



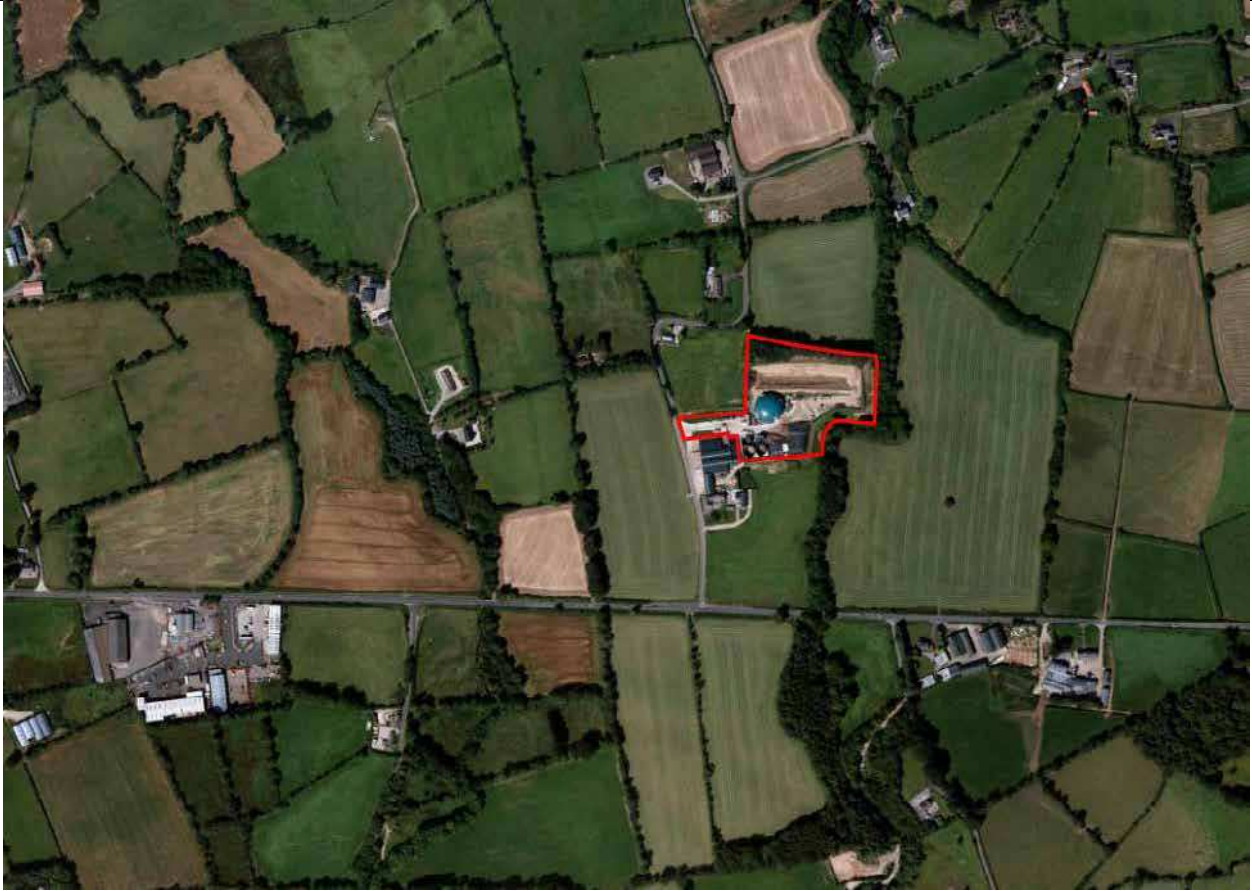
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Drawing No.
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Status: Submitted

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Housing Concept Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



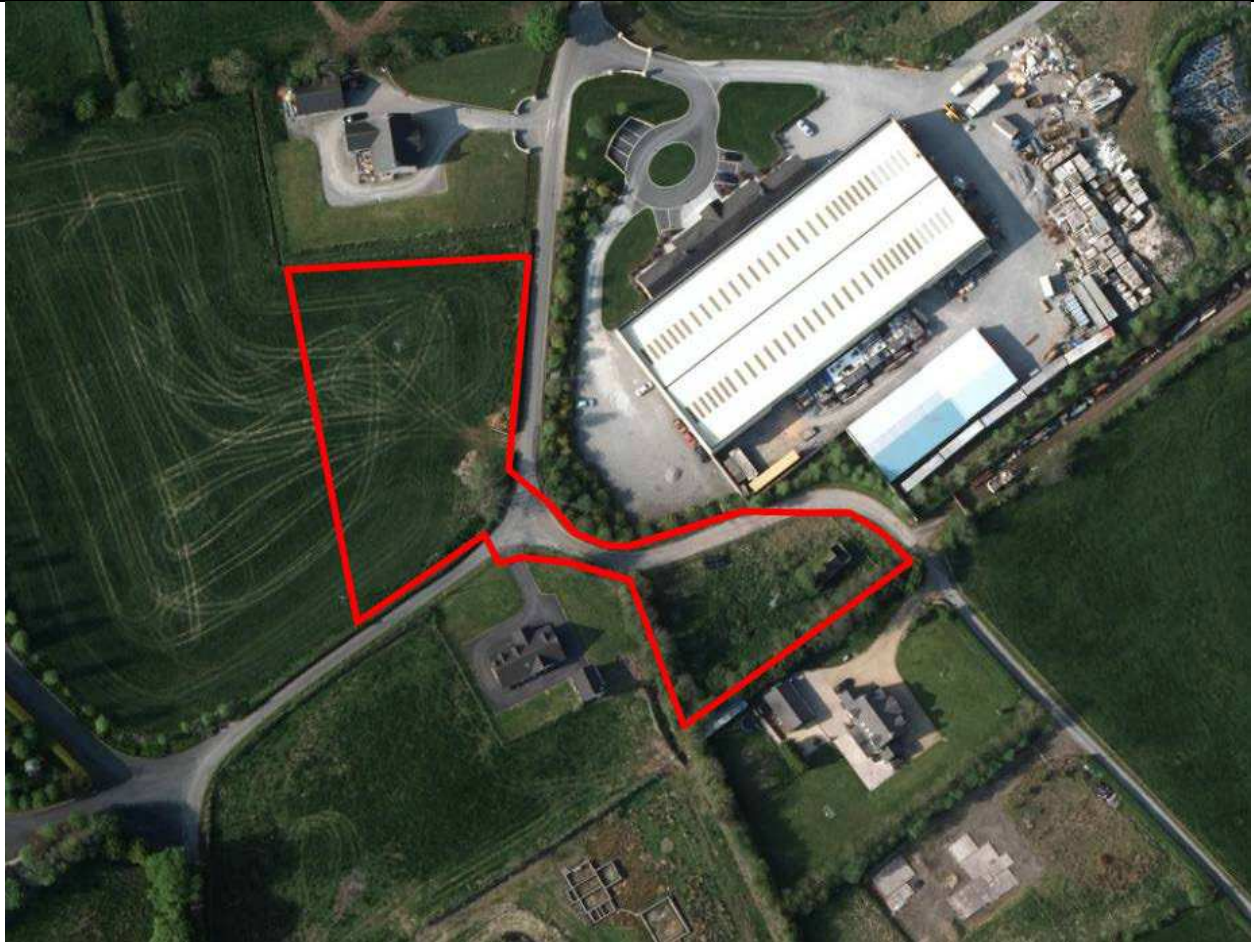
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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.

Dfl 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 location 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
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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 than 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:



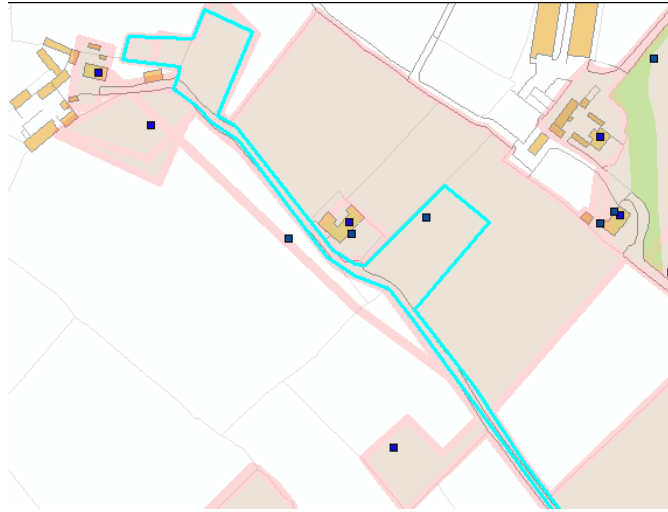
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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Drawing No.

Type:

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:



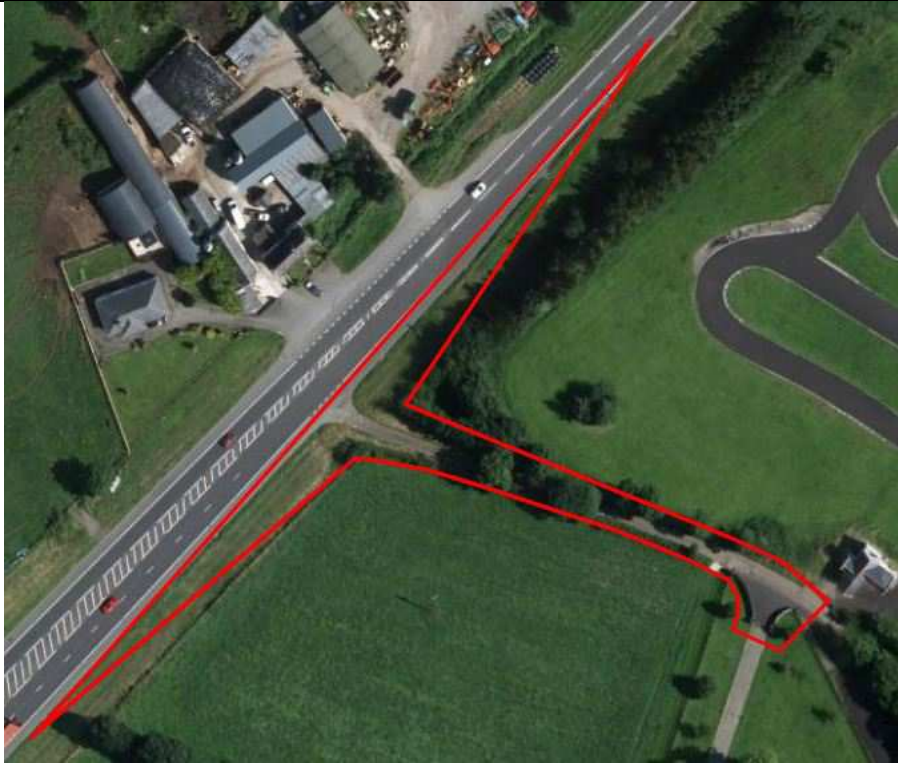
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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 Colebroke 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

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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. 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

DfI 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 DfI 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 DfI 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 'whitelands'. 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