 7th September 2018

The aim of this optional module is to demonstrate best practice in decision making by a Council and its Planning Committee. Stirling would make an ideal Council for course delegates to share experiences with and the proposal is a visit to a planning committee meeting and possible site visits to help our Councillors understand the projects which the Committee will be debating.

My reasons for choosing Scotland are:

- The Scottish planning system is the one upon which the new N Ireland system has been modelled
- Stirling is a medium sized town with a rural hinterland and with issues relating to: for example pressure to expand, deprived communities, conservation, transportation, retailing, social housing, employment and tourism
- The Council is regarded as implementing best practice in terms of governance and decision taking
- I have good connections with several private practices in Scotland and through them with the Council which will facilitate the study visit.
- I have arranged many study trips in the past including most recently a study trip for international delegates to Dublin in 2017. I organised a study visit to Edinburgh in 2007 for about 20 N Ireland stakeholders in connection with the proposed regeneration of the former shipbuilding area of Belfast Harbour – renamed Titanic Quarter.

Proposed draft format for study visit:

7.00	Flight from Belfast to Edinburgh and coach to Stirling
9.30	Arrival and introductions
10.00	Presentation on plan making and development control issues in Stirling Questions and answers
10.45	Presentation on the committee structure in the Council and the issues to be debated and decided upon at the afternoon Planning Committee meeting Questions and answers
11.30	Facilitated discussion between NI Councillors and host Councillors on matters such as: <ul style="list-style-type: none">• Councillors' leadership role in relation to interpreting public opinion• Lobbying and each Councillor's electorate

- Code of Conduct
- Material considerations in planning decision making
- Community planning and links to local development plan making
- Setting the Planning Committee agenda

12.30	Lunch
2.00	Attendance at Planning Committee with full briefing materials received in advance. The meeting will demonstrate how representations from the applicant or objectors are listened to; how conflicts of interest are dealt with; how officers present their recommendations and are questioned by Councillors; and how the Committee debates and reaches a decision.
4.00	Coffee and closing discussion with Committee members and officers
5.00	Site visits to projects (if required)
7.30	Return coach to Edinburgh Airport and flight to Belfast

Pool of those who may deliver the programme:

- (1) Diana Fitzsimons, Planning Consultant and Visiting Professor Ulster University
- (2) Richard Harwood QC Barrister Essex Chambers
- (4) Emma Walker, Associate Director Turley
- (5) Sheila Murphy, Associate Director Turley
- (6) Brian Kelly, Director Turley
- (7) Gary McGhee, Partner Carson McDowell Solicitors
- (8) Faye Dunwoody, Solicitor Carson McDowell Solicitors
- (9) Les Ross, Director Les Ross Associates
- (10) Judith Winters, Principal Planner Antrim and Newtownabbey Council
- (11) Tom Stokes, Director TSA Planning
- (12) Karen Blair, Partner Cleaver Fulton and Rankin Solicitors
- (13) Conor Hughes, Planning Manager Lisburn and Castlereagh Borough Council
- (14) Trevor Rue, Principal Commissioner Planning Appeals Commission
- (15) Anita Conway, Director of Development Radius Housing
- (16) Roger Clews, Principal Inspector, English Planning Inspectorate
- (17) Gavin Rafferty, Senior Lecturer in the Built Environment, UU
- (18) Sharon Mossman, Principal Planner at Antrim and Newtownabbey Council
- (19) Kevin Murray, Partner of Kevin Murray Associates, Glasgow
- (20) Dr Stephen McKay, Senior Lecturer in Planning, QUB
- (21) Maria O'Loan, Partner Tughan Solicitors

Full CVs will be produced in advance of programme delivery.

Disclaimer

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Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 March 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Reid, Robinson

Officers in Attendance

Dr Boomer, Planning Manager (7.40 pm)
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McEvoy, Head of Development Plan and Enforcement
Mr McGibbon, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Ms McNally, Council Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2016/1692/F	Chris Cassidy
LA09/2017/0897/F	Sean Lavery (Against)
LA09/2017/0897/F	Chris Cassidy (For)
LA09/2017/1384/O	Patrick McMullan
LA09/2017/1494/F	Paul Heron
LA09/2015/0147/F	Chris Cassidy

The meeting commenced at 7.04 pm

P032/18 Apologies

Councillor Mullen.

P033/18 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P034/18 Chair's Business

The Chair reminded members of the NILGA Planning Training Programme, which was being offered and felt that this may be beneficial to Councillors on the Planning Committee. He said that any member which wished to be included should forward on their name to Democratic Services.

The Head of Development Plan and Enforcement drew members attention to the undernoted planning applications for determination and sought approval to having the following deferred from the list tonight.

- Item 4.1 – H/2014/0119/F – Deferred for an Office Meeting
- Item 4.8 – LA09/2016/1692/F – Deferred for an Office Meeting
- Item 4.13 - LA09/2017/1158/O – Deferred to Access the Additional Information

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved: That it be recommended to the Council to deal with the remaining applications as listed.

Matters for Decision

P035/18 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

H/2014/0119/F Microhydro Electricity Generating Renewable Energy System on the Glengomna Water, Turbine House, 150m SE of 91 Bancran Road, Draperstown. Intake structure 1300m NW of turbine house on Glengomna Water for Mr C Heron

Mr McCrystal (SPO) presented previously circulated report on planning application H/2014/0119/F advising that it was recommended for refusal.

Resolved: That planning application H/2014/0119/F be deferred for an office meeting.

M/2014/0318/F Renewal of planning permission M/2007/1030/F for erection of a housing development (reduced scheme) at lands adjacent to Quarry Lane, Dalradia Park, No's 1-14 Meadowvale, 4A Carland Road and Drumglass High School, Dungannon for Geda Construction

Members considered previously circulated report on planning application M/2014/0318/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Gildernew

Resolved: That planning application M/2014/0318/F be approved subject to conditions as per the officer's report.

LA09/2015/0709/O Site for food production unit (factory) and new access to have 3 passing bays, at 300m NE of 160 Tandragree Road,

Pomeroy, Dungannon for Samuel Robinson (Cloughbane Farm Shop)

Members considered previously circulated report on planning application LA09/2015/0709/O which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Cuthbertson and

Resolved: That planning application LA09/2015/0709/O be approved subject to conditions as per the officer's report.

LA09/2016/1052/F Installation of a pedestrian/cycle linkage and a new art feature with associated site and landscape works at Castledawson Roundabout forming the junction between the A6, A31 Castledawson Road and A54 Magherafelt Road, Townland of Killyneese for TransportNI

Members considered previously circulated report on planning application LA09/2016/1052/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/1052/F be approved subject to conditions as per the officer's report.

LA09/2016/1293/F Extension to storage facilities and improvements to sight lines at the main entrance, 6 Grange Road, Cookstown for Allingham Transport

Members considered previously circulated report on planning application LA09/2016/1293/F which was recommended for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Bell and

Resolved: That planning application LA09/2016/1293/F be approved subject to conditions as per the officer's report.

LA09/2016/1342/F Dwelling in substitution of remaining 2 plots of planning approval H/2005/0495 adjacent to 1, 3 and 5 Roughan Glen, Halfgayne Road, Maghera for Thomas and Bernard Cassidy

Members considered previously circulated report on planning application LA09/2016/1342/F which was recommended for approval.

Proposed by Councillor McEldowney
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2016/1342/F be approved subject to conditions as per the officer's report.

LA09/2016/1403/F Replacement dwelling and garage at 45 Rocktown Road, Bellaghy for Mr David Arrell

Members considered previously circulated report on planning application LA09/2016/1403/F which was recommended for approval.

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2016/1403/F be approved subject to conditions as per the officer's report.

LA09/2016/1692/F Change of house type to previous approval I/2008/0534/F at lands adjacent to 35 Killymuck Road, Coagh, Cookstown for Mr Terence McGuckin

Mr McCrystal (SPO) presented previously circulated report on planning application LA09/2016/1692/F advising that it was recommended for refusal.

Resolved: That planning application LA09/2016/1692/F be deferred for an office meeting.

LA09/2017/0625/O Dwelling and domestic garage/store on a farm at approx. 30m ENE of no 52 Five Mile Straight, Draperstown for Aidan McGuigan

Members considered previously circulated report on planning application LA09/2016/1403/F which was recommended for approval.

Proposed by Councillor Kearney
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0625/O be approved subject to conditions as per the officer's report.

LA09/2017/0735/F General upgrading works, removal of NW extension, new fleche and roof lights added to roof, new extension to the NW and SW at St Mary's Church, Lavey, 68 Mayogall Road, Knockloughrim for Fr Eamon Graham PP

Members considered previously circulated report on planning application LA09/2017/0735/F which was recommended for approval.

Proposed by Councillor McPeake

Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/0735/F be approved subject to conditions as per the officer's report.

LA09/2017/0834/F Social Housing Development (28 dwellings), access roads and site works at lands to the rear and SSW of 14-32 Barrack Street, Coalisland for J&A Developments Ltd

Members considered previously circulated report on planning application LA09/2017/0834/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/0834/F be approved subject to conditions as per the officer's report.

LA09/2017/0897/F Part use of existing farm shed to provide internal dry storage of peat at 100m NW of 213 Washingbay, Coalisland for Jim McCuskey, Evergreen Peat

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2017/0897/F advising that it was recommended for refusal.

The Chair advised that a request to speak against the application had been received and invited from Mr Lavery to address the committee.

Mr Lavery advised that the key issue about this application was not about the use of the site as an agricultural base but rather about being a commercial business and legally this could not be justified, as it was not an active farm. It appeared that DEARA confirmed in 2016 that Mr Joe McCuskey (applicant for the original 2012 permission) had still not been granted a flock number, in spite of an understanding that they would apply for such a number if the shed was approved by the Department as the case made at the time was for future livestock, with the applicant now listed as a Mr Jim McCuskey. Planning permission was for a built shed, but there was a failure in the construction of the doors and a built concrete wall surrounding the area, which no planning permission was granted for. It was agreed that no lorries or trailers were to be parked at the site, which is now not the case as it is being run as a commercial business rather than an agricultural one which permission was approved for.

Mr Lavery stated that the shed was having a visual impact on the rural character of the area as lorries and trailers can clearly be seen from afar. He said that there was also the pollution impact on the rural area as a disused generator is laying redundant and would support the recommendation of Planning Officers to refuse the application as it wasn't an active farm but rather than a commercial one.

The Chair advised that a request to speak in support of the application had been received and invited from Mr Cassidy to address the committee.

Mr Cassidy advised that the Supporting Statement for part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat).

He stated that Evergreen peat commenced trading from the Ferry Road site in the 1950's manufacturing baled peat and today, Evergreen offers a comprehensive range of 100% peat based composts to customers throughout Ireland, Mainland UK and Europe. The company has recently been awarded an export licence to import into the Middle East and Australia. The company employs 26 people and operate a fleet of 13 lorries and 30 trailers, with all the business being operated within the red line as outlined in the overhead presentation. With the exception of his dwelling the applicant does not own any additional land around the premises, nor is there any opportunity to acquire any more.

The site at Ferry Road is fully utilised and the applicant wishes to restore plastic rolls used to wrap the pallets and produce bags within a section of the approved shed at Washingbay. The plastic rolls would be stored on racks with all storage being within an approved shed with no external storage being proposed.

He said that it was proposed to only use a small part of the shed for storage with the remainder continuing to be used for this agricultural business as outlined. The existing shed is currently full with the applicant's large and expensive machinery and at no time was there a request for access, but if the request was made the applicant would be happy to make provision.

The rolls are currently stored externally within the Ferry Road yard and due to the constricted site is frequently suffering damage with the slightest tear rendering them unusable. Policy CTY 11 states that planning permission would be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The first of four criteria, criterion (a) of Policy CTY 11, requires the farm business to be currently active and established. Policy CTY 10 of PPS 21 sets out the determining criteria for what is an active and established business. 5.39 of Policy CTY 10 states for the purposes of the policy "agricultural activity" refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding and keeping animals for farming purposes or maintaining the land in good agricultural and environmental condition. The working peat for the business is thus classified as a farming activity.

Mr Cassidy stated that the Planning Department stated that there was no established farm business ID in existence. This is incorrect as the applicant had a farm number 656156 established on 7 November 2011 and is classed as an active status of the business by DARD.

The appellant's farm comprises two separate parcels of land, his farm survey number is 6/127/018 and applicant ref 173350. The first group is located at the application site and comprises three fields of 5.88ha. The second fields are located approx. 1 mile away immediately south of 152a Washingbay Road and consist of 2.44ha. No single farm payment was claimed thus there are no current farm maps.

He advised that the Council in their report to members questioned if the Peat is itself produced from the farm lands owned, when in fact the peat is harvested from lands owned by the applicant in Derryloughlin as depicted, with the bog being approx. a half mile from the Evergreen processing plant. The peat has been tested by DARD officials on a regular basis to ensure it is free from disease as shown in previously circulated letter from DARD Inspector, Mr John Riddles dated 14 December 2017.

Environmental Health has been consulted and has no concerns. The site is already used for storage of the applicant's farm machinery and as all storage will be inside the building it would not involve the loss of high grade agricultural land. The building would use the existing access to the site thus there would be no prejudice to road safety.

In conclusion Mr Cassidy advised that the proposed was essential for the smooth running of the business and would allow the applicant to buy in bulk thus reducing costs and rendering the business more effective.

The Head of Development Plan and Enforcement said that she just wanted members to be aware that the extraction of peat for the purposes described in the application would not be an agricultural activity but would be considered an industrial one.

Councillor Reid enquired if anyone from the Planning Department was aware about the breach of enforcement and if so could more information or clarity be provided.

Mr Marrion (SPO) advised that an enforcement case was opened for the parking of trailers at the site, but this was closed as they were removed, but it seems to be the case that they have returned again.

In response to Councillor Glasgow's query, Mr Marrion (SPO) advised that DEARA advised that the business ID was established in 2011 but no flock number or herd number was associated with it, which would indicate that it was not an active farm business.

In response to Councillor Gildernew regarding whether the committee could pass the application, the Head of Development Plan and Enforcement advised that based on the information the application would not meet criteria (a) of Policy CTY11 which requires a farm business to be currently active and established.

Councillor Reid enquired could any part of the farm be classed as active and if not could it be farmed by a second party.

Councillor Bell said that he was confused in the images provided as the first picture showed an image of a built shed with trailers and the next image showed nothing.

Mr Marrion (SPO) referred to the most recent image and advised that this was the view of the site and buildings which was approved.

In response to Councillor Glasgow's query about the ownership of the dwelling in the image, Mr Marrion (SPO) advised that picture was taken from the roadway and

shows the extent the works which has developed, but that it was not owned by the applicant.

Councillor McPeake said that the shed could be deemed legal enough for farming and classed essentially as a part change of use.

The Chair suggested deferring the application for an office meeting until further information was sought, providing members were happy to do so.

Councillor McKinney said that clarification was needed from the Department on Business ID numbers and what the categories represented.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/0897/F be deferred for office an meeting.

LA09/2017/1158/O Site for dwelling to the rear of 5 Ballynorthland Demesne, access of Moy Road, Dungannon for Mr Keith Burgess

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2017/1158/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2017/1158/O be deferred until it is reconsidered.

LA09/2017/1160/F Extension to dwelling with increase in ridge height and replacement garage at 6 Birch Grove, Cookstown for Shea and Annie Quinn

Members considered previously circulated report on planning application LA09/2017/1160/F which was recommended for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Bell and

Resolved: That planning application LA09/2017/1160//F be approved subject to conditions as per the officer's report.

LA09/2017/1309/O Workshop at lands 55m NE of 72 Glenshane Road, Castledawson Road, Castledawson for John Beare

Members considered previously circulated report on planning application LA09/2017/1309/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/1309/O be approved subject to conditions as per the officer's report.

LA09/2017/1384/O Dwelling on a farm at land approx. 110m E of 208 Carnteel Road, Lisgallon, Dungannon for Augustine McMullan

Councillor McAleer declared an interest in planning application LA09/2017/1384/O.

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2017/1384/O advising that it was recommended for refusal.

The Chair advised that a request to speak on the application had been received and invited from Mr McMullan to address the committee.

Mr McMullan said that firstly, in regards to part C of policy CTY 10 the proposed dwelling cannot be clustered with the current farm buildings due to the farm being located in an elevated position on the skyline. This means that the existing access point has a very steep gradient with extremely poor sight lines as highlighted by the case officers report which states that “entrance is of steep nature and he felt that the intensification of that particular access could increase concerns relating to road safety” It would take an extreme amount of environmental works to bring this entrance close to the standard required. There is another access road which again has an extremely steep gradient and poor site lines but this runs adjacent to the River Oona which floods on a regular basis, which would be a health and safety concern.

Furthermore, the farm had increased substantially in the last few years in terms of acres and herd size and in the near future the farm buildings would have to expand on the current site in order to facilitate the increased number of animals. He said that careful consideration had been given to choosing the alternative site adjacent to the farm buildings during discussion at the PAD application process and local planning clinics. This proposed site has an existing entry with excellent visibility splays in both directions. The case officer’s reports agree that it meets policy PPS 3 access, movement and parking.

It has a much lower elevation and level gradient and is bound on its northern, southern and western boundaries with a mature hedge grow which has been planted at a considerable expense. It also rises significantly to the east, providing a backdrop to the site. The case officers report concurs that this site “exhibits a closed nature due to significant degree of vegetation and mature hedge grow” It also states under the title of integration “I consider this site to be well integrated and able to facilitate a dwelling” and under the title of rural character “it is considered that the site and its surrounding environment is suitable for absorbing a dwelling” the case officers report concludes that the proposed site “may well present a better location in terms of integration and rural character”

Mr McMullan said that in regards to part B of policy CTY10 there have been two sites passed for planning approval on the farm both over 14 years ago. The two sites in question were gifted to two of his brothers who live and continue to work on the farm namely case number M/2004/1412 and M/2004/1413. One of those brothers is now in charge of the active Farm business ID which is confirmed by DEARA on the case officer’s report. This shows that these sites haven’t been sold to anyone external but

had been gifted by his father and not for financial reward but as a necessity in order to maintain the upkeep of the farm he worked his entire life to provide. It is very important I remain on the footprint of the farm to complete my day to day duties and oversee the welfare of the livestock.

At the time these sites were passed for planning approval in 2004 this policy CTY 10 didn't even exist, so he felt it would be extremely harsh to apply criteria retrospectively to a policy which was introduced in 2010 and backdated to November 2008. As the youngest of 4 brothers born 4 years apart and who live and work on the farm it is clear we would have sorted this issue had we been aware of it at the time, it would have been impossible to predict how planning policy would change 6 years into the future. He said that his brothers were working in the building trade so were able to complete the work themselves without the need for lending from a bank which is why the deeds were never transferred over at the time of planning approval. There deeds were transferred over in 2009 and 2012.

To conclude Mr McMullan hoped that a degree of leniency could be applied to this case as the fact remains that a dwelling on the farm has not been passed for planning approval in almost 15 years. There is no 3rd party objections and he has made every effort possible at a considerable expense to ensure that the proposed site meets criteria for integration, rural character, health and safety and access considerations.

The Head of Development Plan and Enforcement referred to Mr McMullan's statement regarding sites being gifted and stated that she wished to clarify that for the purpose of the policy sold off will mean any development opportunity disposed of from the farm holding to any other person including a family member.

Councillor Gildernew said that he knew the site and stretch of road extremely well and stated that it was situated on a very steep and hazardous lane. He said that it was particularly dangerous going up the hill never mind coming down as you go directly onto the main road. He said that it was unfortunate that sites were passed before the new law came in as it put people at a disadvantage.

Councillor McAleer agreed with Councillor Gildernew and said that it was unfair how policy has dictated the outcome, as three sons had each been gifted a site on the family farm they all worked on and due to circumstances 2 of the sons had availed of the sites which resulted in the remaining son being put at in an unfavourable circumstance due to change in policy and this was putting farming families at a disadvantage. She said that she knew the site well and said that the other site that was being recommended would not be allowed by TransportNI, as it was hazardous and that the Committee was here to try and see a reasonable outcome.

Councillor Clarke said that Mr McMullan had been caught out by a decision by a 10 year period and if he had known this 14 years ago there wouldn't be a problem with this now. He said that the decision was taken in 2010 to change the policy and six years later planning permission was sought by the applicant and if this had of being known at the time, we wouldn't be in this situation.

Councillor McKinney suggested deferring the application for Dr Boomer and his team to look at because of the extreme circumstances.

The Planning Manager entered the meeting at 7.40 pm.

Councillor Reid agreed that this application should be looked at again to see if anything can be solved.

Proposed by Councillor McKinney

Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/1692/F be deferred for an office meeting.

LA09/2017/1434/F Retention of access to the rear of 2 Moor Gardens, Coalisland for Mary E Devlin

Members considered previously circulated report on planning application LA09/2017/1434/F which was recommended for approval.

Proposed by Councillor Reid

Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/1434/F be approved subject to conditions as per the officer's report.

LA09/2017/1450/O Dwelling and domestic garage, 40m S of Drumreany Road, Castlcaulfield, Dungannon for Mr & Mrs Aidan Loughran

Members considered previously circulated report on planning application LA09/2017/1450/O which was recommended for approval.

Proposed by Councillor Gildernew

Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/1450/O be approved subject to conditions as per the officer's report.

LA09/2017/1494/F Temporary mobile home accommodation at 125 Sixtowns Road, Draperstown for Michelle McNamee

To be taken in confidential business due to sensitive issues.

LA09/2017/1736/O Dwelling (renewal of permission M/2014/0499/O) at lands adjacent to 125 Bush Road, Dungannon for Councillor Denise Mullan

Members considered previously circulated report on planning application LA09/2017/1736/O which was recommended for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/1736/O be approved subject to conditions as per the officer's report.

LA09/2017/1756/O Replacement dwelling at 30m SW of 152 Washingbay Road, Upper Meenagh, Coalisland for Patrick Brady

Members considered previously circulated report on planning application LA09/2017/1756/O which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/1756/O be approved subject to conditions as per the officer's report.

H/2015/0010/F Stables and Tack Store approx. 70m NW of 175 Glen Road, Maghera for Jenna Duffy

Members considered previously circulated report on planning application H/2015/0010/F which was recommended for approval.

Proposed by Councillor McEldowney
Seconded by Councillor McKinney

Resolved: That planning application H/2015/0010/F be approved subject to conditions as per the officer's report.

LA09/2015/0147/F 4 Apartments with parking at 32 Mullaghboy Lane, Magherafelt for Mr Philip Donaghy

Ms Doyle (SPO) presented previously circulated report on planning application LA09/2015/0147/F advising that it was recommended for refusal.

Councillor Glasgow left the meeting at 7.43 pm.

The Chair advised that a request to speak on the application had been received and invited from Mr Cassidy to address the committee.

Mr Cassidy advised that this application was an amended proposal from 6 apartments to 4 apartments and that it had been presented before the committee in May 2017 with a recommendation to refuse based on parking concerns.

The site is located beside shops, schools and transport links and is located 400 metres from the Diamond and less than 100m from the town centre boundary. A traffic survey report confirms there are 80 unused parking spaces within 60 metre radius of the proposal including 4 number spaces to the front of the site and 8 to the side. Social housing needs Magherafelt – 75 units (source Mid Ulster Social Housing

Investment Plan 2016). People in housing stress Magherafelt – 128 (source Mid Ulster Social Housing Investment Plan 2016). 121 classified as homeless in Magherafelt (source Northern Ireland Housing Executive).

Transport NI had been asked four times to comment on how the increase in demand for parking within the vicinity of the site was not met with on street parking and Transport NI have also been asked for an onsite meeting and to date no reply to either has been forthcoming.

Paragraph 5.43 of PPS3 states that it may be possible for small scale developments which would not generate significant parking demand to rely on using on street parking for parking provision. In such instances Transport NI would require evidence to demonstrate the capacity and availability of such alternative parking provision. This evidence had been provided by way of a detailed Traffic Impact Assessment against the findings of which are unchallenged by Transport NI.

Policy AMP7 states that the location of a development has to be considered in any assessment on parking. Account has to be taken of the fact that there was abundant on street parking and the fact that the appeal site abuts two roads where there is significant on street parking available. In this evidential context, there was sufficient on street car parking in the vicinity to accommodate the proposal.

Mr Cassidy advised that the proposal was for 4 single person flats where car ownership was unlikely to occur. This assessment was backed up by correspondence with Clanmill Housing Association and Triangle Housing Association in current schemes which they were involved with designing and where they have specifically requested that car park provision be kept to a minimum as it was often under used.

Mr Cassidy asked that the Committee respectfully approve the scheme in its current format.

The Planning Manager advised that this application had been deferred the last time because of the issues relating to carparking and enquired why if the flats were built for a single person, why was it a two bedroom flat as this could impact on the amount of carparking spaces required.

Mr Cassidy said that a similar scheme had been built in Ballymena with 54 carparking spaces being made available but in the long run only 9 cars utilised the spaces. He stated that Transport NI are refusing to meet and that he was keen to get this sorted.

The Planning Manager advised members that the issue here was that Clanmill was a private scheme for 2 bedroom units and that carparking should be provided to the front and doesn't understand why an amended parking layout wasn't considered as the opportunity was given to the agent to get this resolved. He said that the property was sitting on a junction and that Transport NI were objecting because of the potential danger and it was up to them to defend for appeal.

Councillor Bell enquired if Roads Service refused to meet with the applicant how can they recommend refusal.

The Planning Manager said that it was removed from the schedule the last time because of carparking issues and that it was the decision of Roads Service if they wished to meet the applicant and agent.

Councillor Bell said that at any time, there could be an increase in carparking at any nearby properties and they may decide to park on the street.

The Planning Manager stated that Roads Service had recommended refusal on the grounds of highway safety and would advise members to think very carefully on the application as this could be going against the Roads Safety decision and their reasons.

Councillor Glasgow returned to the meeting at 7.55 pm.

Councillor Reid said that the map showed there was room for onsite parking and whilst this was an unusual shape of ground, it could be developed for communal use, but felt it would be unwise to go against a statutory agency who were advising that the site would be hazardous.

Ms Doyle (SPO) advised that the Head of Development Management had met with the Agent to try and resolve the matter but he refused to comply with the Head of Development Management's suggestions.

Councillor McAleer said that it was important to address these issues and that she couldn't understand why the opportunity for a possible resolution wasn't taken.

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan and

Resolved: That planning application LA09/2015/0147/F be recommended for refusal.

LA09/2016/0889/F Conversion of a redundant building to a dwelling at 40m SW of 38 Lisnamuck Road, Tobermore for Ian Hopper

Members considered previously circulated report on planning application LA09/2016/0889/F which was recommended for approval.

The Planning Manager advised the committee that he had received an email from the family of the objector to the application, Mr Henderson to say that he had recently passed away and requested that the application be deferred. He said that a letter of objection had been received from the family advising that they wished to have time to consult with their barrister and then another letter was received from Manor Architects on their behalf. He felt that this wasn't a reason to defer the application but that it was up to members to decide.

Councillor Kearney declared an interest in application LA09/2016/0889/F.

Councillor Kearney advised that he had been contacted last week by the family of the Objector and was sad to say that both the Objector and the Applicant had recently

passed away and feels that some compassion should be shown to both parties at this difficult time.

Councillor Kearney withdrew to the public gallery.

Councillor Reid said that this was sad news for both families concerned, but that the Planning Manager has been put in a position on deciding what to do, either refusing or approving the application.

The Planning Manager said that the original objection was received from Mr Henderson and in this instance given that both parties have had a recent bereavement, he would suggest that the application be deferred for a month to give the Objector's family the opportunity to have their say.

Councillor McKinney said that he wanted it recorded that the decision was made by Officers and that the same consideration should be given to all families and that this wasn't going to change the mind of the committee.

The Planning Manager said that if the committee wished to make a decision tonight that this was their right, but would like members to have the opportunity to read correspondence before making a decision.

Councillor Bateson said that the deaths are the same for both families concerned, but that a decision was being made on planning matters only and proposed to go with the officer recommendation.

The Council Solicitor advised that taking a decision on the application tonight may be a bit hasty if there were potential new issues which may need explored and noted that the committee might wish to defer the application until these issues are considered.

Councillor Reid said that there had been a lot of objection letters received from 2016 and it was unfair to keep putting this application back as everything else had went with no major issues, but by going on what the Council Solicitor had indicated he would be happy to defer the application so more consideration was given to it.

The Chair said that it seemed that the committee would prefer to proceed with making a decision on the application tonight.

The Chair advised members that the committee would return to the application later in the meeting.

LA09/2017/0923/F Dwelling and domestic garage, 45m NW of 177 Glen Road, Maghera for Jenna Duffy

Members considered previously circulated report on planning application LA09/2017/0923/F which was recommended for approval.

Proposed by Councillor Reid

Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/0923/F be approved subject to conditions as per the officer's report.

LA09/2017/1032/O Single dwelling (amended siting) to the rear of 137 Lisacclare Road, Killeen, Stewartstown for Mrs Cora Donnellan

Members considered previously circulated report on planning application LA09/2017/1032/O which was recommended for approval.

Proposed by Councillor Bateson
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/1032/O be approved subject to conditions as per the officer's report.

CONFIDENTIAL BUSINESS

Proposed by Councillor Bateson
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1494/F be heard as confidential business.

Open Business resumed at 8.20 pm

**Continuation of
LA09/2016/889/F Conversion of a redundant building to a dwelling at 40m SW of 38 Lisnamuck Road, Tobermore for Ian Hopper**

The Planning Manager said that it was his recollection that this site wasn't originally accepted as a replacement, but as a conversion and was deferred because of the extension of the new building. He said if it went back as a replacement dwelling this could be interpreted on what could be displayed and as the bar had been lowered by the Minister in his statement, it could meet the conversion criteria and for a replacement dwelling. In relation to conditions for access, this would not be required because it was a replacement dwelling. He said that the key decision was making the standard and this would meet it.

Ms Doyle (SPO) advised an application was made for a conversion.

The Planning Manager advised that conditions could be put on.

Councillor Bateson said that it would be better dealing with the planning conditions and not permission.

Proposed by Councillor Bateson

Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/889/F be approved.

Councillor Kearney returned to the meeting.

P036/18 Receive report on revisions to the Protocol for the Operation of the Planning Committee

The Planning Manager drew attention to the previously circulated report to agree amendments to the Protocol for the Operation of the Planning Committee in order to reduce the time spent at the Planning Committee.

Councillor McPeake said that the additions were improvements, but like a few alterations included regarding site meetings. He stated that the timings of planning meetings were being looked at and a survey carried out, but that he would be concerned about site meeting and their description as it was seldom that members attend them and do not want to make it too difficult as in other areas a site meeting could occur for a full day each month. He said that he would like other members thoughts as it should be looked at more regularly.

Councillor McEldowney left the meeting at 8.25 pm.

Councillor McPeake advised that one Agent told him that it was difficult to provide all the relevant information within 2 to 3 minutes at a Planning Committee and that it would be more productive to show visuals. He said that it was good to see more photographs before the meeting taking place as members appreciate more time on considering information coming through and not just at the last minute.

The Planning Manager said that when we started out, visualisation was of great difficulty and now the committee are in a position to be provided with visuals and scans on plans etc. He said that this was of tremendous help as it could be uploaded from the system to the iPad. He said that a few reports could be done for the next time to see if more information to see plans and photographs and that he would be asking his three teams to see if this would help. He stated that it would be of great help if Agents give the Planning Department all relevant information on time.

Councillor McEldowney returned to the meeting at 8.30 pm.

The Planning Manager said that the Head of Development Management had designed a Performa to go on the website and setting out bullet points to see what was needed.

The Planning Manager referred to site meetings and said that he would caution members on liaising with people as sometimes only one or two councillors attend. He said that although site meetings are beneficial and helps with the visualisation, the key impacts are down to policy reasons now.

The Council Solicitor advised that the member's concerns could be addressed in relation to the site visit. The language used in the protocol does suggest an element of inflexibility and as the protocol is part of the standing orders this is what governs the running of the committee. Therefore, there could be some rewording to this part of the protocol, however, any amendment should not mean that a site visit is the default position, but rather there still needs to be a purpose and justification for the decision to hold a site visit.

Councillor McPeake agreed that the language was flowing in one direction compared to colleagues in other Councils.

The Council Solicitor said that in relation to speaking rights and visuals, again there is a requirement within the Protocol that they provide sufficient information etc. on what they wish to speak on and also that they cannot circulate anything additional on the night. This is necessary as members do need time to consider information and it should prevent the committee from being ambushed on the night.

Councillor Reid referred to Item 3.1 – Paragraph (iv) *“Limit speakers to one opportunity to speak to the Committee, and advise that they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision”* and was wondering about an application which come back with slightly more evidence, it would be hard to ask the Agent to come back again and asked if this should be at the Chair's discretion. He asked if any new information with a different view would have the potential to make a different decision.

In response the Planning Manager advised that the Agent would have the opportunity to speak.

The Chair advised that it would be at the Chair's discretion either way.

Councillor Cuthbertson enquired if these were guidelines or rules.

The Planning Manager said that it was not in the standing orders, as it would have to go back to full Council for their agreement.

Councillor Cuthbertson enquired if the Council defer away from this or would they have to stick to this.

The Planning Manager said that it was protocol, it was not a legislative requirement but there could be a problem.

Councillor Cuthbertson referred to the deferred list, a list which is brought before the committee on what was coming because it has no other road to go and that continues every month.

The Chair advised that this prevents additional speaking and the information is from the Case Officer.

Councillor Cuthbertson said that there was no more defers on the list.

The Planning Manager said that most Agents use their speaking rights when the application is first presented to committee. If deferred they get the opportunity to present their case to officers, and accept the outcome. Most officers do not choose to come and argue their case when represented to committee recognising that the issues have been aired.

Councillor Cuthbertson referred to application H/2014/0119/F which was raised earlier in the meeting which was deferred from this meeting in 2014 and he felt that this should be sufficient time to make a decision and still it was being deferred.

The Planning Manager said that he would agree on this as a caution, it was indicated that this information was held by a public body and this could be the case as he wasn't an expert. There was a ruling on a judicial review concerning Belfast City Council against PAC for further information being submitted and the courts found against Belfast City Council for not allowing them to proceed. The fact that these are put on the agenda and come for a meeting and have a say is all that's required.

Proposed by Councillor McPeake
Seconded by Councillor Bateson and

Resolved: To adopt the changes recommended as per the amended protocol (appendix one) and to include amendments regarding site meetings as previously mentioned.

The Chair referred to the enforcement case list which was circulated and felt that it was too long.

Councillor Gildernew agreed with the Chair that the list was very long.

The Planning Manager advised that the first list indicated what has been received, the 2nd list indicates how it was being dealt with and the final list advises of how it is progressing as enforcement is quite tricky as discretionary on action and the need to show how things are being done in a timely matter as a paper trail shows evidence of a time line.

P037/18 Committee Meeting Times

The Planning Manager drew attention to the previously circulated report to request that consideration be given to changing the times of the Planning Committee meetings.

He said that the planning meetings are very lengthy and that there was only one other Council that had their meeting at 7 pm in the evening. He said that members of his staff have children and that it was unfair to be out so late and that he has a responsibility to his staff to try and accommodate them.

He asked that members consider the following options:

- (i) Leave the meetings at 7 pm as current
- (ii) Start meetings at 2 pm
- (iii) Start meetings at 5 pm – commencing with closed items but with a break before considering applications from 7 pm onwards

The Chair suggested that this item be deferred until next month until each party had an opportunity to discuss the options before making a decision and taking into account a member's availability.

Councillor Reid felt that it would be better to put on hold until after the AGM, as it would allow members who could attend a 5 o'clock start the opportunity to sit on the Planning Committee. He would suggest that a proper hot meal be provided to members and staff as most would be coming straight from the workplace as in line with other Councils. He felt that there should be money made available for hot food as there was adequate money being received from planning fees.

Councillor Bateson agreed that it would be a good idea if you start with a full complement of staff, it will even out and serve everyone.

Councillor Cuthbertson said that all we ever hear about is how good a job the Planning are doing every month and how we are outdoing every other Council. He said that he would be of the opinion to leave it where it was at 7 pm and as other meetings rotate around other Councils, consideration should be given to others from further afield like the Clogher Valley area who don't have as much flexibility. He said that coming to a meeting for 5 pm for closed business, which does not take 2 hours to conduct results in being away from your home longer and hearing people talking about their family lives also impacts on his family life as he wouldn't be able to see his children around tea time.

The Chair said that he agreed with Councillor Cuthbertson about sitting about for 2 hours.

The Council Solicitor referred to governance and that in relation to any proposed amendment to the standing orders, that the members would need to be mindful of Standing Order 30.2 which states that any motion to vary the standing orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. This also applies in relation to the previous item, i.e., proposed changes to the Protocol.

Councillor Kearney advised that he wouldn't be able to attend the forthcoming Policy & Resources Committee on Thursday night where it was listed on the Agenda about moving towards paperless items. He said that it was hard to move away as being able to see planning applications on hard copies was very beneficial compared to the iPad and asked that consideration be given to allow Planning as being a special circumstance.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved: That a decision on committee meeting times be deferred until members have an opportunity to discuss with their parties on an outcome.

Matters for Information

P038/18 Minutes of Planning Committee held on Tuesday 6 February 2018

Members noted minutes of Planning Committee held on Tuesday 6 February 2018.

P039/18 Receive letter from DfI

Members noted previously circulated letter dated 14 February 2018 from DfI.

Councillor Kearney left the meeting at 8.55 pm.

The Planning Manager advised that DfI have provided further correspondence to advise they are not calling this in for Determination under Section 29 of the Planning Act (NI) 2011. They have directed the Council to conduct a Pre-Determination hearing and wanted it noted that this would be arranged in due course.

He said that there may be a problem getting a quorum and suggested we add it to the Agenda for the next meeting.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved: That the issue of Pre-Determination hearing be added to the agenda for the next meeting and discuss it at the end of open business before going into confidential business.

P040/18 Receive letter from Ulster Architectural Heritage Society

Members noted previously circulated correspondence from Ulster Architectural Heritage Society.

P041/18 Receive report on Road Abandonment

Members noted previously circulated correspondence regarding Abandonment Order.

*Meeting recessed at 9 pm and recommenced at 9.20 pm.
Councillors Gildernew did not return to the meeting.*

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Glasgow

Seconded by Councillor Clarke 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 P042/18 to

Matters for Decision

P042/18 Receive LDP Report – Renewable Energy
P043/18 Receive LDP Report – Minerals
P044/18 Receive Enforcement Reports

Matters for Information

P045/18 Confidential Minutes of Planning Committee held on 6
February 2018
P046/18 Enforcement Case Liveload
P047/18 Enforcement Case Opened
P048/18 Enforcement Cases Closed

P049/18 Duration of Meeting

The meeting was called for 7 pm and ended at 10.50 pm.

Chair _____

Date _____

Report on	Recent Planning Appeals decision.
Reporting Officer	M.Bowman
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To inform members of a recent Planning Appeal decision.
2.0	Background
2.1	The PAC have dismissed the following proposal previously refused by the Planning Committee.
3.0	Main Report
3.1	<p>Appeal Reference: 2016/A0221 Appeal by: Mr Graham Bell Appeal against: Refusal of Full Planning Permission Proposed Development: A single wind turbine of up to 2.3mw power output with a maximum overall base blade to tip height of 92.5m to compliment approved planning I/2010/2011/F Location: Beltonanean Mountain, Beltonanean TD Cookstown.</p> <p>The main issues in this appeal were whether the proposed development would have a detrimental impact on the visual amenity and landscape character of the area and whether it would be detrimental to residential amenity. Other issues raised by the objectors were the impact of the proposed development on human and animal health; archaeology; residential amenity; habitat; and tourism.</p> <p>The Commissioner observed that the appeal site lies near the summit of Beltonanean Mountain some above the 300m above sea level contour. The landscape character of this part of the LCA and AONB is upland, wild and tranquil with panoramic views across the countryside. With the exception of two dwellings and a water tank facility there is little other built development nearby. It was also observed that The proposed wind turbine would introduce an unacceptable vertical and dominant feature into the relatively unspoilt landscape identified in viewpoints</p> <p>The decision concluded that it must therefore follow that the turbine would have an adverse visual impact upon the AONB, a designated natural asset and LCA 41 Slieve Gullion, and the cautious approach advocated by the SPPS is determining in this matter. Given that it would be contrary to the SPPS it would also be contrary to the requirements of criteria (b); (i); and (ii) of Policy RE 1 PPS 18 and Policy NH 6 of PPS 2.</p>

	<p>The outlook from No 8 Beltonanean Lane was supported by the Commissioner in that it was also found that the full totality of the moving blades and dominant nature of the wind turbine would be seen and effectively fill this gap, and be an over dominant and ever present feature on main views from the rear of this dwelling. This would be detrimental to residential amenity and the proposed wind turbine would offend criterion (a) of Policy RE 1 of PPS 18.</p> <p>In relation to archaeological heritage, it was noted that the appeal site lies some 3.5km east of Beaghmore Stone Circle a monument in state care. A photomontage was submitted to demonstrate the impact of the proposed development on the setting of the monument. Having visited the monument and taking account of the illustrative evidence the Commissioner was satisfied that at a distance of 3.5km away with a height of 92.5m the proposed wind turbine would not have a significant adverse impact on the setting of Beaghmore Stone Circle and therefore the objectors' concerns were not upheld.</p> <p>Concerns were raised by objectors regarding the impact of the proposed development on tourism and in particular the use of Davagh Forest. Davagh Forest and its facilities provide for recreation in the form of forest trails, a play area and other visitor amenities which are all attractive in their own right. The Commissioner ruled that it is therefore likely that persons visiting Davagh Forest will do so for the purposes of using those amenities and the presence of this single wind turbine in the landscape is unlikely to result in any significant reduction in visitor numbers.</p> <p>It was recognised that the appeal proposal offers environmental, social and economic benefits to which considerable weight should be attached. However, those benefits were not seen as outweighing the detrimental and unacceptable impact that the proposed development would have on the visual amenity and landscape character of the AONB and LCA 41 or the detrimental impact it would have on residential amenity. The Planning Authority has sustained it three reasons for refusal grounded in the SPPS; Policy RE 1 of PPS 18 and Policy NH 6 of PPS 2. The objectors' concerns in respect of those matters were also upheld.</p> <p>The appeal was subsequently dismissed.</p>
4.0	Other Considerations n/a
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>N/A</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p><u>None</u></p>
4.3	<p><u>Risk Management Implications</u></p> <p>None</p>

5.0	Recommendation(s)
5.1	That members note the decision.
6.0	Documents Attached & References
6.1	PAC decision attached.

Appeal Reference: 2016/A0221
Appeal by: Mr Graham Bell
Appeal against: Refusal of Full Planning Permission
Proposed Development: A single wind turbine of up to 2.3mw power output with a maximum overall base blade to tip height of 92.5m to compliment approved planning I/2010/2011/F
Location: Beltonanean Mountain, Beltonanean TD Cookstown.
Planning Authority: Mid Ulster District Council
Application Reference: I/2014/0399/F
Procedure: Written Representations with Commissioner's site visit on 22nd February 2018.
Decision by: Commissioner Helen Fitzsimons on 5th March 2018

Decision

1. The appeal is dismissed.
2. A determination under the Planning (Environmental Impact Assessment) Regulations (NI) 2012 was carried out on the proposed development and it was deemed that an Environmental Statement was not required.

Reasoning

3. The main issues in this appeal are whether the proposed development would have a detrimental impact on the visual amenity and landscape character of the area and whether it would be detrimental to residential amenity. Other issues raised by the objectors are the impact of the proposed development on human and animal health; archaeology; residential amenity; habitat; and tourism.
4. The appeal site is located in the countryside as defined in the Cookstown Area Plan 2010 (CAP). An objector referred to Policy CON4 in CAP entitled 'Area of Significant Archaeological Interest' which relates to a designation at Beaghmore identified in Map No.27 that incorporates the most extensive stone circle complex in Northern Ireland. The appeal site however lies outside this defined area and Policy CON4 therefore does not apply in this case. The plan is silent on wind turbine development.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining the appeal. 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.

6. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context for this appeal. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is renewable energy projects in accordance with Planning Policy Statement 18: Renewable Energy (PPS18). PPS18 is supported by a Best Practice Guide (BPG) and other supplementary planning guidance (SPG).
7. The appeal site lies within the Sperrins Area of Outstanding Natural Beauty (AONB). Paragraph 6.223 of the SPPS states that a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONBs and their wider settings. No definition of the term 'cautious approach' is provided in the SPPS although specific reference is made to the potential difficulty in accommodating wind energy proposals in such sensitive landscapes without detriment to the regions cultural and natural heritage. Policy NH 6 'Areas of Outstanding Natural Beauty' of Planning Policy Statement 2 'Natural Heritage' states that 'Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality'
8. Paragraph 6.225 of the SPPS states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.
9. Policy RE1 of PPS18 indicates that renewable energy development will be permitted provided it will not result in an unacceptable adverse impact on five criteria. Criterion (a) relates to public safety, human health and residential amenity whilst criterion (b) relates to visual amenity and landscape character. The policy goes on to indicate that compliance with an additional seven criteria is required for wind energy development proposals. Criterion (i) requires demonstration that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines and criterion (ii) requires that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications.
10. Criterion (vi) of Policy RE1 states that the development will not cause significant harm to the safety or amenity of any sensitive receptors arising from noise; shadow flicker; ice throw; and reflected light. The policy states that for a wind farm development a separation distance of 10 times the rotor diameter to occupied property, with a minimum distance of not less than 500m, will generally apply.
11. 'Wind Energy Development in Northern Ireland's Landscapes' is SPG that supports PPS 18. It provides a description of the sensitivity of Northern Ireland's landscape

to wind energy development in terms of the extent to which the inherent character and visual amenity of each Landscape Character Area (LCA) is vulnerable to change due to such development.

12. The appeal site is located within LCA 41: Slieve Gallion in the SPG and is indicated to have a high to medium sensitivity to change. The SPG acknowledges that there is considerable variation in sensitivity level across any area and that areas of higher or lower sensitivity may also exist. The appeal site lies within the southwestern part of LCA. The assessment of the SPG states that the south-western outlier hills although adversely affected by sand and gravel extraction and forestry, are visibly prominent thus increasing the sensitivity of this area to wind energy development. I consider that Beltonanean Mountain is one of these outlier hills and, despite the presence of two quarries and Davagh Forest, it is a sensitive landscape.
13. Planning permission I/2010/211/F was not implemented and expired on 17th May 2017. However, an application for planning permission was submitted for its renewal on 17th February 2017 (Ref LA09/2017/0272/F) and has not yet been determined. In addition to planning application LA07/2017/0272/F two wind farm proposals (I/2014/0413/f and LA09/2015/0459/F) sited within a 3.5km radius of the appeal site remain under consideration by the relevant Planning Authority. As the outcome of all of these applications remains unknown I attach little weight to those proposals. Planning Appeal 2014/A0234 does not set a precedent against which to assess this appeal proposal as each appeal must be decided on the merits of that particular case. There is a 60m tall anemometer in the vicinity of the appeal site constructed by virtue of Planning Permission I/2008/0112/F and its cumulative impact with the appeal proposal must be considered.
14. The Planning Authority supplied me with maps for reference purposes which the appellant disputed were an accurate reflection of the location of the proposed wind turbine. He provided maps to illustrate the location of the proposed wind turbine at Annex B1 of his rebuttal statement. In so far as I can see, and taking account of my observations on the ground, they represent an accurate reflection of the location of the proposed development. I am therefore satisfied that I have sufficient information before me to accurately assess impact of the appeal proposal.
15. The Planning Authority identified six viewpoints from which to assess the proposed development for which the appellant helpfully provided photo montages to assist me. I am mindful that Policy RE1 recognises the dominant and prominent nature of wind energy development. I am also mindful that whilst wind turbines are apparent over long distances by reason of their height and scale it is the mid and closer range views that are most striking in terms of visual impact. This is openly acknowledged in the BPG. It is also acknowledged in the BPG that up to 2km wind energy development is likely to be a prominent feature and that within 2-5kms it will be relatively prominent. Four of the identified viewpoints lie within 2km of the appeal site with the remaining two being 2.6km and 3.3km away. Given this it is to be expected that the proposed wind turbine would be a prominent feature in the landscape. The analysis must therefore be based upon what if any significant detrimental harm would be caused by the proposed turbine within the radius of the viewpoints identified.

16. The appeal site lies near the summit of Beltonanean Mountain some above the 300m above sea level contour. The landscape character of this part of the LCA and AONB is upland, wild and tranquil with panoramic views across the countryside. With the exception of two dwellings and a water tank facility there is little other built development nearby.
17. In making my assessment of the proposed development I do not consider the low volume of traffic using the roads in the vicinity of the appeal site, and those roads where identified viewpoints are located to be a determining factor in this appeal.
- Identified Viewpoint 1 - Beltonanean Lane (1027m distance). From this viewpoint virtually all of the proposed wind turbine would be visible. I do not agree that the trees on the immediate horizon mitigate the impact of the proposed wind turbine. It would appear as a dominant vertical feature in this tranquil upland landscape. Of itself it would be detrimental to the qualities of the AONB and LCA. The existing anemometer, which lies south of the appeal site, already appears as an overly dominant vertical feature within the wider expanse of this viewpoint. When seen with the proposed wind turbine the two would have an unacceptable adverse visual impact on both the AONB and the LCA.
 - Identified Viewpoint 2 - Beltonanean Road (575m distance). This viewpoint is over a short distance and whilst only the upper portion of the turbine pole would be visible due to its location on the other side of a hill crest, the rotor blades would be virtually in full view. Notwithstanding the intrusive nature of the anemometer, which dominates the foreground of this view, this part of the AONB and LCA is particularly wild, unspoilt and tranquil. The proposed wind turbine would introduce an overly dominant feature into the landscape and be detrimental to the particular character of this part of the AONB and LCA. When taken with the anemometer the wild, unspoilt and tranquil nature of the area would be adversely impacted upon.
 - Identified Viewpoint 3 - 84 Tulnacross House (2.6km distance). I agree with the appellant that from this mid distance viewpoint and when taking account of the substantial amount of existing built development in the foreground the proposed wind turbine would not have a detrimental impact on visual amenity. The anemometer is not discernible in the landscape from this vantage point and there would be no cumulative adverse visual impact were the proposed wind turbine to be built.
 - Identified Viewpoint 4 - Dunamore Riverside Walk (3.3km distance). Although the views of the surrounding countryside from this vantage point are relatively unspoilt because of distance the proposed wind turbine would be barely visible in the landscape and it would not have an adverse visual impact on the AONB or LCA when viewed from here. The anemometer is not visible in the landscape and consequently there would be no adverse cumulative impact from this viewpoint.
 - Identified Viewpoint 5 - Garden Centre Beltonanean Road (863m distance). From this viewpoint the landscape is wild, tranquil and unspoilt notwithstanding the presence of the anemometer which would be seen in the foreground of this vantage point. The majority of proposed wind turbine would visible from this location and it would introduce a large overly dominant feature into this landscape. It would be detrimental to the wild, tranquil and unspoilt qualities of the AONB in this location.

The anemometer is already an intrusive vertical feature in the landscape at this point, although its impact is somewhat mitigated by its height (60m) and slender nature. The addition of the proposed higher wind turbine with its moving blades and crest line position would have the effect of this landscape being dominated by visually obtrusive development.

- Identified Viewpoint 6- 8 Beltonanean Road (847m distance). . From this vantage point the proposed wind turbine would be seen in its entirety being located on the crest of a hill. Whilst this viewpoint may be dominated by the existing water tanks adjacent to No 6 Beltonanean Road , those water tanks are not of a significant height and do not have an adverse impact on the landscape. The dwellings in the vicinity are all screened by existing vegetation and the landscape appears as tranquil and unspoilt. The proposed wind turbine would appear as a large skyline vertical feature that would dominate this viewpoint and be detrimental to the qualities of both the AONB and LCA.
18. The proposed wind turbine would introduce an unacceptable vertical and dominant feature into the relatively unspoilt landscape identified in viewpoints 1, 2, 5 and 6 and would not be of an appropriate design, size and scale for the locality; it would also have an adverse visual impact when viewed with the existing anemometer. It must therefore follow that it would have an adverse visual impact upon the AONB, a designated natural asset and LCA 41 Slieve Gullion, and the cautious approach advocated by the SPPS is determining in this matter. Given that it would be contrary to the SPPS it would also be contrary to the requirements of criteria (b); (i); and (ii) of Policy RE 1 PPS 18 and Policy NH 6 of PPS 2.
19. No residential property lies within 355m (10 x rotor diameter) or 500m of the proposed wind turbine. Visual impact on the residents of No 8 Beltonanean Road was raised by both the Planning Authority and the occupiers of that property. The proposed wind turbine is located some 823m from the rear aspect of this dwelling. The rear rooms, which I noted at my site visit, comprise a kitchen and dining area. Although the existing adjacent water tanks offer some enclosure to the views out of the living space and rear garden of this property; and that there is also some boundary vegetation which would also screen views there is a gap in this boundary. The full totality of the moving blades and dominant nature of the wind turbine would be seen and effectively fill this gap, and be an over dominant and ever present feature on main views from the rear of this dwelling. This would be detrimental to residential amenity and the proposed wind turbine would offend criterion (a) of Policy RE 1 of PPS 18.
20. The appellant submitted an Assessment of Shadow Flicker which demonstrated that no receptor would be affected by shadow flicker. Although objectors questioned the suitability of using the ETSU-R-97 guidance for assessing the impact of noise from wind energy development on residential amenity it is the accepted industry standard and in the absence of any other published guidance being brought to my attention I cannot set it aside. A Noise Impact Assessment was submitted which robustly demonstrates that the ETSU-R- 97 standards can be achieved in regard to residential properties that might be affected by noise emanating from the proposed development. I am satisfied that there would be no adverse impact on residential amenity by virtue shadow flicker or noise.

21. Policy BH 1 'The Preservation of Archaeological Remains of Regional Importance and their Settings' of Planning Policy Statement 6 'Planning, Archaeology and the Built Heritage' (PPS 6) indicates that the Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. Development which would adversely affect such sites of regional importance or their settings will not be permitted unless there are exceptional circumstances. The appeal site lies some 3.5km east of Beaghmore Stone Circle a monument in state care. A photomontage was submitted to demonstrate the impact of the proposed development on the setting of the monument. Having visited the monument and taking account of the illustrative evidence I am satisfied that at a distance of 3.5km away with a height of 92.5m the proposed wind turbine would not have a significant adverse impact on the setting of Beaghmore Stone Circle and the objectors' concerns are not upheld.
22. Concerns were raised by objectors regarding the impact of the proposed development on tourism and in particular the use of Davagh Forest. Davagh Forest and its facilities provide for recreation in the form of forest trails, a play area and other visitor amenities which are all attractive in their own right. It is therefore likely that persons visiting Davagh Forest will do so for the purposes of using those amenities and the presence of this single wind turbine in the landscape is unlikely to result in any significant reduction in visitor numbers.
23. Generalised concerns were raised by objectors in respect of the impact of the proposed wind turbine on human and animal health; habitat; and interference with television, radio and mobile phone signals however, no documentary evidence was submitted to substantiate such concerns. No substantiated evidence was presented to demonstrate how concrete and unidentified petrochemicals that might be associated with the proposed development would have an adverse impact on the water environment. In any event compliance with best practice techniques would mitigate against any adverse impact on the water environment. Matters of the robustness of planning policy for AONBs and further regulation of the wind energy industry are not for this appeal. The impact of construction of the proposed wind turbine on bird breeding could be dealt with by condition. None of these concerns either individually or together carry determining weight in this appeal.
24. The appellant outlined a number of benefits likely to arise were the proposal to receive planning permission. He has submitted an application to NIE in respect of grid connection. I agree the appellant that the benefits of wind energy development are well rehearsed. I accept that Mid Ulster Council promotes sustainable development including renewable energy initiatives. It is estimated that the proposed wind turbine would offset CO2 emissions by at least 56,000 tonnes over its operational life and that this would equate to the annual electricity needs of some 1,677 domestic properties.
25. In respect of annual business rates and taxes some £50,000 would be paid by the appellant to the public purse. In addition, the revenue earned by the appellant would underpin his farm business, sustain the rural way of life and allow family members to invest more into the farming activities. In addition the proposed wind turbine when combined with that approved under planning permission I/2010/0211/F would represent a financially viable development as a result of sharing the cost of grid connection

26. The appeal proposal offers environmental, social and economic benefits to which considerable weight should be attached. However, those benefits do not outweigh the detrimental and unacceptable impact that the proposed development would have on the visual amenity and landscape character of the AONB and LCA 41 or the detrimental impact it would have on residential amenity. The Planning Authority has sustained it three reasons for refusal grounded in the SPPS; Policy RE 1 of PPS 18 and Policy NH 6 of PPS 2. The objectors' concerns in respect of those matters are also upheld. Accordingly the appeal must fail.

This decision relates to the 1:2500 scale site location plan; an unscaled site location plan; the 1:500 scale site plan and the unscaled elevational drawing.

COMMISSIONER HELEN FITZSIMONS

List of Documents

Planning Authority:-

Appellant:-

Third Parties:-

PA 1 Written Statement and Appendices

A1 Written Statement and Appendices

A2 Written Statement and Appendices

3rd P1 Written Statement

