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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 2017.	Item Number:
Application ID: I/2012/0398/F	Target Date:
Proposal: Retention of 'as constructed' 11kw Gaia wind turbine with an 18.4m hub height (To supersede previously approved 20kw C & F turbine on 20m tower).	Location: Approximately 103m SW of 29 Crancussy Road Cookstown
Referral Route: Objections received / previous decision quashed.	
Recommendation:	APPROVAL
Applicant Name and Address: P Mc Nally 29 Crancussy Road Cookstown	Agent Name and Address: Mr Henry Murray 37c Claggan Road Cookstown BT80 9XJ
Signature(s): <i>Chris Boomer</i>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Cookstown District Council	Acceptable in Policy terms - Cond. Attached
Non Statutory	Ofcom Northern Ireland	No Objection
Non Statutory	UK Crown Bodies - Crown Commissioners	No Objection
Non Statutory	UK Crown Bodies - D.I.O. LMS	No Objection
Non Statutory	National Air Traffic Services	No Objection

Non Statutory	Belfast International Airport	No Objection
Non Statutory	Env Health Cookstown District Council	Considered - No Comment Necessary
Non Statutory	DFP - CPD Structural Engineering Branch	Add Info Requested
Non Statutory	Natural Heritage	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	No objections

Representations:

Letters of Support	None Received
Letters of Objection	43 From 2 properties (No 26 Crancussy Rd - 1 letter No 31 Crancussy Rd - 42 letters)
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Background of application

The Committee will recall that the decision by Mid Ulster District Council to approve the above application was quashed by the High Court on the 7th March 2016. This came about as a result of a legal challenge by a third party and in light of EIA considerations, the Council was of the opinion that it would be prudent to have the matter rescreened and thereafter reconsidered by the Planning Committee.

The application has been fully rescreened against the EIA Regulations, the result of which a determination was made that an Environmental Statement is not required. The Committee is asked to consider the proposal afresh, having full regard to the Development Plan, planning Policy and relevant material considerations.

The Application.

This application is described as being for the "Retention of 'as constructed' 11kw Gaia wind turbine with an 18.4m hub height (To supersede previously approved 20kw C & F turbine on 20m tower)." In effect the application is to regularise a turbine which was erected some 10 metres from the previously approved turbine (I/2010/266/F) and to reduce its power generation capacity from 20 KW to 11 KW, its height from 20 metres hub height (26.5 metres to tip) to 18.4 metres to hub (24.9 M to hub) and the number from blades from three to two. The primary reason a new application was required was because of the change in position rather than the reduced height and power generation capacity.

SUMMARY OF OBJECTIONS

Numerous concerns were raised throughout the processing of the planning application, following the quashing of the decision more have been received, Most of the correspondence objecting to the proposal has come from Mr Guy Glencross, the occupant of No.31 Crancussy Road. Objections have also been received from Mr. O’Gara the owner of No 31 Crancussy Road, and Ms Bernadette McNally, the occupant of 26 Crancussy Road.

The main issues raised by the objectors are summarised as follows,

- Detrimental impact on wellbeing of nearby residents.
- Detrimental impact on landscape character of the area.
- Destruction of natural habitat/wildlife
- Road Traffic disruption
- Impact on property values
- Absence of Environmental Impact Study
- Potential negative impact on natural habitats and wildlife
- Impact of shadow flicker on residents
- Minimum separation distance of 500m should be achieved.
- Lack of neighbour notification letter issued.
- Potential Ice Throw/Blade throw from turbine.
- Foundation details of turbine
- Should be a minimum separation distance of 500m, should be treated as a wind farm.
- Turbine is currently operating illegally.
- Medical evidence was submitted alleging that the proposal had exacerbated an existing medical condition.
- Washing and crushing equipment of adjacent quarry have not been factored into the noise report.
 - Issues surrounding DARD grant funding for the applicants turbine.
 - Fitness for purpose of ETSU
 - Dispute over DB levels and background / cumulative noise levels

History

On 10th January 2012 approval was granted for a larger turbine (I/2010/0266/F) some 10 metres away from the current siting and some 7 metres closer to No 31 Crancussy Road. The permission was granted subject to a 5 years commencement condition and a restoration condition. It was also subject to a condition requiring that the turbine shall not operate on, during or between the following dates and times; 12th November to 3rd of December between the hours of 11.40 and 12.00; between the 9th January and 30th January between the hours 11.55 and 12.15. The reason for the condition was to protect the health of neighbouring residents.

The 2012 permission (ref I/2010/0266/F) was initially subject to objections from Mr O’Gara, who at that time stated his address was 31 Crancussy Road, his daughter

Yvonne O’Gara of 33 Crancussy Road, and Bernadette McNally and Kieran Kirk of 26 Crancussy Road. No objection was received from Guy Glencross. Following discussions and an agreement relating to a right of way between Mr O’Gara and Mr McNally, Mr O’Gara and Yvonne O’Gara withdrew their objections. The approval was granted in the context that there was only one objection from Ms McNally who raised concerns relating to health, noise, impact on views and property values. The Department considered that the health concerns could be dealt with by condition. Her other concerns were not considered sufficient grounds to refuse the application.

The withdrawal and absence of an objection from Mr O’Gara and Mr Glencross does not diminish their right to make an objection to this application, but it also does not negate the planning history which remains a material consideration.

When the current application was submitted on 5th November 2012 the previous application was live and it is reasonable to assume that if this application was refused Mr McNally could still erect the approved turbine. However, if development had not commenced prior to 10th Jan 2017, then the application will have expired and therefore the applicant would not be entitled to erect it without obtaining permission.

Mr McNally argues that he has carried out works which in his view represent a start. These are verified by an invoice from an agricultural contractor dated 17th August 2012 which states the following works were carried out:

- New lane to turbine (188m long x 4m wide)
- Removing top soil down to hard ground
- Filling up with hard core and compacting to carry crane.

However, a site visit on 26th January 2017 failed to establish that any clear sign that works, other than the improving of an existing access and works connected to the unauthorised turbine. Furthermore, aerial photographs and maps establish that there had historically been an access and that the additional ground works appear to be essentially outside the red line identified in the 2012 permission.

Whether or not constructing a different turbine in a different position could be deemed to represent a start could be the subject of legal argument. Case law on the commencement of development is complex but a central thrust is that the test must be made on the balance of probabilities rather than the balance of possibilities. Over the years there has been a large number of court and appeal cases which have addressed the topic. Most demonstrate the wisdom of the words of Lord Scarman in the *Pioneer Aggregates* judgement where he stated that planning permission with only a meagre part implemented hardly begets with a great capacity for survival. All that is required is that the works must comprise part of the development authorised by the planning permission and be more than *de minimis*. There is no need for the developer to have any genuine intention to complete the development. Courts have held that an objective approach must be adopted to ascertain whether what had been undertaken on site was in accordance with the planning permission and, if material, whether it was more than *de minimus*. This was a matter of fact and degree. In addition case law has indicated that there is no requirement in legislation for the “imposition of an ill-defined requirement that the specified operations should be carried out with some particular intention” (*East Dunbartonshire Council v Sec of State for Scotland* (3/11/98)).

Based on the case law I take the view that the works to the laneway was little more than general maintenance and any additional works were *de minimis*. The changes to the turbine, namely its new positioning fell outside the scope of the original decision and for this reason the Department in a letter dated 8th October 2012 advised that a retrospective application for the retention of the turbine as constructed be submitted (Enforcement Ref I/2012/0061/CA). Therefore the other site works by reason of fact and degree fall outside the original permission and therefore in themselves are unauthorised. Thus I would advise the Committee to take the view **that previous permission has now expired, but to bear in mind that the planning history still remains a material consideration.**

The Committee are also asked to note that when on 5th November 2012 Mr McNally submitted the application it was in good faith with the reasonable expectation that it would not give rise to issues it has given:

- (a) The previous approval at that time was still live and there had been no policy change;
- (b) The turbine is smaller in size and capacity and the siting is further away from No 31 Crancussy.
- (c) An agreement had been reached with Mr O’Gara who at the Planning Committee meeting on 1st December 2015, confirmed that he had agreed a revised siting for the 2012 approval, albeit that what is now constructed is not what he had agreed with Mr McNally.

This said, the application still needs to be assessed against planning policy and the Committee needs to give careful consideration to the additional information acquired since 2012.

Policy Consideration

The Strategic Planning Policy Statement for NI (SPPS) was published in September 2015 consolidates 20 publications into one document and sets out strategic subject planning policy for a range of planning matters. In relation to renewable energy the aim is to facilitate the siting of renewable proposals in appropriate locations within the built and natural environment in order to achieve NI's renewable energy without compromising other environmental assets of acknowledged importance. The SPPS can be argued to give more focus to environmental considerations, particularly in relation to impact on sensitive landscapes.

Policy RE1 of PPS18 sets out the relevant policy for renewable energy development. It is supported by guidance as contained in Best Practice Guidance to PPS18 (August 2009) and Wind Energy Development in Northern Ireland's Landscapes (August 2010).

The key policy considerations relate to both the social, economic and environmental benefits of wind energy versus their potential impacts. In the case of this single turbine social and economic benefits are limited given there is no defined community benefits, other than rateable income, and the level of energy produced for the national grid is low. The environmental benefits of the proposal in this case are implicit in the permissive nature of the policy which in the main focuses consideration of risks and impacts.

(a) public safety, human health, or residential amenity;

In order to overcome the neighbouring amenity problems the objector argues that PPS 18 Best Practice Guidance states that a minimum separation distance of 500m should be achieved between dwellings and wind farms. He argues that the 500metre rule applies to single turbines based on a planning appeal decision (2015/A0041). However, The Chief Planning Appeal Commissioner in a letter to Dr Boomer dated 1st July 2016 confirms that the reasoning in that appeal decision is incorrect and that a wind farm under policy is clearly defined as development comprising more than two turbines. The correct reasoning is reflected in other appeal decisions (2014/A0289 and 2012/A0283). The objector has also argued that this turbine together with extant permissions constitutes a wind farm and in particular had pointed to the two turbines for JJ Loughran. It is my opinion that the pattern and spacing between extant permitted turbines is too large to be interpreted as a windfarm and clearly would differ in form from that suggested by Best Practice Guidance to PPS18 (AUG 2009). More importantly, one of the JJ Loughran turbines has been withdrawn and the other is now erected. When viewed from Crancussy Road or viewpoints along the main Omagh - Cookstown Road, in my opinion the existing structures do not give the appearance of a windfarm.

Whether or not a 500m rule should apply to individual turbines is a matter of current discussion as identified in the Preferred Options Paper for the Local Development Plan. Until such time as the Plan Strategy for the Local Development Plan is published I would advise members to give determining weight to the policy as currently written. Policy RE1 of PPS 18 identifies the key risks to public safety and human health relate to a collapse of the turbine either as a result of landslide, bog burst or structural failure. Turbines can also result in ice throw, have a detrimental impact on radar and air safety, and road safety. The key issues in relation to residential amenity relate to impacts in relation to shadow flicker (which can also have health impacts), noise, over dominance and visual intrusion. These are discussed in detail under the appropriate sub headings below:

(i) Stability and structural failure

An objection was received in relation to the stability of the turbine. The guidance used for assessment of this type of development state that very few accidents have occurred involving injuries to humans , those that have are to do with failure to observe manufactures and operators instructions. Paragraph 1.3.51 of the Best Practise Guide goes on the state the only source of danger to human or animal life would be the loss of a piece of the blade or exceptionally the whole blade. Many blades are composite structure with no bolts, so blade failure is therefore most unlikely. In this particular case the turbine is situated on agricultural land and has stood for over 3 years and there is no evidence to suggest land stability or bog burst provides a threat to its stability.

A structural report was submitted by George Dawson (12 June 2013) and Silverford Renewables provided a letter on 15 April 2013 to advise the wind turbine which is already constructed has been designed to meet all relevant standards. The Central Procurement Directive were consulted on this and advised that a certified chartered engineer should certify the design and foundation of the structure to satisfy the requirement of design and stability of the turbine. The Details of the foundation

construction and geo technical data was sought and forwarded to HSENI. Within their response they have raised no objections to the creation of a sterile zone around the base of the turbine. The turbine also lies well beyond any likely falling distance from an occupied residential property which according to guidance is the height of the turbine plus 10%. It is therefore reasonable to conclude that structural failure is not a significant threat.

(ii) Ice throw

Ice throw, is unlikely in most sites in NI, even where icing does occur the turbines own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines. Given the distance from existing residential properties and the public road, ice throw is unlikely to cause a significant risk.

(iii) Aviation safety

In assessing whether the development will give rise to unacceptable electromagnetic interference to communications installations, radar or air traffic control systems, emergency services communications or other telecommunications systems, consultations were sent to the relevant authorities. No objections have been raised by OFCOM and NATS and Ministry of Defence and Belfast International Airport have confirmed they have no objection in terms of aviation safety.

(iv) Road Safety

The turbine is already constructed and the access in place as per planning approval I/2010/0266/F to which Transport NI had no objection.

(v) Noise

Noise is a key area of contention, particularly for those objectors with an interest in 31 Crancussy Road both in terms of the tonal qualities and levels of the noise. In relation to tone an argument has been put that low pitch has the potential to impact on sleep and cause health issues. Best Practice Guidance to PPS18 Renewable Energy (DoE, 2009) in relation to low frequency noise (Infrasound) paragraph 1.3.47 advises "There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. A comprehensive study of vibration measurements in the vicinity of a modern wind farm was undertaken in the UK in 1997 by ETSU for the DTI (ETSU W/13/00392/REP)."

Since the March 2016 High Court decision, all interested parties were provided the opportunity to provide further noise reports, setting out their assumptions in line with ETSU guidance and taking into account existing and proposed wind turbines.

In response and in addition to assessments already submitted, further information was submitted on behalf of the applicant by Grainger Acoustics, and on behalf of Mr Guy Glencross by Mr Dick Bowdler.

The latest assessments focus on the impact on No 31 Crancussy Road because it is the nearest occupied property. The occupied dwelling at 26 Cransussy Road is further away and noise levels would be predictably lower as is the case with no 31A which currently is only a foundation.

The noise assessments take into account the application turbine (Ghia 11KV) and the following approved turbines which are close enough to the no 31 to contribute to noise:

- (i) I/2012/0367/F – 250kw turbine at Core Aggregates 781m SE of 11 Crancussy Road Evishacrancussy Cookstown. (JJ Loughrans) which is built.
- (ii) I/2011/0127/F 225KW Vestas V27 wind turbine with 31m hub height, Site situated approximately 250 metres North West from 236 Camlough Road
- (iii) I/2011/0095/F 225kw Vestas V27 wind turbine with 31m hub height, Approximately 262m North West from 228 Camlough Road Pomeroy (NOW LAPSED)

The Council's Environmental Health Service (EHS) have examined the reports and also conducted their own noise assessment and advise that the predicted noise levels are largely similar with no real discrepancy (Table 1).

There are however different conclusions drawn by the two consultants reports. These differences can be said to arise in two main areas:

1. Financial Involvement
2. Background Noise Level

Table 1 Predicted Noise levels and Back Ground Limits

	Grainger Predicted levels	Bowdler Predicted levels	EHS Predicted levels	Loughran Background Limits	Cookstown Background Limits
Windspeed					
4	34.3	35.0	34.5	35.0	35.0
5	35.4	35.6	35.2	35.0	35.0
6	36.5	36.3	35.9	36.5	35.0
7	37.4	36.9	36.7	38.3	35.0
8	38.5	37.6	37.4	40.5	35.0
9	39.3	38.3	38.1	41.5	35.0
10	40.1	39.1	38.9	42.0	35.0
11	!	!	39.6	42.5	36.0
12	!	!	40.4	51.9	38.8

Note that application the second turbine for J.J. Loughran turbine (I/2012/0368/F) was withdrawn.

Financial Involvement

The Grainger Report bases its conclusion on the contention that there is a financial interest in the application from the property most closely affected i.e. 31 Crancussy Road. This point is outlined in detail in the Grainger Report dated 11th February 2014. In addition as I understand it, the applicant argues that one of the objectors (Mr O’Gara – owner of No. 31 Crancussy Road) had a financial agreement relating to the original permission (I/2010/0266/F) which led to letters of objection being withdrawn to that application and that Mr Guy Glencross was present during those negotiations. If it was deemed that the relevant party at 31 Crancussy Road has a financial involvement the predicted background limits will be raised. This would have the effect that the cumulative total for all the turbines modelled in the area would be compliant with the ‘financially involved background limits’.

The issue of financial involvement is disputed by Mr O’Gara, who argues that any agreement relates solely to a means of access to the site of the proposed turbine. Mr Guy Glencross has submitted a letter from his solicitor stating he has no financial interest.

In my view it is clear that a financial agreement was reached between Mr O’Gara and McNally which resulted in Mr O’Gara relinquishing his right of access to a laneway which now serves the turbine. He also withdrew his objection to the original application based on this and his impression that noise impacts would be limited. I am not convinced that this in itself would mean that the higher ETSU level should be applied, particularly as there is no ongoing financial benefit to the landlord and there is insufficient evidence to suggest that Mr Guy Glencross, the occupier of no 31 Crancussy Road received any payment.

Background Noise Levels

There have been three sets of background noise levels taken close to this site. The first was by FR Mark for the I/2010/0266/F application. A second set of background noise levels was taken by Marshall Day Acoustics for applications I/2012/0367/F and I/2012/0368/F. Following some debate the lowest background noise level for each windspeed from the two reports mentioned was used for predictions at the I/2012/0367/F and I/2012/0368/F applications. These are presented as the ‘Loughran Background Limits’. A third set of readings was taken by Cookstown DC following a complaint re noise from the erected Gaia turbine by the occupant of 31 Crancussy Road. These are presented in Table 1 as the Cookstown Background Limits’.

None of the background levels were taken at the property of 31 Crancussy Road as would be per best practice. All three locations used are proxy locations chosen to give a representative fit of what the background noise level is likely to be at 31 Crancussy Road. If the Loughran background levels were to be used to determine predicted levels there would be an exceedance of ETSU guidelines at 5m/s using the Grainger, Bowdler, and EHS predictions. If the Cookstown predicted noise levels were used there would be an almost uniform exceedance in all three predictions from windspeeds of 5 m/supwards.

The Dick Bowdler Report argues that the Cookstown levels should be used as these are the lowest levels. If these aren't used it is argued an average of the Loughran and the Cookstown levels should be used. This would still result in exceedances at most wind speeds above 4m/s.

Noise Impact and the Previous Approval (I/2010/0266/F)

The other factor to be considered is the original approval (I/2010/0266F) for the C&F 20kW. This was granted based on the original noise report by FR Mark which recorded higher background noise levels. Subsequent proxy background levels would suggest that the levels relied on for this approval were higher than the background levels being considered for this application.

Table 2- Prediction if currently approved C&F 20kW turbine is constructed.

	C&F 20kW	V29	V27	V27	Cumulati ve	Cumulati ve
Wind Speed	I/2010/0266/F	I/2012/0367/F	I/2011/0127/F	I/2011/0095/F	Including I/2011/0095	excluding I/2011/0095
4	28.5	32.0	22.8	23.4	34.3	33.9
5	31.6	32.4	23.7	24.3	35.6	35.3
6	34.7	32.8	24.6	25.2	37.4	37.1
7	37.8	33.2	25.8	26.3	39.5	39.3
8	40.9	33.6	27.0	27.6	41.9	41.8
9	43.9	34.0	27.7	28.3	44.5	44.4
10	47.0	34.4	29.0	29.6	47.4	47.3
11	50.1	34.8	29.6	30.2	50.3	50.3
12	53.2	35.2	30.2	30.8	53.3	53.3

Table 3- Prediction for currently erected Gaia 11kW turbine.

	Gaia 11kW	V29	V27	V27	Cumulati ve	Cumulati ve
Wind Speed	I/2012/0398/F	I/2012/0367/F	I/2011/0127/F	I/2011/0095/F	Including I/2011/0095	excluding I/2011/0095
4	29.3	32.0	22.8	23.4	34.5	34.2
5	30.3	32.4	23.7	24.3	35.2	34.8
6	31.4	32.8	24.6	25.2	35.9	35.5
7	32.4	33.2	25.8	26.3	36.7	36.2
8	33.4	33.6	27.0	27.6	37.4	37.0
9	34.3	34.0	27.7	28.3	38.1	37.6
10	35.3	34.4	29.0	29.6	38.9	38.4
11	36.3	34.8	29.6	30.2	39.6	39.1
12	37.3	35.2	30.2	30.8	40.4	39.9

Note: calculations include and exclude I/2011/0095/F as it has recently expired. Whether it would be permitted again awaits to be seen. Other turbines further from the site are excluded as they would not have a significant impact on overall sound levels)

The Environmental Health Service has therefore updated its predicted noise levels (from those shown in table of 19/11/15) to show cumulative predicted noise levels from all the permitted turbines and the C&F 20kW (Table 2), and in the same situation substituting the Gaia 11 kW in place of the C&F 20kW. (Table 3). As can be seen from the table in Appendix 1 the situation with the Gaia 11kW is the quieter option for every wind speed bar 4m/s.

Understanding Noise

Understanding noise in relation to ETSU guidelines is difficult. ETSU guidelines work on the principal of background noise and the margin of acceptable change. In other words it provides guidance on whether this is a significant loss of residential amenity. Thus, it can be seen that where wind speeds increase the background noise level increases and therefore the limit increases. (Table 1). Applying ETSU guidelines indicates that the turbine has resulted in a deterioration of residential amenity by noise and therefore if the Committee were minded it would be reasonable to refuse the application on these grounds given the previous permission which was to be superseded has expired.

Whilst a refusal may be justified based on the ETSU guidelines, it is clear that if erected the previous approval would have resulted in a greater noise (Tables 2 and 3). It is also clear that the applicant intended to supersede the previous permission with the erected turbine. Whilst the applicant was in error in erecting the turbine before getting prior approval, I suspect that the only reason he did not start work on the previously permitted turbine was because the Department of Environment wrote to him on 8th October 2012 advising that the remedy was for him to submit a retrospective application. Whilst the letter does not guarantee an application will be approved, it was at that time normal practice under the provisions of Paragraphs 4.1 & 5.1 of PPS9 Enforcement of Planning Control where it was considered an unauthorised development could be acceptable.

In considering the history, consideration should also be given to overall noise levels. The normal day time sound in a quiet rural area is around 30 decibels, a library is about 40 decibels, and a quiet suburb area is around 50 decibels. Best Practice Guidance to PPS18 Renewable Energy (DoE, 2009) identifies rural night time noise levels siting between 20-40 decibels. Thus, the overall noise experienced at no 31 is within the range expected in a rural area and is not at the level which most of the population experience who live in towns and cities.

Whilst recognising that the ETSU guidelines have been exceeded and that there has been some loss of residential amenity, Members are reminded that the policy test is whether significant harm has been caused. It is my opinion that the planning history coupled with the relatively low exceedance and the relatively low overall noise levels which can be controlled by planning permission, provide satisfactory justification to permit rather than refuse this application, if the Planning Committee were so minded.

(vi) Shadow Flicker

Best Practice Guidance to PPS18 Renewable Energy (DoE, 2009, para 1.3.73) advises that shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK. Only properties within 130 degrees either

side of north relative to the turbine can be affected in the UK. The guidance also advises that at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low (para 1.3.76).

In this case, the only property within 130 degrees either side of north of the turbine and within a distance of 10 times rotor diameter is occupied by the applicant, who is not concerned about the risk from shadow flicker. The occupied property at No 26 Crancussy Road is 160 metres away and the foundation for 31a Crancussy Road is 150 metres away from the turbine and therefore any risk from shadow flicker is very low. The occupants of No 31 Crancussy Road are not at risk because it is situated to the south west of the turbine.

A shadow flicker report was submitted in April 2014. It was prepared by Ellesmere Business Services. The report concludes that the predicted level of shadow flicker at the nearest dwelling will not exceed that recommended in Planning Policy Statement 18.

According to the shadow flicker report no. 26 Crancussy Road and the permitted dwelling at No.31a are liable to experience shadow flicker from the wind turbine during two periods each year. However the total duration over one calendar year is well below the 30mins per day and should typically experience shadow flicker for less than 5 hours per year, substantially less than the 30 hour standard. The occasions on which shadow flicker could occur, dependent upon cloud cover are limited.

Given objection has been submitted on the grounds of the potential impact on health from shadow flicker, it would be advisable to place a condition to safeguard against any potential impacts if the Committee were minded to approve.

The Public Health Agency was consulted and responded that information from the Department of Energy and Climate Change in considering the effects of shadow flicker from turbines concluded that 'the frequency of the flickering caused by a wind turbine rotation is such that it should not cause a significant risk to health.

However, given an objector has raised health concerns and given the previous approval prevented operation during certain times and dates of the year, it is my view that to again adopt this precautionary approach would be sensible and can be done by condition.

Members should be aware that the Public Health Agency was consulted and responded that information from the Department of Energy and Climate Change in considering the effects of shadow flicker from turbines concluded that 'the frequency of the flickering caused by a wind turbine rotation is such that it should not cause a significant risk to health.

(vii) Visual amenity, intrusion and over dominance.

In assessing the impact of a turbine on visual amenity the issue essentially relates to whether the turbine is in itself visually intrusive and over dominant. Whether it effects or interrupts someone's view is not the substantive issue. Thus key factors to be considered relate to the height of the turbine, the distance away from the properties

effected, the orientation of the property and any buildings or screening in between the turbine and property. There is no rule in relation to visual intrusion which requires turbines to be a set distance away from the property.

Members will recall that a turbine with a 42 metres to hub height with a 25 metre rota blade diameter rota was refused along the Drum Road on the grounds of visual intrusion and over-dominance (I./2012/0463) due to its impact on a dwelling just over 300metres away. A subsequent appeal was subsequently dismissed (2015/A0166) and the Commissioner concluded that "Considering the nature and use of affected rooms, the turbine would be a present overbearing presence detrimental to residential amenity and the attractiveness of the dwelling living environment overall". However, a later application for a smaller turbine some 24 metres to hub with a 17 metre diameter was approved (I/2011/0431/F).

The turbine at Crancussy Road application is smaller again with a hub height of 18.4 metres and rota diameter of 13 metres, however, it is much closer to the occupied residential properties at 110 metres from 31 Crancussy Road and 160 metres from 26 Crancussy Road. When viewed from No.26 Crancussy Rd, although the turbine sits on higher ground than the house, it is a sited within a farm cluster of buildings, which along with strong roadside trees helps to soften its impact. If the dwelling at No 31a was completed the turbine would be dominant, however, given the dwelling fronts away from the turbine and there are no existing occupiers I do not think it will result in a loss of amenity by reason of visual intrusion.

When viewed from no 31 there is a significant visual impact because of its closeness and is viewed from key habitable rooms. In light of this a refusal could be defensible in normal circumstance on the grounds of visual intrusion and over dominance. However, given policy has not changed and the previous approval was granted in the absence of an objection from the owner or occupier of No 31 Crancussy Road, I consider the turbine as erected would not have any significant impact greater to the one previously approved and thus, I would not recommend refusal on these grounds. .

(b) visual impact on landscape character;

The site is located within Landscape Character Area no. 43 which is Carrickmore Hills. This Landscape Character has been designated as a high to medium sensitive landscape as identified in the document 'Wind Energy Development in Northern Ireland's Landscapes'. It states in this document (page 148) that where the landscape is already affected by gravel extraction and industrial development may be better able to accommodate wind energy development. As previously stated the site is located adjacent to the gravel pit and within the vicinity of an active quarry along Lough Doo Road. Given the scale of the turbine, the level of quarrying activity in the vicinity of the site and the relevant planning history, the proposal would not have an unacceptable impact on visual amenity or landscape character. The site is located within Lough Doo Area of Special Scientific Interest. NIEA: Natural Heritage was consulted in relation to the application and with a letter of objection. After consideration, NIEA have no objection to proposal.

Objections were raised in relation to the detrimental impact the turbine may have on the landscape of the area. The visual impact of the proposal has been considered against PPS 18 and the Best Practice Guidance. There are no landscapes into which a wind turbine will not introduce a new and distinctive feature. In this case the most critical medium to distant views are obtained on the Drum Road, particularly when traveling from Omagh to Cookstown, where the turbine can be seen in the context of other renewable development. It is clear that the turbine has much less impact than the larger turbines in the area and in my opinion it is not unduly intrusive in the landscape over medium to long distances

From Loughdoo Road approximately 1/2km to the north of the site there are long range views. When travelling on Crancussy Road, the turbine can be viewed at a more localised level. This small and twisting minor road, along with roadside vegetation in parts means in some locations there are only glimpses and in others views are very clear. In my opinion the most critical views where the turbine has greatest impact is its site frontage to Crancussy Road. Whilst the turbine in this locality is prominent due to its siting, its impact is less than other approved turbines and I do not consider it unduly obtrusive.

In considering it in relation to existing and permitted turbines it is clear that from the Drum Road it reads with an existing turbine either side of it, however, they do not read as a wind farm nor do I consider them visually obtrusive. If the planning approvals I/2011/0095/F and I/2011/0127/F were erected again I do not feel the cumulative impact would be unacceptable.

(c) biodiversity, nature conservation or built heritage interests;

Within the local area there are habitats, however a Habitats Regulation Assessment (HRA) Screening was carried out and it was determined this proposal would not have a significant impact on them.

Additional consultation has taken place with Shared Environmental Services in the course of re-screening the application to properly determine its potential environmental impacts. Their response stated that having considered the nature, scale, timing and duration and location of the proposal it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site. The proposal would not be likely to have a significant effect on the features of any European site.

NIEA: Natural Heritage has also been consulted and they have raised no concern from the location of the development. They have taken into account objections received and consider the nature conservation value of the site to be low and that the habitat immediately surrounding the turbine to be low value for foraging bats and does not consider the proposal would have a significant impact on the local bat population. Thus if a permission were forthcoming an Informative could be applied advising of the Conservation Regulations 1995.

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

No significant issues as highlighted above through HRA screening and there was no objection from relevant consultees.

(e) Public access to the countryside.

As the turbine is already erected the access is in place. It is my understanding that the land is in private ownership and there is no public access across the site.

OTHER MATERIAL CONSIDERATIONS:

The following issues were also raised by objectors;

1. Impact on property values

The SPSS document sets out the Council's position on this matter – at Par. 2.3 it states that, "The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest"

2. Absence of Environmental Impact Study

Based on the information provided, it was considered that an Environmental Statement was not warranted in this case. It was perceived through the EIA determination that any likely environmental effects could be adequately dealt with through the normal development control procedure and consultation process.

3. Turbine is currently operating illegally

It has been explained to the objectors in terms of enforcement proceedings and advised that enforcement action was initiated against the unauthorised turbine at the above site on 23rd August 2012. Following this a full retrospective planning application was submitted on 5th November 2012, to regularise the development. This said, given the time it has taken to determine the application the Council found it necessary to serve an Enforcement Notice to prevent the turbine from becoming immune from enforcement action due to the five year rule. If the application is approved the enforcement notice will be withdrawn.

4. Lack of neighbour notification letter issued

The published guidance for neighbour notification states that the dwelling must be on adjoining land and be within 90m of the application site. No properties fell within these parameters. I am content that the neighbourhood notification process was carried out correctly. Furthermore it is clear that the council has given full consideration to the objections submitted.

CONCLUSION

This application has posed a range of issues given its closeness to residential properties. In light of the fact that members have been advised that the previous permission has expired, if members were so minded it would be possible to defend a refusal based on loss of residential amenity by reason of noise and by reason of visual intrusion and over dominance. However, it is my view that in the absence of major change in regional policy and in light of the planning history, the lesser impact of this approval to the previous, it would be my opinion that permission should be granted. However, conditions on that permission should be imposed to ensure the turbine is operated to guard against undue noise levels or any significant risk of shadow flicker

Neighbour Notification Checked**Yes****Recommendation**

Planning permission be granted subject to the following conditions:

1. The level of noise emissions from the wind turbine hereby permitted (including the application of any tonal penalty when calculated in accordance with the procedures described on pages 104-109 of ETSU-R-97) shall not exceed values set out in Table 1 below. Noise limits for any dwelling which lawfully exists of having permission for construction at the date of this consent but not listed in Table 1 shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Planning Authority.

Tale 1 Noise Limits dBLA90 for all Periods

Property	Standardised wind speed at 10 m height (M/s) within the site averaged over 10 minute periods								
	4	5	6	7	8	9	10	11	12
31 Crancussy Rd	29.3	30.3	31.4	32.4	33.4	34.3	35.3	36.3	37.3

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

2. Within 4 weeks of a written request by the Planning Authority, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in Pages 102-109 of ETSU-R-97. Details of the noise monitoring or survey shall be submitted to the Planning Authority for written approval prior to any monitoring commencing. The Planning Authority shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

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

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

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

4. Within 4 weeks from receipt of a written request the Planning Authority, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent the wind turbine operator shall submit a scheme for the assessment and regulation of AM to the Planning Authority for its written approval. The scheme shall be in general accordance with:
 - Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance
 - Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such methodology
 - The methodology published by Renewable UK on the 16th December 2013

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

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

5. The turbine shall not be operational on or during the following dates and times of each year:
 - From 14th March to 27th March and from 15th September to 27th September between the hours of 7:00 hrs and 8:00 hrs
 - From 16th November to 15 December and from 19th December to 26 January between the hours of 11:30 hrs and 12:30 hrs

Reason: To ensure shadow flicker does impact detrimentally on the health of neighbouring residents.

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

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

ANNEX	
Date Valid	5th November 2012
Date First Advertised	14th November 2012
Date Last Advertised	23rd April 2014
Details of Neighbour Notification (all addresses) Bernadette Kirk 26 Crancussy Road Cookstown County Tyrone The Owner/Occupier, 26 Crancussy Road,Dunamore, Cookstown The Owner/Occupier, 28 Crancussy Road,Dunamore,Cookstown The Owner/Occupier, 29 Crancussy Road,Dunamore,Cookstown The Owner/Occupier, 31 Crancussy Road Evishacrancussy Pomeroy Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Pat O'Gara 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross 31 Crancussy Road,Cookstown,Co, Tyrone,BT80 9PW Guy Glencross 31 Crancussy Road,Cookstown,Co, Tyrone,BT80 9PW Guy Glencross 31 Crancussy Road,Cookstown,Co. Tyrone,BT80 9PW Guy Glencross 31 Crancussy Road,Cookstown,Co. Tyrone,BT80 9PW Guy Glencross 31 Crancussy Road,Cookstown,Co. Tyrone,BT80 9PW The Owner/Occupier, 31 Crancussy Road,Dunamore,Cookstown Guy Glencross 31, Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Pat O'Gara 33 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW The Owner/Occupier, 33 Crancussy Road,Dunamore,Cookstown Anne Kelly & Co Solicitors 5 Loy Street Loy Cookstown Anne Kelly & Co Solicitors 5 Loy Street Loy Cookstown Cassidy & Co 9 James Street Meetinghousehill Omagh	

McNarry MLA	
Guy Glencross	
Date of Last Neighbour Notification	
Date of EIA Determination	14th November 2012
ES Requested	Yes /No
Planning History Ref ID: I/2010/0266/F Proposal: Erection of a 20KW Wind Turbine with a tower height of 20m. Address: Approx. 110m. South West of 29 Crancussy Road, Dunamore, Cookstown Decision: Decision Date: 16.01.2012 Ref ID: I/2012/0398/F Proposal: Retention of 'as constructed' 11kw Gaia wind turbine with a 18.4m hub height (To supersede previously approved 20kw C & F turbine on 20m tower). Address: Approx. 103m SW of 29 Crancussy Road, Cookstown, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	



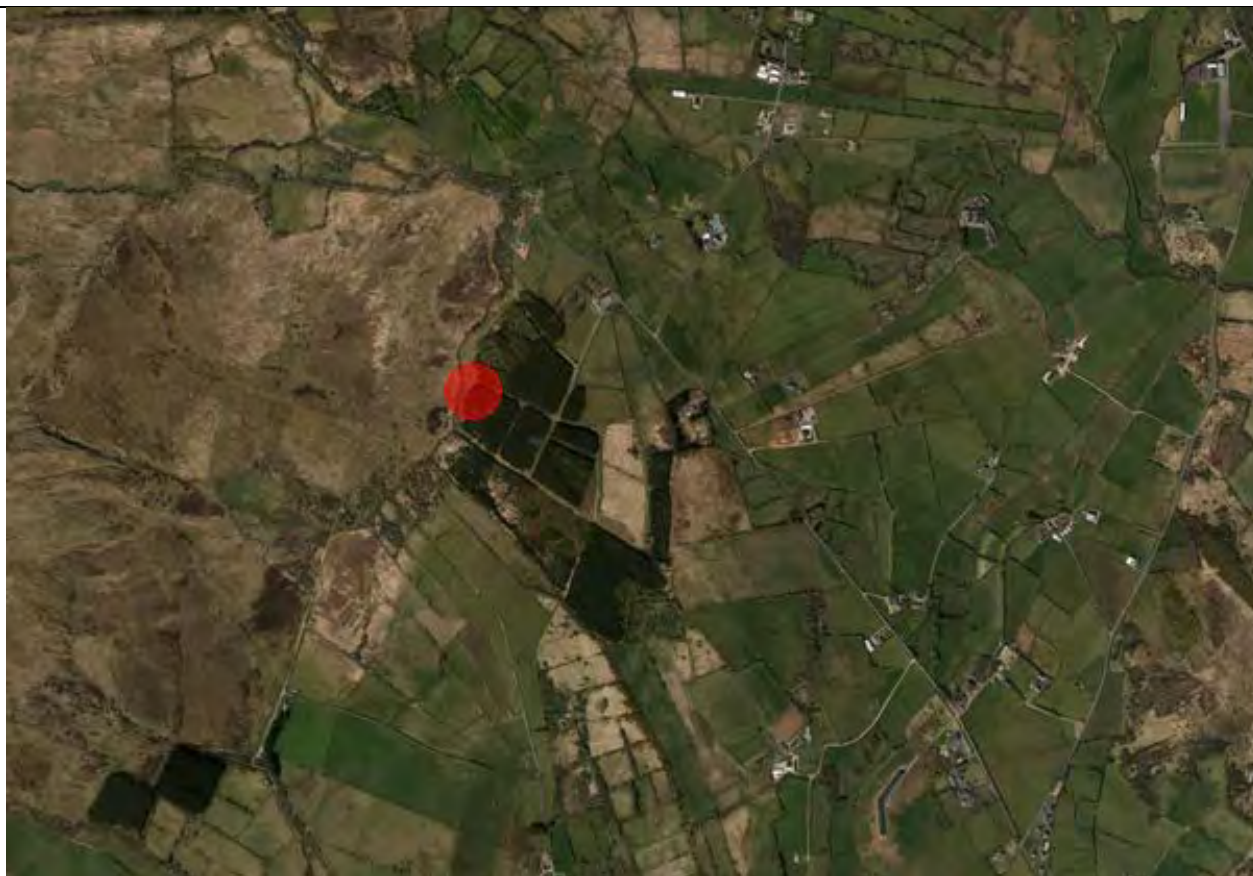
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2013/0253/F	Target Date:
Proposal: Proposed Wind Turbine (250kw - 40m to hub with 31m dia.rotors)	Location: Approx. 525m NW of No. 150 Tirkane Road Maghera
Referral Route: This application is being presented to committee as it is being recommended for Refusal	
Recommendation:	REFUSE
Applicant Name and Address: Mr Peter McKenna C/O D M Kearney Design	Agent Name and Address: D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non-statutory	NIEA – Natural Heritage	No objection
Non-statutory	NI Water Windfarms	No objection
Non-statutory	Belfast International Airport	No objection
Non-statutory	OFCOM	No objection
Non-statutory	National Air Traffic Services	No objection
Non-statutory	Environmental Health	Requested a noise survey
Non-statutory	UK Crown Bodies DIO LMS	No objection
Non-statutory	UK Crown Bodies DIO Safeguarding	No objection
Non-statutory	Arqiva Services Ltd.	No objection
Non-statutory	Joint Radio Company	No objection
Non-statutory	PSNI Information & communication services	No objection

Representations:

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

Summary of Issues

No representations have received in relation to this application.

Detail of the proposal:

The proposal is for the erection of a single 250Kw wind turbine with a height of 40m to the centre of the hub and a 31.0m rotor diameter, giving an overall height of 55.5m from the ground to the top of the rotor tip. The turbine is set on a concrete base designed by structural engineers with a 39.0m high tubular tower, white powder coated aluminium finish.

Characteristics of the site

The application site is situated approximately 400 metres South West of Tirkane Road Maghera, within the open countryside as defined by the Magherafelt Area Plan 2015. The site lies within Sperrins AONB and within LCA 39 Glenshane Slopes. The site is accessed via an existing farm lane which extends to a forest track and on to the edge of the forest. The site has been cleared of all conifer trees and overlooks the Tullykeeran mountain with the Pollan water (stream) extending long the western side of the site. There is an existing turbine, which is also owned by the applicant, a short distance to the north/north east with a second turbine approved to the south/south east.

Planning Assessment of Policy and Other Material Considerations

Relevant Site Histories:

There is no previous planning approval on this site.

Development Plan and Key Policy Consideration:

The site is located within an area of unzoned land in the rural area and is also within the Sperrins Area of Outstanding Natural Beauty.

Other Policy and Material Considerations

The main policy considerations in the assessment of this proposal are as follows:-

- Strategic Planning Policy for Northern Ireland (SPPS)
- Regional Development Strategy – RG5, RG9
- Planning Policy Statement 2 – Planning & Nature Conservation
- Planning Policy Statement 3 (Revised) – Access, Movement & Parking
- Planning Policy Statement 18 - Renewable Energy
- PPS 18 Best Practice Guidance
- Planning Policy Statement 21 – Sustainable Development in the Countryside in relation to ancillary buildings & structures elsewhere in the countryside.
- Magherafelt Area Plan 2015
- DCAN 15 Vehicular Access Standards
- Wind Energy Development in Northern Ireland's Landscapes- supplementary Planning Guidance to accompany PPS18 'Renewable Energy' – Aug 2010.

The proposal is for a single 250Kw wind turbine with a height of 40m to the centre of the hub and a 31.0m rotor diameter, giving an overall height of 55.5m from the ground to the top of the rotor tip. From guidance provided in PPS 18 Best Practice Guidance I estimate that a turbine with a capacity of 250Kw has the capability to provide electricity for approximately 160 homes. PPS 18 is supportive of projects for generating renewable energy and its aim is to facilitate the siting of

renewable energy generating facilities in appropriate locations. An objective is to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed. Policy RE1 of PPS18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. It adds that development that generates energy from renewable resources will be permitted provided that the proposals 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.

The site is located within the Sperrins Area of Outstanding Natural Beauty as indicated within the Magherafelt Area Plan 2015 and is also in an area of undisturbed solid ground. The site is located in an area of forest which has been clear felled to provide an opening for the turbine. Although the site is located within an area of coniferous forest, it has some habitat value. NIEA: Natural Heritage advised that the site contains many young deciduous trees along the banks of the stream and with understorey of wildflowers and wetland plants. Although the bat activity is deemed to be low at present, the felling of the conifers will increase wildlife potential of the site from very poor to good by creating a sheltered forest edge around the turbine site and this is likely to significantly boost the forging potential for some species of birds and bats. Consequently a red squirrel survey and a bat survey were produced and were found to be acceptable. Assessment of the visual impact of wind energy development is not restricted to designated landscapes. Policy RE1 states that the supplementary planning guidance "Wind Energy Development in Northern Ireland's Landscape's" will be taken into account in assessing all wind turbine proposals. Each landscape has a different capacity for accommodating wind energy development. The supplementary guidance places the site within the Glenshane Slopes (LCA), which is identified as No.39.

By their very nature, wind turbines are likely to be visible in the landscape. However, there are some situations where such a proposal would not result in an adverse impact on visual amenity and landscape character. The aforementioned supplementary planning guidance (SPG) identifies LCA 39 as having a high overall sensitivity to wind turbine development. The location, siting, layout and design considerations advises that this LCA is a very exposed landscape with very high landscape and visual sensitivity. It recommends that any turbine development be closely associated with and reflects the scale of farmsteads. However, care should be taken to avoid adverse impacts on the extremely sensitive open, exposed slopes and ridgelines and on key landscape and visual characteristics and values of the LCA.

There will be transient views of the proposed turbine when travelling along the Tirkane Road, in either a north-westerly or south-easterly direction. There will also be views of the turbine when travelling along the Halfgayne Road or the Urbalshinny Road, and also along the Slaghtneill Road. There is a definite potential for cumulative impact of this turbine with other existing, approved and proposed turbines with the nearest turbine being 350m to the north with two additional turbines being 450m and 850m south-east (proposed but not built). However, on viewing these from the aforementioned critical viewpoints, it is my opinion and that of the Principal Planning Officer, that the proposed turbine will be sufficiently well spaced from the others so as not to cause a detrimental cumulative impact. The proposed turbine will benefit from rising ground which continues to rise towards the north west with Tullykeeran Mountain and Carntogher in the background in addition to the surrounding forest.

Assessment of the first part of policy

(a) Due to the scale, location and distance of this turbine from the nearest dwelling and public road, I do not anticipate any negative impact on human health and residential amenity. However Magherafelt District Council – Environmental Health Department advised on 30th July 2013 that additional information was required to satisfactorily demonstrate that noise would not present an unacceptable problem. This was initially brought to the agent's attention on 5th August 2015 but was never dealt with. Therefore it has not been satisfactorily demonstrated that noise will not present an unacceptable problem.

(b) As the supplementary planning guidance is not intended to be prescriptive, an assessment must be made of the proposal's likely impact on visual amenity and local character. The site is located on an undulating landscape but given the topography of the land, the turbine will be visible with the existing turbine (H/2009/0528/F) and the approved turbines (H/2011/0026/F & H/2014/0072/F). However, the four turbine will be read together from a distance and will benefit from the rising ground to the north and west which provides a good back drop. The turbine which is proposed to have a hub height of 40.0m would be most visible from the Tirkane Road and the Halfgayne Road when travelling north-west/south-east or north-east/south-west respectively. The turbine would also be visible on approach along the Urbalshinny Road and Slaghtneill Road. From these viewpoints a turbine would not be visually dominant in the rural landscape.

(c) The site is located on agricultural land and is not in the proximity of any archaeological monument.

(d) The proposal will not have an adverse impact on air or water quality.

(e) The proposal will not impact on public access to the countryside.

Assessment of the second part of the policy:-

(i) Also addressed under point (b) above. The proposal will go towards meeting Government targets and EU directives with regard to renewable energy production targets. Given this commitment by Government, it is important for society at large to accept wind turbines as a feature of many areas of the Region for the foreseeable future. This medium size commercial wind turbine will be visible from the Tirkane Road, Halfgayne Road, Urbalshinny Road and the Slaghtneill Road. Due to the winding road network and existing mature roadside hedging, there will be filtered views of this proposal in the landscape.

(ii) An extant approval exists for two turbines, 450m and 850m to the south-east of the proposed site under H/2011/0026/F & H/2014/0072/F. A further turbine has been erected 350m north of the proposed site and at present is the only turbine which is visible with the proposal. There is potential for a cumulative impact with the existing and approved turbines in addition to the proposed turbine still under consideration. However, while this would be the fourth turbine in total in this area, in my opinion in consultation with the Principal Planning Officer, there is an acceptable separation distance between all the turbines in addition to the rolling landform and the large area of coniferous forest, to provide an acceptable visual break between these. It is therefore the considered opinion that the proposal will not have an unacceptable cumulative impact.

(iii) The proposal is to be located on relatively solid ground and as the site is relatively flat, therefore there is no risk of landslide or bog burst.

(iv) the proposal does not appear to be close to communications installations; radar or air traffic control systems, emergency services communications, or other telecommunication systems and will not have detrimental impact on them.

(v) the proposal is located 400m back from the public road. PPS 18 considers that for small individual turbines e.g. on a farm enterprise, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. In this case that equates to 55.5 plus 5.55 = 61.05m. There are no sensitive receptors within the relevant fall distance. The proposal is not close to any railways or airports and will not have detrimental impact on them.

(vi) Addressed under point (a) above.

(vii) If approved, a condition can be attached requiring the removal of the turbine and to restore the land to its original state within 12 months of the cessation of electricity production from the turbine.

Consultee responses

Magherafelt District Councils Environmental Health Department advised that a noise assessment was required. As this information has not been provided to date, the issue of noise has not been satisfactorily dealt with and therefore the proposal is unacceptable as it stands.

NIEA: Natural Heritage requested bat and red squirrel surveys and following receipt of these advised that they have no further concerns.

OFCOM advised that there are no fixed links potentially being affected.

No other consultees has any issues with the proposed development.

As required by the SPPS, I have taken into account the wider environmental, economic and social benefits of the proposal. In this evidential context, appropriate weight has been given to these material considerations as they are considered to outweigh the adverse impact on the area's visual amenity and landscape character. However, due to the failure to provide the necessary information in connection with the noise issue, the proposal remains unacceptable and should therefore be refused. Accordingly I recommend that the proposal should be refused for the following reason:

Reason:

As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal, in respect of noise

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse due to the non-submission of a noise survey as requested by Environmental Health on 30th July 2013 (copy available on Planning Portal), and by Planning Department on 29.10.2013, 14.01.2014, 19.03.2014, 01.07.2014, 18.02.2015, 05.08.2015, 15.02.2017, 12.04.2017 & 20.04.2017.

Refusal Reason

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal, in respect of noise

Signature(s)

Date:

ANNEX	
Date Valid	5th July 2013
Date First Advertised	25th July 2013
Date Last Advertised	25 th July 2013
Details of Neighbour Notification (all addresses)	
None	
Date of Last Neighbour Notification	None
Date of EIA Determination	10 th July 2013
ES Requested	No
Planning History	
<p>Ref ID: H/2013/0253/F</p> <p>Proposal: Proposed Wind Turbine (250kw - 40m to hub with 31m dia.rotors)</p> <p>Address: Approx. 525m NW of No. 150 Tirkane Road, Maghera,</p> <p>Decision:</p> <p>Decision Date:</p>	
Summary of Consultee Responses	
<p>The initial consultation responses included requests for the following additional information :-</p> <p>NIEA: Natural Heritage – A red squirrel and a bat survey;</p> <p>Environmental Health – requested a noise survey;</p> <p>All other consultees advised of no objections.</p>	

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Existing and Proposed Elevations

Status: Approved

Drawing No. DOC04

Type: Further Particulars

Status: Submitted

Drawing No. DOC1

Type: Further Particulars

Status: Submitted

Drawing No. DOC2

Type: Further Particulars

Status: Submitted

Drawing No. DOC3

Type: Further Particulars

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: H/2015/0032/F	Target Date:
Proposal: 4 no. dwellings and associated site works (Amended plans and house types)	Location: Land to the East of Manor Lane Magherafelt BT45 6QD
Referral Route: This application is being presented to Committee as one objection has been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: F P McCann Ltd C/o.agent	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transportni	No objection
Non-Statutory	Environmental Health	No objection
Non-Statutory	NI Water	No objection

Representations:

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

Summary of Issues

One objection has been received in respect of this application and relates to the following issues:-

- Out of keeping with the established character of the area;
- Over shadowing;

- Loss of light;
- Over dominance;
- Contrary to PPS 7;
- Loss of existing open space, thereby contrary to PPS 8.

Description of Proposal

The original proposal was for the erection of five detached two storey dwellings but following discussions this was reduced to four split level detached dwellings. Three of the four dwellings, sites 1-3, front onto the Killyfaddy Road with individual accesses, while the fourth dwelling accesses onto Manor Park and faces towards the junction of Killyfaddy Road and Manor Park. The dwellings all have rear private amenity spaces backing onto the existing dwellings at Manor Lane and are separated by a 4m-6m band of landscaping. The rear amenity spaces step down the slope and finish with a low retaining wall with a 1.8m high fence on top.

Characteristics of the site and area

The site is identified as whiteland in the Magherafelt Area Plan 2015. It is located immediately adjacent to the settlement development limit of Magherafelt which extends along the southern boundary of the site. The site is a piece of green open space at present and has no boundary fencing, being open to the street and rising towards the south east corner and towards the Killyfaddy Road.

Planning Assessment of Policy and Other Material Considerations

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is located within an area of white land as identified in the plan.

The site has previous planning history as an application for a dwelling was submitted under H/2005/0461/O. although this was initially refused it was granted on appeal (Ref: 2007/A0036). The proposed development falls to be assessed under PPS 7 Quality Residential Environments Policy QD1 and PPS 12 – Housing in Settlements.

PPS 12 Policy Control Principle 2 – Good Design seeks to ensure that all new housing developments demonstrate a high quality of design, layout and landscaping. This principle advises that the relevant planning policy is set out in PPS 7. Other principles which are relevant and need to be considered are;

Principle 3 which advises that housing sites should preferably be located on brownfield sites thereby taking advantage of existing infrastructure.

The layout is reflective of the dwellings along Manor Lane and are on plots not dissimilar in size. A public footpath is proposed to run along Killyfaddy Road with a landscaped area between the site and the existing dwellings at Manor Lane. The four dwellings will back onto this area of landscaping and the rear boundaries will be defined by a low retaining wall with a 1.8m high timber fence to provide privacy to the rear amenity spaces. All units have an acceptable level of private amenity space. The split level dwellings provide a more acceptable design solution for the site than the original large two storey dwellings as this allows the dwellings to step down the site in keeping with the natural slope. It also allows the site levels to be kept to a minimum with less infilling required which has the added result of requiring lower retaining walls. This all adds to the reduction in the visual impact when viewed from the existing dwellings at Manor Lane. While there is no provision for local neighbourhood facilities within the development, given the location of the site there is an acceptable link from the development to existing nearby facilities. The proposed development promotes access by a range of means and the pedestrian footpath links from the site frontage to the town centre. Transport NI have advised that following the submission of amendments that the access arrangements are acceptable. The form, materials and detailing of the proposed units are acceptable with the external finishes to be a mixture of facing brick, painter render and natural stone with white windows and flat roof tiles/slates.

The proposed development does not create a conflict with adjacent land uses and while the site slopes down towards Manor Lane, to the rear, this should not create any issue of overlooking due to the separation distances between the existing and proposed dwellings.

The development is designed in such a way as to deter crime and promote personal safety as it does not create areas which are not overlooked and unsupervised thereby encouraging anti-social behaviour.

Consideration of issues raised in objection

The proposal is not considered to be out of keeping with the established character of the area as it proposes four dwelling on plots which are of similar sizes to the four dwellings along the rear. Given the separation distance between the existing and proposed dwellings, it is not accepted that there will be any overshadowing of existing dwellings. The use of a split level design will also reduce the impact on the existing dwellings.

Given that there is a 34m separation distance between the proposed dwelling on site 4 and the objectors dwelling it is not accepted that there will be any loss of light or any detriment to the objector's property from this development.

The use of spit level design with a ridge height of 7.6m above finished floor level and other designs with ridge heights of 7.2m above finished floor level the proposed development will not have an over dominant effect of existing property particularly given the separation distances are in excess of 30m.

As discussed above, the development is considered to comply with all aspects of PPS 7.

In considering this proposal, due regard has to be given to the previous planning history of the site. This includes the planning appeal history which granted approval for a dwelling on this site. In taking that into account, it would be difficult now to resist any development on this site particularly as the site has not been designated as open space.

The proposal is in keeping with the principles on PPS 12 in that it utilises an edge of town site which has a previous planning approval. It has good accessibility to public transport facilities and reflects the scale, massing and layout of adjacent residential developments. The proposed development promotes good design and provides for a good mix of house types as required.

The proposed development was assessed under PPS 3, Access, Movement and Parking. Transport NI were consulted regarding the proposed access, movement and parking layout. Following the redesign of the layout and the submission of requested amendments, Transport NI advised that the layout was acceptable and the Private Streets Determination drawings were subsequently noted as being 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 listed below.	
Conditions	
1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	

2. All proposed planting as indicated on the stamped approved drawing no. 02/8 date stamped 10th May 2017 shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
3. Any retaining walls hereby approved shall be constructed of either natural stone or materials to match the exterior of the dwellings.
Reason: In the interests of visual amenity.
4. All vehicular access onto Killyfaddy Road, including visibility splays of 2.4m x 90m in both directions, shall be provided in accordance with Drawing No. 08 bearing the date stamp 8th June 2017, prior to the commencement of any other works or other development hereby permitted.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
5. The vehicular access onto Manor Park, including visibility splays of 2.0m x 33m in both directions, shall be provided in accordance with Drawing No. 08 bearing the date stamp 8th June 2017, prior to the commencement of any other works or other development hereby permitted.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
6. 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 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.
7. The access gradients shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department for Infrastructure has determined that the width, position and arrangement of the streets (footpath), and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 08 bearing the date stamp 8th June 2017.

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

Signature(s)

Date:

ANNEX	
Date Valid	9th February 2015
Date First Advertised	26th February 2015
Date Last Advertised	28th July 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Manor Lane Leckagh Magherafelt The Owner/Occupier, 2 Manor Lane Leckagh Magherafelt Aidan & Gerardine McEvoy 3 Manor Lane Leckagh Magherafelt The Owner/Occupier, 4 Manor Lane Leckagh Magherafelt The Owner/Occupier, 5 Manor Lane Leckagh Magherafelt The Owner/Occupier, 6 Killyfaddy Road Leckagh Magherafelt The Owner/Occupier, 6 Manor Lane Leckagh Magherafelt	
Date of Last Neighbour Notification	25th May 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1993/6101 Proposal: HOUSING DEVELOPMENT KILLYFADDY ROAD MAGHERAFELT Address: KILLYFADDY ROAD Decision: Decision Date: Ref ID: H/1993/0248 Proposal: SITE OF HOUSING DEVELOPMENT Address: KILLYFADDY ROAD MAGHERAFELT Decision: Decision Date: Ref ID: H/2005/0461/O	

Proposal: Site Of Dwelling & Garage
Address: Site Opposite 6 Manor Lane, Magherafelt
Decision:
Decision Date:

Ref ID: H/1996/0055
Proposal: 3 DWELLINGS
Address: 4 MANOR LANE/5+7 MANOR PARK KILLYFADDY ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1996/0522
Proposal: 3 DWELLINGS & GARAGES
Address: SITES 122, 124 MANOR PARK & SITE 6 MANOR LANE KILLYFADDY ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1993/0558
Proposal: ROADS LAYOUT AND DWELLING
Address: KILLYFADDY ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1996/0637
Proposal: 6 NO. DWELLINGS & GARAGES
Address: SITES 117,123,125,126 & 2 MANOR PARK & 5 MANOR LANE KILLYFADDY ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2015/0032/F
Proposal: 5 No.two storey detached dwellings and associated site works
Address: Land to the East of Manor Lane, Magherafelt, BT45 6QD,
Decision:
Decision Date:

Summary of Consultee Responses

All consultees responded with no objections.

Drawing Numbers and Title

Drawing No. 07

Type: Roads Details

Status: Submitted

Drawing No. 06

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 02/8

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05/1

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 04/1

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Further Particulars

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2014/0148/F	Target Date:
Proposal: 3 storey apartment development with basement/ground floor car parking to include 8no 1 bedroom & 8no 2 bedroom apartments.	Location: Lands at junction of Gortmerron Link and Brookfield Road Dungannon
Referral Route: Objections received to proposal	
Recommendation:	Approval
Applicant Name and Address: BDJ Management Ltd Montrose House 17/21 Church Street Portadown	Agent Name and Address: Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary: This apartment development is located in an area of mixed use and mixed tenure, beside an arterial route where planning policy allows higher density development. The proposed development provides adequate amenity space and respects the privacy of the existing and proposed development. There are a number of objections to the application and Lord Morrow, Arlene Foster MLA and Cllr Cuthbertson have been inquiring about the progress of the proposal.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	No sustained concern re flood risk or flooding
Statutory	NI Water - Multi Units West - Planning Consultations	No Objection
Non Statutory	Env Health Department	No objections
Statutory	NI Transport - Enniskillen Office	If Council approve recommend conditions to be attached

Representations:

Letters of Support	None Received
Letters of Objection	11
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	1 No Petitions Received with 10 signatures

Summary of Issues

- Overdevelopment of the site
- Loss of trees and hedges, natural habitat,
- Road safety, increased number of cars
- Servicing of the site, where are bins being stored
- Changes to proposal require new application
- Land owner not notified
- Confusion with site area
- TIA form not provided to assess proposal
- Balconies will overhang footpaths
- Internal parking is not practicable
- Is forward sight line being blocked
- Vehicle tracking has not been provided to assess proposal
- Unable to consider what is the amount of amenity space
- Contrary to a, c, f & g of PPS7 and LC1 of PPS7 addendum
- Proposal does not meet concept aims
- Overlooking properties in Brookfield
- 18 units recommended for refusal by DOE, how can more be considered acceptable
- Out of character with the area
- Rooms in the proposed development will be open to public view
- Windows and balconies will impact on privacy
- Impact of building on quality of living
- The site should be turned into amenity space for existing housing to prevent children crossing road

Objection to revised scheme for 16 apartments

- Validity of the application, what is the site area, has site been enlarged, what is blue land mean
- Plans do not match elevations
- Roads grounds, TIA not submitted, traffic will be queuing while bins emptied, where will these be stored
- Contrary to a, c and g of QD1 and LC1 of PPS7 Addendum
- Does not meet the concept
- Overlooking of Brookfield
- Landscaping and environment, loss of vegetation shown as being retained
- Need for NI Biodiversity checklist to be provided

Characteristics of the Site and Area

This site is located inside the settlement limit of Dungannon on the east side of Gortmerron Link Road. The site is triangular in shape and sits between the Gortmerron Link Road, which is at a higher level and Brookfield housing development which sits at a lower level. The site drops approx. 5m from Gortmerron Link Road to its rear boundary with Brookfield housing development. The site slopes down steeply in an easterly direction. There are mature trees approx 10 metres in height along the eastern boundary. Beyond the site to the east is Brookfield's housing development which consists of a mixture of dwelling sizes and designs including detached and semi detached 2 storey and 3 storey. Opposite the site is Beresford Square which contains apartments. North east of the site is a single storey convenience store. Beresford Court to the west comprises 2 storey terraced dwellings. There is a car sales business west of the site accessing onto Cunningham's Lane. Immediately south of the application site is an access road for Brookfield. Immediately south of the application site are foundations in place for 2 No dwellings.

Planning Assessment of Policy and Other Material Considerations

The proposed development currently under consideration is for 16 apartments, 8 no 1 bedroom and 8 no 2 bedroom, all within a 3 storey building with underground car parking. The building presents a 3 storey appearance to Gortmerron link Road and steps down to follow the fall in the access road into Brookfield. The rear elevation and side elevation facing in the direction of the Integrated College present 4 storey elevations. The apartment development is proposed to have dormer windows, some fully in the roof and some coming off the wall plate. The roofs are proposed to have a flat concrete tile with black aluminium rainwater goods, walls are smooth render painted white to the upper floors and natural stone to the ground floor and part of the basement walls with the remainder of the walls white painted render. 23 car parking spaces are contained within the basement level with the majority under cover of the building and the elevated communal garden area. It is proposed to fill the area between the Gortmerron Link Road and the apartment development to make it level with the first floor apartments. Landscaping is proposed around the boundaries of the building and communal garden areas are proposed on the level with the car parking.

Dungannon & South Tyrone Area Plan 2010

The site is within the development limits for Dungannon where development proposals will be considered favourably if they meet the 7 criteria specified in Policy SETT1. It is also Phase 1 Housing land which has 9 key site requirements, though not all of these are relevant to this particular site. Members are advised these criteria and key site requirements cross over with other planning policy contained within retained Planning Policy Statements (PPS's) and are dealt with in detail in those sections.

The Strategic Planning Policy Statement for Northern Ireland

The SPPS sets out a number of transitional arrangements while the Council develops its own local development framework and advocates increased housing density within town centres and other locations that are highly accessible to public transport. Members are advised this is similar to policies in PPS12 and the exclusion to LC1 in PPS7 Addendum.

Planning Policy Statements

Members are advised this site is accessed off Gortmerron Link Road, which is a well trafficked road linking Killyman Road and Moy Road in Dungannon, as such and in the absence of any definition of a link road in the policy, I consider this road is a link road for the purposes of PPS7 Addendum (Safeguarding Existing Residential Areas). Members should note the importance of this as it means the policies in relation to development being of a significantly higher density than the surrounding development, the pattern of development being in keeping with its surroundings and minimum sizes for apartments are not consideration for this application. I consider this development should be assessed against the remaining criteria as set out in QD1 of PPS7 which also deals with issues in relation to parking, access, open space and protection of existing and proposed residential amenity.

Members should note the development is located within an area that is a mix of uses and building types with retail and services provided by Gortmerron Parade opposite and Eurostar and petrol filling station at the junction of Gortmerron Link Road and Moy Road, car sales at the end of Cunningham Lane and the Integrated College further along Gortmerron Link Road. Housing provision in the area is a mix of semi detached, detached and terraced properties over single storey, 2 storey and 3 storey buildings. Opposite the site is Beresford Square which is a mix of terraced properties and duplex apartments within a gated and walled community around a central amenity space with under ground car parking. Due to the diverse mix of housing provision in the immediate locality, I consider the proposed development fits in with its immediate context in terms of its size, scale design and massing.

The site has some vegetation along its boundaries and within the site, a bio-diversity checklist was completed on behalf of the applicant and this did not identify any features that had the potential for bat roosting or other protected habitats or habitats for protected species. The vegetation on the site may provide some habitat but this is not protected and there is nothing to prevent the site from being cleared at any time. There are no features of architectural or built heritage interests within the site and as such I consider the proposed development appropriately deals with its landscape features.

A landscaping scheme has been submitted which identifies existing vegetation to be retained along the site boundaries and also provides for new landscaping on the boundaries and within communal amenity areas. The open space provision of approx 1145 sqm, including property owned by Dept. For Infrastructure and first floor roof garden of 185sqm, provides approx. 70 sqm per unit. I consider is a generous provision for an apartment development as the guidance in Creating Places indicates 10smq to 30sqm as being appropriate. Members should note this does not include the private space that is being provided on balconies for individual apartments. It is noted some land is on DfI ownership and this relates to side slope which is part of the structure of Gortmerron Link Road, I consider it appropriate to condition that no structures are built within the area owned by DfI to ensure if any works are needed into the road sides, this is not prevented. I also consider it necessary to attach a condition requiring the landscaping to be carried out and an appropriate landscape management and maintenance agreement to be provided to ensure these amenity areas are properly looked after. I consider this should also deal with the implementation of the bin strategy to ensure the communal bins for the development are not taken out and put away and not left on the footway outside the development.

I do not consider this development is of such a size and scale that it should provide for local neighbourhood facilities or play areas, it is noted that the development is close to Dungannon Park and Gortmerron Parade. The development directly accesses onto Gortmerron Link which has a wide footpath and provides a link to the periphery walking route and national cycle route 95. Members are advised in view of these connections, the development can support walking and cycling as alternative movement patterns.

The proposed development of 8 no one bedroom apartments and 8 no two bedroom apartments requires 22 unassigned car parking spaces as set out in the guidance, it is proposed to provide 23 spaces, which is an over provision, but I do not consider it is excessive and provides adequately for the development. Roads Engineers sometimes ask for a Transport Assessment Form (TAF) to allow consideration of applications but despite this being raised as an objection they have not requested one in this case, instead they have advised this is for the planning Authority to request. Engineers in DfI Roads have been consulted about the scheme and following considerable discussions about protection of the integrity of the structure of the Gortmerron Link Road, have not raised any further concerns about the impact of the filling of the area between the building and the road. Similarly amended plans dealing with the access onto the Brookfield estate road have been considered, DfI Roads have highlighted the internal areas of the proposed development will remain private but have not raised any concerns about the access onto Brookfield estate road or impacts on visibility where the Brookfield estate road meets Gortmerron Link. I consider DfI have carefully assessed the scheme and the lack of any objections from them and the provision of a number of conditions for inclusion on any approval notice, means they have no concerns about road safety.

The proposed development is higher than the approved houses in Brookfield, with the finished floor level of the proposed first floor apartments approx. 7 metres above the finished floor levels for the approved houses. A shadow analysis was submitted by the developer and indicated that while there may be overshadowing during the winter time this is limited to the evening and is not excessive. The orientation of the proposed buildings windows is such that those apartments closest to Brookfield have only one small window in each facing towards Brookfield which I consider limited the potential for overlooking from the apartments. The first floor garden area is

7m higher and approx. 19m from the rear wall of the only house in Brookfield that I consider will be adversely impacted by the development. This house is only at foundation stage and as such is not currently occupied, however members should be aware this is a committed development and the rights of the future occupants need to be taken into account. The rear amenity area of this dwelling is currently open to view from the footpath on the access road to Brookfield and as such is currently overlooked to a degree, this could be mitigated by the erection of a screen fence to the rear of the footway. The first floor garden area to this proposed development has indicated there will be planters provided along the railings with the boundary to Brookfield. I consider these will provide a suitable degree of protection if they are provided with hedging plants of a minimum 1.5m in height and a condition is attached that these should be provided prior to the occupation of any part of the development and permanently retained in the positions shown on drawing no 04 Rev 5.

In light of the above considerations, I note the concerns raised by the objections, however I do not consider these outweigh the policy considerations in favour of the development and I recommended the committee that this is approved with the attached conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation: Approve with conditions

Conditions:

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. Access to be provided as detailed

2. Prior to the commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m x 33.0m and any forward sight distance, shall be provided in accordance with Drawing No. 14 Rev 5 bearing the date stamp 7 APR 2017. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. None of the apartments hereby approved shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no 14 Rev 5 bearing date stamp 7 APR 2017 to provide adequate facilities for parking 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.

5. The existing natural screenings of the site, as indicated in green, on approved drawing no 15 bearing the stamp dated 31 MAR 2017 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

6. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council and these works shall be generally in accordance with the layouts shown on drawing nos 04 Rev 5 bearing the stamp dated 2 MAR 2017 and 14 Rev 5 bearing the stamp dated 7 APR 2017. The landscaping scheme shall show the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

7. None of the apartments hereby approved shall be occupied until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the responsibilities for setting out and putting away the bins for the development, it shall also set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

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

8. Prior to the occupation of any of the apartments hereby approved, planters identified 1, 2, 3 and 4 on drawing No 04Rev5 shall be positioned as shown and shall be planted out with hedge planting of not less than 1.5m in height. The planters as provided shall be permanently maintained and retained in these positions, unless otherwise agreed in writing with the Council.

Reason: In the interest of residential amenity.

9. Development shall not begin until storm drainage works have been carried out in accordance with the details as shown on drawing No 13 bearing the stamp dated 15 JUN 2016, or other scheme as may be agreed in writing with the Council.

REASON: To safeguard the site and adjacent land against flooding and standing water.

Signature(s)

Date:

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ANNEX	
Date Valid	28th March 2014
Date First Advertised	9th April 2014
Date Last Advertised	31st October 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, Cecil Brown 1 The Terrace,Beresford Square,Gortmerron Link Road,Dungannon,BT71 6UQ The Owner/Occupier, 10 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, The Owner/Occupier, 10 The Cloisters Drumcoo Dungannon The Owner/Occupier, 11 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, The Owner/Occupier, 11 The Cloisters Drumcoo Dungannon The Owner/Occupier, 12 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, The Owner/Occupier, 12 The Cloisters Drumcoo Dungannon The Owner/Occupier, 13 The Cloisters Drumcoo Dungannon The Owner/Occupier, 14 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, The Owner/Occupier, 14 The Cloisters Drumcoo Dungannon Maureen McKeown 14, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ The Owner/Occupier, 15 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, Marie S Donnelly 15, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ The Owner/Occupier, 16 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, The Owner/Occupier, 16 The Cloisters Gortmerron Dungannon Eilish Quinn 16, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ The Owner/Occupier, 17 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ, The Owner/Occupier, 17 The Cloisters Gortmerron Dungannon Elizabeth Holdsworth 17, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ	

The Owner/Occupier,
 18 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 18 The Cloisters Gortmerron Dungannon
 The Owner/Occupier,
 19 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 19 The Cloisters Gortmerron Dungannon
 The Owner/Occupier,
 2 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 20 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 20 The Cloisters Gortmerron Dungannon
 The Owner/Occupier,
 21 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 21 Cherry Tree Court Gortmerron Dungannon
 The Owner/Occupier,
 21 The Cloisters Gortmerron Dungannon
 The Owner/Occupier,
 22 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 22 The Cloisters Gortmerron Dungannon
 The Owner/Occupier,
 23 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 23 Cherry Tree Court Gortmerron Dungannon
 The Owner/Occupier,
 23 The Cloisters Gortmerron Dungannon
 The Owner/Occupier,
 23, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ
 The Owner/Occupier,
 24 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 24 The Cloisters Gortmerron Dungannon
 Helen Brown
 24, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ
 The Owner/Occupier,
 25 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 25 The Cloisters Gortmerron Dungannon
 The Owner/Occupier,
 3 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 4 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 5 Beresford Square,Gortmerron,Dungannon,Tyrone,BT71 6UQ,
 The Owner/Occupier,
 5 Gortmerron Link Gortmerron Dungannon

The Owner/Occupier,
 6 Beresford Square, Gortmerron, Dungannon, Tyrone, BT71 6UQ,
 Jane Hendy
 6, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ
 The Owner/Occupier,
 7 Beresford Square, Gortmerron, Dungannon, Tyrone, BT71 6UQ,
 Donald Gorman
 7, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ
 The Owner/Occupier,
 8 Beresford Square, Gortmerron, Dungannon, Tyrone, BT71 6UQ,
 Barbara Parker
 8, Beresford Square, Dungannon, Tyrone, Northern Ireland, BT71 6UQ
 The Owner/Occupier,
 9 Beresford Square, Gortmerron, Dungannon, Tyrone, BT71 6UQ,
 B Lakewood
 Beresford Square, Gortmerron Link Road, Dungannon, BT71 6UQ
 Barbara Parker

Date of Last Neighbour Notification	31 October 2016
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Date of EIA Determination	NA
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ES Requested	N/A
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Planning History

Ref ID: M/1990/0469
 Proposal: Erection of dwelling
 Address: GORTMERRON LINK ROAD DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/2002/1009/Q
 Proposal: Housing Development
 Address: Site 2 Gortmerron Link Road, Dungannon, 70 M South East of 82
 Cunninghams Lane, Dungannon
 Decision:
 Decision Date: 28.10.2003

Ref ID: M/1993/0434
 Proposal: Retirement Dwelling
 Address: 120M NE OF 5 GORTMERRON LINK ROAD DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1993/0434B

Proposal: Retirement dwelling
Address: APPROX 120M N.E. OF 5 GORTMERRON LINK ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2009/0364/A
Proposal: 4 number display billboards
Address: 53m SE of 23 The Cloisters, Gortmeron Link Road, Dungannon
Decision:
Decision Date: 30.10.2009

Ref ID: M/1998/0370
Proposal: Retirement Dwelling
Address: APPROX 120M NE OF 5 GORTMERRON LINK ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1995/6072
Proposal: Development of Land Gortmerron Link Dungannon
Address: Gortmerron Link Dungannon
Decision:
Decision Date:

Ref ID: M/1983/0284
Proposal: PUBLIC AMENITY PARK
Address: GORTMERRON TD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2002/1026/F
Proposal: Proposed Housing Development
Address: Adjacent Gortmerron Heights, Gortmerron Link Road, Dungannon
Decision:
Decision Date: 22.12.2004

Ref ID: M/2007/0508/F
Proposal: 10 no. additional dwellings to phase 4&5 to recently approved housing development and change of house types to sites now numbered, 117-123, 134-145, 151-153, 161-168, 176-181 and 187.
Address: Adjacent to Gortmerron Heights, Gortmerron Link Road, Dungannon
Decision:
Decision Date:

Ref ID: M/2005/1969/F

Proposal: 10 no. additional dwellings and change of house types to sites 64, 65, 86, 90, 93, 94 and 112 to recently approved housing development M/2002/1026/F.

Address: Adjacent to Gortmerron Heights, Gortmerron Link Road, Dungannon

Decision:

Decision Date: 19.12.2006

Ref ID: M/2012/0013/F

Proposal: Proposed change of house type on site 2, 109 and 112 from detached HT3 to semi detached HT33 at housing development off Gortmerron Link Road, Dungannon

Address: Site 2 109 and 112 within the Brookfield Development Gortmerron Link Road
Dungannon,

Decision: PG

Decision Date: 22.08.2012

Ref ID: M/2014/0148/F

Proposal: Proposed 18 No. apartments with associated carparking.

Address: Lands at junction of Gortmerron Link and Brookfield Road, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

NI Water – Capacity available at receiving works

Environmental Health – no objections, comments regarding lighting and design of sewers

DfI – Roads – approve with conditions

DfI – Rivers – no reason to object to scheme

Drawing Numbers and Title

Drawing No. 01 Rev 2

Type:

Status: Submitted

Drawing No. 02 Rev 1

Type:

Status: Submitted

Drawing No. 04 Rev 5

Type:

Status: Submitted

Drawing No. 05 Rev 5

Type:

Status: Submitted

Drawing No. 06 Rev 6

Type:

Status: Submitted

Drawing No. 12

Type:

Status: Submitted

Drawing No. 13

Type:

Status: Submitted

Drawing No. 14 Rev 5

Type:

Status: Submitted

Drawing No. 15

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 04/07/2017	Item Number:
Application ID: LA09/2016/0433/F	Target Date: 13/07/2016
Proposal: Housing Scheme consisting of 2 detached dwellings and 4 semi-detached dwellings, 6 in total	Location: 47 Killyman Road, Dungannon BT71 6DG
Referral Route: 5 Objections received so the application no longer falls within the Councils Scheme of Delegation.	
Recommendation: Approve	
Applicant Name and Address: Aidan Kelly 50 Tullycullion Road Dungannon BT70 3LY	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: Proposal is for a small scale residential development within the development limits of Dungannon. Objections have been received, considered and do not merit refusal of the application. Following the submission of amended plans and additional information, including a Bat Roosting Assessment and a Tree Survey, the application has been deemed to meet all relevant planning policy. Approval with conditions is recommended.	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI	No Objections
Statutory	NIEA	No Objections

Non-Statutory	Environmental Health	No Objections
Non- Statutory	NIW	No Objections
Non-Statutory	Mid Ulster District Council Tree Officer	No Objections

Representations:

Letters of Support	None Received
Letters of Objection	5
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

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

5 no. objections have been received.

Objections no. 1-4 follow the same letter template but are from different objectors. The issues raised are as follows:

1. No P2A form submitted - This document has been submitted. It forms part of the P1 form. It is available to view on the public access website.
2. Density is significantly higher than that found in the established area - This will be addressed in my report.
3. Development is not in keeping with the established character of the area - This will be addressed in my report.
4. Impact on mature trees and their Root Protection Areas - None of the trees are subject to any Tree Preservation Order. Landscaping and retention of vegetation is considered in my report.
5. Potential to Impact on Bats - Bat survey was requested and NIEA have been consulted with this survey and have no objections to the proposal on the grounds of impacts on protected species.
6. Road safety concerns - Transport NI have been consulted and following the submission of amended plans they have no objections to the proposal from a road safety perspective.
7. Inadequate separation distances - Amended plans have been submitted to address this matter. This will be further considered in my report.
8. Levels and topography would require retaining structures - Cross sections have been submitted and proposed retaining structures have been considered in my report.
9. Unacceptable massing, appearance, form, materials and detailing - This will be considered in my report.

Objection no. 5

Issues raised are as follows:

1. Clarification requested regarding maintenance of retained trees in particular those between the development and number 45 Killyman Road - All proposed and retained vegetation is within the red line boundary of the site and any future responsibility will be on those individuals who purchase these dwellings or the land owner if the dwellings are to be rented out. Effectively it will be a civil matter outside the remit of this application.
2. Assurances requested that any changes to existing ground levels will not compromise the dispersal of effluent from a septic tank located within the curtilage of number 45 Killyman Road - No evidence has been provided to suggest that this will actually happen. If this does happen it will be a civil matter between both parties. Environmental Health were consulted with this objection and have raised no concerns. NIEA (Drainage and Water) were also consulted and have raised no concerns in this regard.

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

Characteristics of the Site and Area

The application site is located at 47 Killyman Road, Dungannon. It occupies a corner plot at the junction of the Killyman Road and Cunninghams Lane. It is within the development limits of Dungannon Town as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP) but is outside the Town Centre Boundary. It is not subject to any special designations or zonings contained within the Area Plan. On the site at present is a large derelict fire damaged detached property. All boundaries are defined by mature vegetation. There is a footpath running along the site frontage on the Killyman Road. Access to the site also comes off this road. The site also sits approximately 2m higher than the level of the Killyman Road.

This area is predominantly residential in character with a mix of densities. Along the Killyman road there is a mix of detached properties on fairly generous plots as well as semi-detached properties on smaller plots. To the immediate SW of the site is a small development of quad type apartments. Along Cunninghams lane is a mix of detached and semi-detached dwellings.

Description of Proposal

This is a full application for a housing scheme of 6 dwellings consisting of 2 no. two storey detached dwellings and 4no. two storey semi-detached dwellings. One of the detached dwellings fronting onto the Killyman Road will have its own access coming directly off the Killyman Road. The second detached dwelling has a dual aspect frontage onto both Cunninghams Lane and the Killyman Road. It also has its own access which comes directly off Cunninghams Lane. The 4 semi's area accessed by a development road coming off Cunninghams Lane. The two detached dwellings and one of the semi's have detached garages within their domestic curtilages.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

In the DSTAP there is a presumption in favour of housing development within settlement limits provided there is compliance with PPS 7, Creating Places and DCAN 8. The site is subject to no special zonings or designations contained within the plan. As the site is not specifically zoned for housing there are no key site requirements to be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. I am satisfied that this development will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance or cause unacceptable harm to neighbouring amenity. It will re-develop a site that is currently blighted by a derelict and unsightly burnt out dwelling.

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

PPS 3 - Access, Movement and Parking

Policy AMP 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. This proposal involves a widening of the existing footpath along the Killyman Road section of the site and the introduction of a new footpath along the Cunninghams Lane section of the site. This will ensure better accessibility to the development by pedestrians. It will also ensure convenient movement along existing footpaths. Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. Transport NI have been consulted with the proposed layout and following some amendments to the layout they are now satisfied that the proposal will not impact on road safety or traffic flow in the immediate area. Neither Killyman Road or Cunninghams Lane are Protected Routes. I am therefore satisfied that this proposal is in compliance with PPS 3 - Access Movement and Parking.

PPS 7 - Quality Residential Environments

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

The first is that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing

and appearance of buildings, structures and landscaped and hard surfaced areas - The proposed development is residential in nature and is in an area where residential development is prevalent. It is also in an area where there are a mix of densities, ranging from detached dwellings, semi's and apartments. It is proposed to erect two detached dwellings, one of which fronts onto the Killyman Road, respecting the existing character in that particular area and the second with a dual frontage onto both the Killyman Road and Cunninghams Lane, further ensuring the protection of the character of this immediate area. The higher density dwellings are to the Southern portion of the site where there are a mix of semi- detached dwellings and quad apartments further along Cunninghams Lane. On the basis of the existing surrounding context I have no concerns with the impact of the proposal on the character of this area. The proposed layout of the development gives me no cause for concern. The most prominent location within the site will be occupied by a dwelling with a dual aspect frontage. There is a mix of house types and the site is not overdeveloped. Minimal separation distances between dwellings have been provided however none of the proposed dwellings are back to back. 2m high screen fencing is being proposed to define curtilages. The scale, massing and proportions of the proposed dwellings are all acceptable in the context of what exists in the immediate area. A 1m high retaining wall is proposed to the rear/side of site 5 and site 6, as well as to the a small section of site 1. Given the scale of the retaining structures and where they will be located they will have no negative visual impact on the surrounding area.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development - The site is not within an area of recognised archaeological potential nor are there any Listed Buildings in the immediate area. The site boundaries are defined by mature vegetation. The Councils Tree Officer has viewed the proposal and has confirmed that there is no existing Tree Preservation Order (TPO) on the site and that a Tree Health and Condition Survey Report is not required as it is normally only required for planning applications which involve a site with an existing TPO. It was felt by the Tree Officer that the existing vegetation offered little in terms of amenity value or rarity that would merit protecting by placing a TPO on the site. The applicant has indicated that some existing trees will be retained as part of the overall scheme and given this is a site within the development limits of Dungannon it is my opinion that this is suffice in order to provide an acceptable degree of integration and visual amenity.

It is noted that 4 objections were received to this application which make reference to the impact of this development on bats, which are a protected species. An assessment of Bat Roosting Potential was submitted by the applicant which indicates that 4 trees within the site have potential for Bat Roosting. NIEA have been consulted and are satisfied that proposal is unlikely to impact on the bat population provided the trees identified in the survey are retained and protected. The landscaping plan submitted as part of the application does however indicate that only 2 of these identified trees are being retained. A Tree Survey Report has subsequently been submitted which advises that in order to protect public safety the tree located along the boundary with Cunninghams Lane should be removed. The second tree, which is along the Killyman Road, is shown to be removed as a result of a request from Transport NI to make infrastructure improvements to the footpath to ensure road safety for pedestrian movements. It is my opinion that public safety and road safety outweighs the protection of bats in this particular instance and as such the removal of these trees should be accepted. Furthermore NIEA noted that nesting birds on the site need to be protected and have recommended a condition restricting site works to outside the bird breeding season.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area - The proposed development is of such a minor scale that public open space is not required within the overall

layout. Each dwelling has in excess of 40m² of private amenity space as is recommended in Creating Places. Some of the existing trees within the site are shown to be retained and a planting belt is proposed, both of which will soften the impact of this scheme. A detailed landscaping plan has also been submitted with the application.

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

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - As the site is in a town location there is an existing movement pattern in the immediate area in terms of footpaths. Transport NI have no objections to the proposal.

Adequate and appropriate provision is made for parking - In-curtilage parking has been provided at a minimum of 2 spaces per dwelling. This is acceptable.

The design of the development must draw upon the best local traditions of form, materials and detailing - The dwellings are suburban in their design, and are typical of the type of dwelling found in many towns within the District. They have gabled roofs, external chimneys and two storey projections. Concern was raised by objectors that the design does not reflect the "Arts and Craft" design of some of the dwellings in the area. I would argue that there is actually variety of designs and house types in the area all of which have a mix of external finishes, namely red brick and painted render. This scheme also offers a mix of house types and finishes which are acceptable in this suburban location.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance - The nearest third party properties to the proposed development are the apartments to the South of the site, the closest of which is sited approx. 11m from site number 5. Whilst this separation distance is minimal the upper floor windows on the gable of the proposed dwelling are that of an en-suite bathroom and a bedroom, both of which are not considered "liveable" rooms when assessing overlooking and loss of privacy. There is an existing closed board fence along this boundary which will prevent any loss of privacy at ground floor level. It is also proposed to introduce a planting belt along this boundary which will further ensure protection of privacy and overlooking. It should also be noted that the proposed dwelling on site 5 will sit at a lower level than the existing apartments so further reduces any overlooking or loss of privacy. The gable of the dwelling on site 1 backs onto the rear of the dwelling on site 2 and has a separation distance of 10m. While this distance is minimal the first floor gable windows are a bedroom and an en-suite (non-liveable spaces). The ground floor windows are a lounge and a utility. The 2m screen fencing defining curtilages will provide a degree of privacy in this instance. I have no concerns with over shadowing or loss of light. Given the residential nature of the proposal I have no concerns regarding unacceptable levels of noise.

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

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly

higher residential density in this locality where there is a mix of detached dwellings, Semi's and Apartments. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. There is a mix of house type and design which is all acceptable as there are a mix of house types and designs along the Killyman Road and Cunninghams Lane. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions – Objections considered and do not merit refusal of this application. The proposal complies with all relevant policy and guidance.

Conditions

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

Reason: Time Limit.

2. The vehicular access, including visibility splays of 2.4m x 33m in both directions at the junction of the proposed access with the public road and any forward sight line, shall be provided in accordance with drawing no 10 bearing the date stamp 14/04/17, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. Breeding birds are established on site and any work which could affect their nests must be completed outside the bird breeding season (between 1st March and 31st August) to minimise any possible threats to these birds, their nests or their young.

Reason: To comply with the wildlife order

5. The existing trees and vegetation along the entire site boundaries and as shown on drawing no. 09, bearing date stamp 14/02/17, shall be retained permanently retained. 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 at the earliest possible moment.

Reason: In the interests of visual amenity and to ensure the protection of roosting bats.

6. All proposed planting as shown on drawing no. 09, bearing date stamp 14/02/17 shall be carried out in the first planting season following the commencement of the development and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

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

1. The Department for Infrastructure have determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 10 bearing the date stamp 14/04/17.

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

2. 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 Number 10 bearing the date stamp 14/04/17. The Department 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.

3. No other development hereby permitted shall be occupied until the road works including provision of the a 2.0 wide footway along Cunninghams Lane, widening of existing footway along Killyman Road and improvement to the visibility splays at the Cunningham's Lane / Killyman Road junction as indicated on Drawing No 10 bearing the date stamp 14/04/17 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.

Informatives

1. Your attention is drawn to the attached responses from NIEA, Transport NI and NIW

Signature(s)

Date:

ANNEX	
Date Valid	30th March 2016
Date First Advertised	13th April 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) F Damien McLaughlin 1 Mountsandel Road Coleraine And Suburbs Coleraine The Owner/Occupier, 1 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 10 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 11 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 12 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 2 Cunninghams Lane Gortmerron Dungannon The Owner/Occupier, 2 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 3 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 4 Cunninghams Lane Gortmerron Dungannon The Owner/Occupier, 4 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 41A Killyman Road Gortmerron Dungannon Fergus Henderson 45 Killyman Road Gortmerron Dungannon The Owner/Occupier, 49 Killyman Road Gortmerron Dungannon The Owner/Occupier, 5 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 6 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 7 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 8 Parkwood Court,Dungannon,Tyrone,BT71 6AZ, The Owner/Occupier, 84 Killyman Road Gortmerron Dungannon The Owner/Occupier, 86 Killyman Road Gortmerron Dungannon The Owner/Occupier, 9 Parkwood Court,Dungannon,Tyrone,BT71 6AZ,	

Date of Last Neighbour Notification	28th February 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History <p>Ref ID: M/2013/0432/F Proposal: Proposed 2 storey retirement gate lodge dwelling and garage with associated car parking and landscaping Address: 86 Killyman Road, Dungannon BT71 6DQ, Decision: PG Decision Date: 14.11.2013</p> <p>Ref ID: M/1978/0721 Proposal: PRIVATE HOUSING Address: GORTMERRON, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1978/015701 Proposal: PRIVATE DWELLING Address: KILLYMAN ROAD, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1978/0157 Proposal: BUNGALOW Address: KILLYMAN ROAD, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/2001/1288/F Proposal: Extension to Dwelling incorporating double garage Address: Ard Na Greine, 45 Killyman Road, Dungannon Decision: Decision Date: 17.01.2002</p> <p>Ref ID: M/2003/1007/F Proposal: Change of Previously Approved Design ref nos M/2000/1157 & M/2000/0139 Address: Between 42 Parkwood Manor & 47 Killyman Road, Cunningham's Lane, Dungannon Decision: Decision Date: 10.11.2003</p>	

Ref ID: M/2000/0139/F

Proposal: Block A - 4 No. 2 Storey Appartments

Address: Between 42 Parkwood Manor & 47 Killyman Road, Cunninghams Lane, Dungannon

Decision:

Decision Date: 25.06.2001

Ref ID: M/2000/1157/F

Proposal: Construction of two 2 storey blocks each containing 4 no. apartments

Address: Blocks B & C - Between 42 Parkwood Manor & 47 Killyman Road, Cunningham's Lane, Dungannon

Decision:

Decision Date: 25.06.2001

Ref ID: LA09/2016/0433/F

Proposal: Housing Scheme consisting of 2 detached dwellings and 4 semi detached houses 6 in total

Address: 47 Killyman Road, Dungannon, BT71 6DG,

Decision:

Decision Date:

Summary of Consultee Responses

Transport NI – Requested amendments and are now satisfied with the proposal subject to conditions

NIEA – No objections from a Drainage and Water perspective. Requested submission of a Bat Survey. Are now content subject to conditions being placed on planing permission.

NIW – No Objections. Available Capacity in Dungannon Town.

Environmental Health – No objections.

Drawing Numbers and Title

Drawing No. 02 rev 3
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 10
Type: PSD's
Status: Submitted

Drawing No. 04 rev 1
Type: Proposed Elevations
Status: Submitted

Drawing No. 05 rev 1
Type: Proposed Elevations
Status: Submitted

Drawing No. 06 rev 1
Type: Proposed Elevations
Status: Submitted

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

Drawing No. 07 rev 1
Type: Proposed Elevations
Status: Submitted

Drawing No. 8
Type: Sections
Status: Submitted

Drawing No. 09
Type: Landscaping
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 04/07/2017	Item Number:
Application ID: LA09/2016/0521/F	Target Date:
Proposal: Proposed detached chalet bungalow, retention of 2 no domestic garages, 2 no mobile homes, 3 no static caravans and the grading, re-shaping and infilling of lands on a brown field site 100m West and North West of 11 Derry Road, Coalisland	Location: Lands 100m West and North West of 11 Derry Road Coalisland
Referral Route: Objections received	
Recommendation: APPROVAL	
Applicant Name and Address: Mr William Whitehouse 3A Derry Road Coalisland BT71 4HY	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: The proposal is located in the countryside and so is assessed against PPS21, which incorporates PPS12 – a specific policy for traveller's accommodation. Following a meeting with the Area Manager the agent has put forward a case under HS3 for a single family transit site. All objections have been taken into account and relevant policy has been considered and on balance an approval has been recommended.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Approve with Conditions
Non Statutory	Rivers Agency	No objections
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Health & Safety Executive for NI	Advice

Non Statutory	NIHE - Corporate Planning	Substantive Response Received
Non Statutory	NIHE - Corporate Planning	Substantive Response Received
Statutory	Historic Environment Division (HED)	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Health & Safety Executive for NI	Advice

Representations:

Letters of Support	None Received
Letters of Objection	5
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is located on Derry Road, with Brackaville Road to the north and Station Road to the south. The land is located just outside the development limits of Coalisland and so is located within the open countryside.

The subject land is on elevated ground. Residential properties exist to the north and east. To the south of the site, outside the settlement limits, is a single mobile home, which enforcement section have confirmed is immune from enforcement as it has been proven to be in existence over 5 years.

The proposal is for a 'Detached chalet bungalow, retention of 2 no domestic garages, 2 no mobile homes, 3 no static caravans and the grading, re-shaping and infilling of lands on a brown field site', all are existing on the site except for the proposed chalet bungalow.

An application for a 'motorsports facility' is currently under consideration adjacent to the site, on the former Clay Pits site, under LA09/2016/1307/F.

Planning Assessment of Policy

As the site is located in the countryside the relevant policy is **PPS21 - Sustainable Development in the Countryside**.

Policy 'CTY1 - Development in the Countryside' states the types of development which are considered acceptable in the countryside and that will contribute to the aims of sustainable development.

In relation to Housing Development, planning permission will be granted in certain circumstances which meet the relevant criteria. Policy CTY9 provides guidance on residential caravans and mobile homes. Permission will only be granted, for a temporary period only, in exceptional circumstances, which include;

- the provision of temporary residential accommodation pending the development of a permanent dwelling;

This policy is directed for single mobiles and in this case the proposal is for a permanent mobile/caravan compound for 6 separate units, so it will not meet this criteria. Additionally, this policy is usually granted for 3 years only, which would not be suitable for the applicant's needs.

- where there are compelling and site specific reasons related to personal or domestic circumstances (Policy CTY6)

A case in need in relation to personal circumstances has been submitted, which would need to be discussed in closed committee. This has been fully taken into account assessed and although the Council have sympathy for the case, is not sufficiently compelling to set aside policy consideration in this instance. The policy CTY6 of PPS21 in relation to personal and domestic circumstances, relates to a single dwelling required where there are compelling site specific reasons relating to the applicants personal circumstances.

PPS12 - Housing in Settlements contains policy HS3, which deals with Travellers Accommodation.

Travellers have distinctive needs which are assessed as part of the local housing needs assessment undertaken by the NIHE. Where a need is identified and a development plan is under preparation, the plan should identify a suitable site.

However, where such sites are not identified in development plans, or where other proposals come forward, such as this application, the proposal will be assessed under the provisions of HS3 and other relevant policies.

NI Housing Executive (NIHE) were consulted on this application and in terms of social housing need they advise there are adequate sites in the area to meet traveller need in Coalisland. A traveller needs assessment is normally carried out every 2-3 years.

NIHE state there are currently 4 occupied serviced sites (Travellers residing in static 'mobile home' type accommodation) in Northern Ireland and they are in the process of upgrading these. The only Serviced Traveller site currently available in Coalisland is The Glen serviced/transit site.

Policy HS3 states the requirements criteria if a local housing needs assessment identifies a need, however in this case NIHE have not identified a need and no current need has been shown by any appropriate housing association, so this criteria is not relevant.

The policy goes on to state that exceptionally, and without a requirement to demonstrate need, a single family traveller transit site or serviced site may be permitted in the countryside. Such proposals will be assessed on their merits.

The agent has put forward an argument of a single family traveller transit site and has confirmed all six sites will be occupied by the same Whitehouse family. This includes the applicant, William Whitehouse & his wife Mary, with the other 5 units being occupied by his five married sons and their families. No outside third party will be afford access to the new facility. This would require

to be conditioned to ensure this remains the case in order to meet the policy requirements of HS3.

Full account must also be taken of all other planning, environmental and material considerations as per HS3. Various consultations were made in relation to site specific issues and due to previous onsite activities.

Environmental Health have no objection in principle to the development, subject to consultation with Water Management Unit and NIW.

Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information is content with the proposal subject to conditions and informatives.

NI Water have stated there is public water supply & public foul sewer within 20m of the proposal and consultation with NIW is required to obtain approval to connect and how the proposal can be served. Objectors raised the issue of a previous major water leak on the site, causing disturbance to properties on lower ground. Neighbours state they reported this direct to NI Water. However NI Water were consulted on the proposal and have raised no objections.

Waste Management, Land & Groundwater team (LGT) notes the former on-site mining activities and those in the surrounding area may have caused the land to be affected by contamination. Geological Survey of NI were consulted in view of stability issues relating to abandoned mine workings as the site is adjacent to Derry Gortnaskea historic mine workings. Given the nature of the proposal these workings should not pose any issue.

LGT state if waste is used to infill any part of the site an appropriate waste authorisation will be required from NIEA. The agent is aware of this and has stated there will be no waste used or any infill removed from the site, this will be added as an informative.

Objectors raised the issue of Sand from the site filling up Rivers and Rivers Agency were made aware of this objection at consultation stage.

Following the submission of a Drainage Assessment and re-consultation with Rivers Agency, they have no objection to the proposal based on the information provided by the agent that hardstanding will not be increased by more than 1000sqm, therefore FLD3 of PPS15 does not apply.

Increased traffic on busy road and damage to roads has been raised by objectors - Transport NI had originally stated the forward sight distance is substandard. Third party land would be required or access arrangements would need to be revised. Amended plans were received and TNI have now recommended approval subject to condition.

Due to potential instability of land/bank of sand and earth on the site and possible adverse effect on neighbours to rear who complained of land falling into their garden, an independent building control surveyor was requested by planning staff to accompany them to visit the site This was in particular to get advice on the land stability of the NE, NW & SE boundaries and site entrance, in terms of the current situation and with the addition of the proposed development on the site.

Following the site visit a topographical survey and amended plans were requested, which resulted in the sloping embankments being regraded to a slope of 1:3 which has been accepted as a safe gradient and stable condition. The fence lines have been re-sited to accommodate the re-grading. The neighbours were re-notified on the amended plans.

Health & Safety Ex NI were also consulted on the proposal and had no comments to make.

CTY15 of PPS21 - The setting of Settlements

A settlement's identity can be as much a result of its setting, within the surrounding countryside, as with the quality of its buildings.

Landscapes around settlements have a special role to play in maintaining the distinction between town and country.

This site is on the edge of the settlement limit, and urban fringe sites such as this, should complement rather than detract from the amenity of the area. It is important to consider the distinction between open countryside and the built up edge of settlement of Coalisland. The existing palisade fence, along with the relocation of the timber fence and new landscaping will aid in softening the visual impact from various viewpoints in Coalisland.

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of PPS12, including policy HS 3 are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area.

Objections raised the concerns of prominent views & impact on resident's privacy & amenity.

The site sits on high ground and the wooden boundary fence can be seen from a number of viewpoints. However the agent has provided plans of the proposed close board timber fence of 1.8m and shown the earth bund and additional planting on the plans to aid in screening the timber fence. This will be conditioned to ensure this is the boundary treatment which remains that surrounding the site.

From the Graveyard at the top of the hill the wooden fence is prominently in view and when travelling down the hill towards the town centre. NIEA: HED, historic buildings, were consulted on the proposal to consider any impact affecting Road Bridge, Gortnaskea, a Grade B2 listed building, and they have concluded the proposal has no greater demonstrable harm to the setting of the listed building.

On Brackaville Road there are views from the rear gardens of both the timber fencing and the roof top of the garage, and the same can be viewed when on Barrack Street.

Views from Sandy Row are limited, No.9 would be the main dwelling who will see the site from their garden space, which is separated from the dwelling by an entrance lane.

Coming from the west views are limited due to the topography of the land, and there are less residential properties located here.

On Dungannon Road the views of the timber fence surrounding the site are long distance.

There are close views of the site when on Derry Road. The boundary fencing and the top of the shed on site can be seen at the entrance point and at the bridge. However it is not until the lane has been accessed and you arrive the site when all units will come into view.

OTHER MATERIAL CONSIDERATIONS:

A number of objections have been received and the issues of concern which have not been considered in the report are summarised as follows;

- Site has no planning permission.

The application was submitted following enforcement action on the site. Apart from the detached chalet style bungalow, all units on site have been erected in accordance with the submitted plans, and have been applied for retrospectively. Enforcement proceedings will be held until such time as a decision has been taken on this current planning application.

- Property values of neighbours will be reduced.

The SPSS document sets out the Council's position on this matter - The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. The Council is satisfied that in this instance that the amenities of neighbouring properties would not be affected. No evidence has been submitted to demonstrate any de-valuation of properties in the locality.

- Anti- social behaviour on site. Noise of residents at night, who are lighting fires etc

This is not a planning matter but a civil issue to be dealt with between the residents or Police.

- Storage of horse's carriages on site.

At the time of the site visits there was no evidence of horse carriages or animals. This has not been applied for as part of the planning application and so will not form part of the assessment. If anything is erected outside the approved permission it will be dealt with by enforcement.

CONCLUSION

After considering the relevant policies, objections, plans/information submitted and consultation responses, on balance an Approval is recommended with conditions.

Neighbour Notification Checked

Yes

Conditions:

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

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

2. The residential units hereby approved shall be occupied only by William Whitehouse and his dependents and his immediate family for a period of perpetuity.

Reason: To ensure that the dwellings are occupied only by the named person and their dependents and no other persons.

3. The fence as detailed in stamped approved plan 05/01 dated 19 June 2017 should be erected within 1 month of this decision notice.

Reason: In the interests of visual amenity and to ensure integration of the site.

4. The proposed planting as shown in stamped approved plan 05/01 dated 19 June 2017 should be carried out at the next available planting season.

Reason: In the interests of visual amenity and to ensure integration of the site.

5. The vehicular access, including visibility splays of (2.4m * 45.0m) and (45.0m) forward sight distance shall be provided in accordance with Drawing No 03/01 bearing the date stamp 19/06/17, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason:

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

Informatives

- The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.
- Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.
- Provision shall be made to the satisfaction of Roads Service, to ensure that surface water does not flow from the site onto the public road.

Reason: In the interest of public safety and traffic management.

- Provision shall be made to the satisfaction of Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Reason: In the interest of public safety and traffic management.

The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 2 – Multiple Dwellings (April 2015).

Due to the close proximity to a watercourse the applicant must refer and adhere to all the relevant precepts contained in DOE Standing Advice Note No.4 – Pollution Prevention Guidance (April 2015).

Water Management Unit recommends the applicant refers and adheres to the precepts contained in DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015). (The applicant should note that since the publication of this standing advice the SuDS Manual has been updated and is now CIRIA C753 (2015) The SuDS Manual).

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the proposal. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer and adhere to the relevant precepts in DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

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

Should waste be used to infill the site then an appropriate waste authorisation will be required from NIEA

ANNEX	
Date Valid	15th April 2016
Date First Advertised	28th April 2016
Date Last Advertised	6th October 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Station Road Gortnaskea Coalisland The Owner/Occupier, 11 Station Road, Coalisland, BT71 4JD The Owner/Occupier, 2 Brackaville Road Brackaville Coalisland The Owner/Occupier, 26 Barrack Street Brackaville Coalisland The Owner/Occupier, 28 Barrack Street Brackaville Coalisland Kathy Ó Neill 30 Barrack Street Brackaville Coalisland Ignatius McBride 32 Barrack Street Brackaville Coalisland Christina Gervin 4 Brackaville Road Brackaville Coalisland The Owner/Occupier, 6 Brackaville Road Brackaville Coalisland The Owner/Occupier, 8 Brackaville Road Brackaville Coalisland Mary Gervin 9 Sandy Row Gortnaskea Coalisland Mary Gervin 9 Sandy Row, Coalisland, Tyrone, Northern Ireland, BT71 4JB	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2001/1364/F Proposal: Excavation of Brick Shale and Fireclay Address: Derry Road, Gortnaskea, Derryvale Road,,Drumreagh Etra, Coalisland.,,,Coalisland Decision: Decision Date: 02.09.2005	

Ref ID: M/1992/0042

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

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

Decision:

Decision Date:

Ref ID: M/1992/0359

Proposal: Replacement Dwelling

Address: 4 DERRY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1985/0640

Proposal: BUNGALOW

Address: 15 DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: LA09/2016/0521/F

Proposal: Detached chalet bungalow, retention of 2 no domestic garages, 2 no mobile homes, 3 no static caravans and the grading, re-shaping and infilling of lands on a brown field site

Address: 3A to 3F Derry Road, Coalisland,

Decision:

Decision Date:

Summary of Consultee Responses



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0667/O	Target Date:
Proposal: Dwelling and garage	Location: 50 metres North of 5 Scotchtown Lane Coagh Cookstown
Referral Route: This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Tom Workman 5 Scotchtown Lane Coagh Cookstown BT80 8DE	Agent Name and Address: OJQ Architecture 41A James Street Cookstown BT80 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Infrastructure	Red line amendment required for FSD's.
Non-Statutory	Environmental Health	No objection
Non-Statutory	DAERA	No objection
Non-Statutory	NI Water	No objection
Statutory	Historic Environment Unit – Historic Monuments	No objection

Representations:

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

Summary of Issues

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

Description of proposal

This is an outline application for a site for a dwelling which is set back off the public road and is accessed via an existing laneway. The existing serves one dwelling and adjoining farm outbuildings.

Characteristics of the site and area

The site is comprised of one field which is set back off the public road and is accessed via an existing laneway which serves one dwelling and adjoining farm outbuildings belonging to the applicant. The field site to the rear of the applicants' son's dwelling at no.5a which is a bungalow. The laneway extends back towards the applicants dwelling at road level to a point midway along the site before falling gently towards the applicants dwelling. There is a gentle crest midway along the site. The western boundary is defined by a low cut thorn hedge with post and wire fences along the other three boundaries. There is a second laneway immediately adjacent to east of the access laneway leading to another farm dwelling and outhouses. There are restricted views of the site when travelling north-westwards along the Scotchtown Lane due to the existing hedgerows, the existing roadside buildings and the road curvature.

Planning Assessment of Policy and Other Material Considerations

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

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

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business.

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

CTY 10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

- the farm business is active and has been established for at least 6 years
- no dwellings or development opportunities in the countryside have been sold off from the farm holding within 10 years of the date of the application. This only applies from 25th November 2008.
- the new building will be visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane. Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either :-
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group.

DARD have been consulted and have advised that the farm business has been in existence for more than 6 years and the business has claimed SFP or LFACA or Agri Environment scheme in the last 6 years.

A farm check has revealed no previous approvals on the farm holding or development opportunities have been disposed of since 25th November 2008.

CTY 13 – Integration and Design of Buildings in the Countryside

This is an outline application for a dwelling on a farm. The site is set to the rear of an existing dwelling and extends back to the applicants own dwelling and farm buildings. However, there is a crest on the site at the midway point along its length. If a dwelling were to be sited at the position indicated on the location map it would be close to the top of the crest and would appear divorced from the existing farm buildings. The dwelling would therefore appear prominent and would suffer from a lack of integration. Consequently, the dwelling would need to be sited closer to the southern boundary with the curtilage restricted to around 35-40 frontage along the laneway. In this instance a dwelling with a ridge height of 5.5m could be satisfactorily integrated into the surrounding landscape.

CTY 14 – Rural Character

A dwelling positioned on the site as indicated above, would not result in a change of character of the surrounding area. Furthermore, such a dwelling would be read with the existing farm buildings, it is not considered to be unduly prominent, it does not result in a suburban style build-up of development, it would respect the traditional pattern of development in the area, it would not create a ribbon of development and the impact of ancillary works would not damage rural character.

PPS 3 - Access, Movement and Parking;

Transport NI advised that the applicant has failed to demonstrate that a safe access can be provided onto the Scotchtown Lane. The access is located close to a short 'S' bend in the road and therefore in order to achieve a safe access the applicant needs to demonstrate that they can achieve a 45m forward sight distance to the rear of vehicles waiting to turn right into the proposed access. This will require an extension to the red line of the site and will involve third party lands on the opposite side of the Scotchtown Road. The applicant has been requested to provide this information on a number of occasions but has continually failed to provide the necessary assurances and or consent from the third party landowner that this can be achieved. The proposal is therefore contrary to PPS 3 Policy AMP 2 – Access to Public Roads, as it has not been demonstrated that the proposal cannot achieve a safe means of access to the public road without prejudicing road safety and the convenience of road users.

PPS 6 – Planning, Archaeology and the Built Heritage

Policy BH2 provides for proposals to be acceptable provided they do not adversely affect archaeological sites or monuments which are of local importance or their settings. The site is within the consultation zone of an archaeological site and monument Ref: LDY 049:003 which is an ecclesiastical site of a multi-period church and graveyard. However, only the periphery of the site falls within this consultation zone and any dwelling could be conditioned to be sited outside that zone.

Consideration –The proposal meets the policy requirements and the site could accommodate dwelling with a ridge height of 5.5m provided the dwelling is located in the southern part of the site as discussed above.

Recommendation

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse as the proposal cannot provide a safe means of access in accordance with policy.

Refusal Reasons

1. The proposed development is contrary to PPS 3 Policy AMP 2 in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide the forward sight distance of 45m in accordance with the guidance contained within DCAN 15.

Signature(s)**Date:**

ANNEX	
Date Valid	11th May 2016
Date First Advertised	25th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 5A Scotchtown Lane Ballinderry Coagh The Owner/Occupier, 7 Scotchtown Lane, Ballinderry, Coagh, Londonderry, BT80 0DE, The Owner/Occupier, 8 Scotchtown Lane, Ballinderry, Coagh, Londonderry, BT80 0DE,	
Date of Last Neighbour Notification	3rd June 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/1985/0222 Proposal: DWELLING AND DOMESTIC GARAGE Address: SCOTCHTOWN LANE, BALLINDERRY, COAGH, COOKSTOWN Decision: Decision Date: Ref ID: I/1987/0024 Proposal: ALTERATIONS AND EXTENSION TO DWELLING Address: 5 SCOTSTOWN LANE, BALLINDERRY Decision: Decision Date: Ref ID: LA09/2016/0667/O Proposal: Dwelling and garage Address: 50 metres North of 5 Scotchtown Lane, Coagh, Cookstown, Decision: Decision Date:	
Summary of Consultee Responses TransportNI advised that the proposal would be acceptable subject to provision of the necessary forward sight distance.	

Environmental Health had not objection.
DARD had no objection.
NI Water had no objection.
Historic Environment Division: Historic Monuments had no objection.

Drawing Numbers and Title

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

Drawing No. 02
Type: Farm Boundary Map
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0761/F	Target Date:
Proposal: Extension to existing portacabin to provide storage and office accommodation	Location: 40m North West of 35 Moss Road Ballymaguigan Magherafelt
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Christopher Cassidy 58 Aughrim Road Magherafelt	Agent Name and Address: CMI Planners Ltd 80 - 82 Rainey Street Magherafelt
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI	No objection
Non-Statutory	Environmental Health	No objection
Non-statutory	NI Water	No objection

Representations:

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

Summary of Issues

One letter of objection was initially received and one anonymous letter of support. The letter of objection which related to the following issues was subsequently withdrawn;

- Siting of an unauthorised mobile building;
- Significant site works are ongoing;
- Loss of privacy to adjacent property;
- Increase in noise and pollution;
- Overbearing and inappropriate design

Description of Proposal

Extension to existing portacabin to provide storage and office accommodation. The proposed extension measures 11.0m long by 3.4m wide with an additional link between the existing and proposed structures and measuring 3.5m by 3.2m, giving a total increase in floor area of 48.6m². The proposed extension is set at right angles to the existing structure, is further back on the site from the roadside boundary, closer to the site entrance and has a similar flat roof, which is 0.5m higher.

Characteristics of the site and surrounding area

The site is comprised of a large area of rough overgrown land on a road frontage site. There is a bungalow, no.35, immediately to the eastern boundary. The site contains a small portacabin and the frame of a larger prefabricated building, which has been set up on concrete pipes as a base. These pipes are approximately 1.0m high and have been filled with concrete to provide a stable base for the steel frame of the prefab building. The prefab building is in poor state of repair with two of the four sides having been removed. The other two sides have been partially removed with the timber frame exposed. The floor level of the prefab building sits approximately 1.2m above existing ground level. This prefab building was the subject of a previous application and subsequent planning appeal which was dismissed – Ref: LA09/2015/0598/F.

There is an existing hedge along the roadside boundary with a 3m high hedge along the eastern boundary next to no.35. The other boundaries on the south and west are defined by trees and bushes/shrubbery. The site lies outside the settlement development limit of Ballymaguigan as defined in the Magherafelt Area Plan 2015. The site is some 80m outside the development limit on the southern side of the Moss Road. There is a vacant site opposite the site with the entrance to Moss Tiles to the east.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

An application was submitted under LA09/2015/0347/LDE which sought to establish that the existing porta cabin on site was used by the applicant for meeting and storage rooms for more than 5 years and therefore was lawful. This application was determined on the basis of the information available at that time and was refused as it was considered that insufficient evidence had been provided to demonstrate that the porta cabin has ever been used for the use as applied for.

A further planning application was submitted for a 'replacement office and storage unit associated with an established business (retrospective)' – Ref: LA09/2016/0598/F. That application was refused and subsequently dismissed at appeal – Ref: 2016/A0070 (copy attached for reference purposes).

Development Plan and key policy considerations

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

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

In regard to the proposed development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). Therefore PPS21 policy provisions remain applicable to the proposed development.

In considering the proposal under PPS 21, Policy CTY 1 advises that planning permission will be granted for industry and business uses in accordance with PPS 4. Therefore if the development complies with the provisions of PPS4 it will comply with Policy CTY1 of PPS21.

The applicant previously received a certificate of lawfulness of existing use or development (CLUD) in respect of the existing portacabin on site which was for storage purposes only. Storage falls under Class B4 of the Planning (Use Classes) Order (NI) 2015 while the use as an office falls under Class B1 of the same order. Whilst the applicant may have a CLUD in respect of the storage use on site, this does not cover the use of the portacabin for an office, even if the storage may have been in association with the applicant's business. Therefore, the only lawful use on this site is the 'Portacabin for storage purposes' which was established through the CLUD application ref: LA09/2016/0635/LDE. This CLUD established that the entire portacabin was used for storage purposes. In consideration of planning appeal 2016/A0070 the Commissioner ruled that an existing storage use can still be considered to be an established economic development use in its own right. As the proposed development is for the extension of that same portacabin and which introduces a new office use, which will also be the dominant use, the proposal must be considered as the expansion of an established economic use.

PPS 4 – PED 3: the expansion of an Established Economic Development Use in the Countryside.

As stated in the appeal decision 2016/A0070 'an existing storage use can still be considered to be an established economic development use in its own right. Policy PED3 of PPS4 states that a proposal for the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area. The policy would therefore in principle allow for the potential expansion of the existing storage use for the proposed office use, subject to meeting other environmental criteria in terms of integration and rural character ie. PPS 21: CTY 13, 14 and 15.

Proposals for the expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. The proposed development meets this part of the policy requirement as it is for the extension of the existing portacabin. The existing building measures approximately 9.6m long by 3.2m wide (30.72m²), while the proposed extension measures 11.0m long by 3.4m wide with an additional link between the existing and proposed structures and measures 3.5m by 3.2m, giving an increase of 48.6m², which represents a total increase in floor space of 158%. Therefore, in my opinion, although the design and materials are similar to the existing structure the proposal fails to respect the scale of the existing building as it provides

an extension 1½ times the size of the original structure. The proposal is therefore considered to be contrary to this part of PED 3.

The proposal also falls to be considered under PPS 4 - Policy PED 9.

In considering the aforementioned appeal, the Commissioner stated the following:-

'Criterion (i) of PED9 requires provision of a movement pattern 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. The site is located in a rural area, wherein car use is the predominant form of transportation. Supporting walking and cycling to the site would not be particularly easy given its rural location. The building is designed to meet the needs of people whose mobility is impaired. Whilst I note the bus service referred to by the Appellant that runs through Ballymaguigan every two hours that service would be unlikely to readily suit office hours and facilitate visits for client meetings at the site. The site does not provide adequate and convenient access to public transport, though I acknowledge that with any rural site this is a more challenging task. Nevertheless, criterion (i) is not fully met.

Criterion (j) of PED9 requires that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity..... However, given the overall impacts the appeal development would have, I am not persuaded that the site layout, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity. Criterion (j) of PED9 is not fully met.

Criterion (k) of PED9 requires that appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view. Criterion (m) of PED9 states that in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. The Appellant proposes boundary treatment and means of enclosure along the southern and western boundaries in the form of new planting. Several new trees are also shown in proximity to the parking area. Details of the new planting are not specified and I agree that the measures shown are not satisfactory to assist integration into the landscape given the greater visual impact the appeal building would possess in relation to the existing portacabin on rural character. These criteria of PED9 are not fully met.

In my opinion and as detailed above, when considering this application there is little difference between the appeal proposal and the current proposed development. Therefore, the Commissioners considerations and comments are as applicable to this proposal as they were to the appeal proposal. In terms of the movement pattern and access to public transport, regardless of the form of the proposal, this situation has not altered. Secondly, the layout, building design, associated infrastructure and landscaping arrangements are again similar to the appeal proposal and are still unacceptable. Finally, the boundary treatment and means of enclosure are again on a par with the appeal proposal and therefore cannot be regarded as being anything other than unacceptable.

The proposal also falls to be considered under the relevant policies for integration and rural character which are PPS 21; Policies CTY 13 and 14.

Policy CTY13 makes provision for development in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. However, where a proposal fails to satisfy any of the policy criteria, it will be deemed to be unacceptable.

The existing building measures approximately 9.6m long by 3.2m wide (30.72m²), sits gable end to Moss Road and is effectively screened by the mature roadside boundary vegetation.

Therefore the existing structure has a low key visual presence. The proposed extension measures 11.0m long by 3.4m wide with an additional link between the existing and proposed structures and measuring 3.5m by 3.2m, giving a total increase in floor area of 48.6m², which represents an increase of 158%. The proposed extension is set at right angles to the existing structure, is further back on the site from the roadside boundary, closer to the site entrance and has a similar flat roof, which is 0.5m higher.

The increase in floor area coupled with the more central position within the site, when taken with the removal of 18m of frontage vegetation to facilitate the required visibility splays, will render the proposed development more conspicuous than the existing structure. In considering the increases as detailed above, it is my opinion that the proposed development would harm the rural character and appearance of the local area. The proposed extension would have a significantly greater overall visual impact than the existing structure due to its size, height, orientation within the site and its proximity to the site entrance along with the loss of the mature roadside boundary vegetation. Notwithstanding that the proposed building, subject of the aforementioned appeal, was larger than the now proposed extension, the orientation and proximity to the site entrance is similar. However, the proposed extension is 1m longer than the refused building and when viewed in conjunction with the existing portacabin, the perception from the public road is one of a building with a greater overall length than the building subject of the aforementioned appeal and therefore the visual impact on approach from the south-east along Moss Road will also be greater. In addition, when the roadside boundary vegetation is removed to provide the required access, the existing portacabin will have critical views from a greater distance on approach from the south-east as opposed to the refused building. Consequently, as the Commissioner found that the refused building would cause harm to the character and appearance of the local area, it is my opinion that the proposed development would cause more harm given the overall length, location and orientation in conjunction with the loss of road frontage vegetation. Therefore the proposed development fails to satisfy criterion (b) and (c) in that it is unable to provide a suitable degree of enclosure for the building to integrate into the surrounding landscape and would inevitably rely on new landscaping to aid integration.

Policy CTY 14 allows for development which will not cause a detrimental change to or further erode rural character. The appeal site is located on a small rural site between the eastern edge of Ballymaguigan and two dwellings at No's 35 and 37. Although the existing porta cabin is already on site, this is well screened from view and is much smaller in size and scale and does not have the same visual impact as the proposed building. At present, the access into the site amounts to a gap in the roadside hedge. This will be formalised with the provision of visibility splays and hedge removal thereby raising awareness and drawing attention to the development, particularly on approach from the south-east. The site, despite having the presence of the existing portacabin, is still considered to act as a visual break between the settlement limit of Ballymaguigan and No's 35 and 37. The proposed extension will increase the overall size and length of the existing portacabin which will result in the visual consolidation between these dwellings, their associated out-buildings and the development within Ballymaguigan settlement limit. This view was shared by the Commissioner in their consideration of the aforementioned appeal. The proposed development would have a detrimental impact on rural character due to this consolidation which would also mar the distinction between the settlement of Ballymaguigan and the surrounding countryside. Therefore the proposal is contrary to PPS 21: Policies CTY 14 and CTY 15.

PPS 3 - Access, Movement and Parking; Transport NI have been consulted and have advised that they have no objections to the proposal subject to the inclusion of appropriate conditions relating to the access.

Environmental Health

EHD were consulted and have advised that they have no objections to the proposal.

Recommendation

Given the above assessment of the proposal under the relevant policies, it is my opinion that the proposed development fails to meet the policy tests of PPS 4: PED 3, PED 9 and PPS 21: CTY 1, 13, 14 and 15 and therefore planning permission should be refused for the following reasons:-

Summary of Recommendation:

Refuse for the reasons stated below:-

Neighbour Notification Checked**Yes****Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement nor is this a proposal which is facilitated by PPS 4 planning and Economic Development.
2. The proposal is contrary to Planning Policy Statement 4, Planning and Economic Development: Policies PED 4 - Redevelopment of an Established Economic Development Use in the Countryside and PED 9 – General Criteria for Economic Development, in that; the proposal would, if permitted, fail to provide adequate access to public transport; harm the rural character and appearance of the local area; there are no environmental benefits; it fails to provide sustainability; and would have a significantly greater visual impact than the existing building.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building will fail to integrate as the proposed site lacks long established natural boundaries and much of the front boundary is proposed to be removed. The proposed site is therefore unable to provide a suitable degree of enclosure for the building to integrate into the surrounding landscape as it will rely primarily on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, mar the distinction between Ballymaguigan and the surrounding countryside.

Signature(s)

Date:

ANNEX	
Date Valid	26th May 2016
Date First Advertised	9th June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30 Moss Road Ballymaguigan Magherafelt The Owner/Occupier, 32 Moss Road,Ballymaguigan,Magherafelt,Londonderry,BT45 6LJ, The Owner/Occupier, 35 Moss Road Ballymaguigan Magherafelt The Owner/Occupier, 36 Moss Road Ballymaguigan Magherafelt Kara Cassidy 37 Moss Road Ballymaguigan Magherafelt The Owner/Occupier, No Address	
Date of Last Neighbour Notification	01.04.2016
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/2011/0360/O Proposal: Proposed infill dwelling and garage Address: 40m NW of 37 Moss Road,Ballymaguigan,Magherafelt, Decision: Decision Date: 20.01.2012 Ref ID: H/2009/0190/O Proposal: Site of proposed residential housing development and proposed widening of Moss Road and provision of footway between the proposed site and B18 Ballyronan Road. Address: No 36 Moss Road, Ballymaguigan, Magherafelt including lands immediately to the east and the west. Decision: Decision Date: 10.12.2009 Ref ID: H/1999/0025 Proposal: REPLACEMENT DWELLING Address: 37 MOSS ROAD BALLYMAGUIGAN	

Decision:
Decision Date:

Ref ID: H/1989/0106
Proposal: SITE OF REPLACEMENT DWELLING
Address: 37 MOSS ROAD BALLYMAGUIGAN
Decision:
Decision Date:

Ref ID: H/1993/0120
Proposal: SITE OF REPLACEMENT DWELLING
Address: 37 MOSS ROAD BALLYMAGUIGAN
Decision:
Decision Date:

Ref ID: H/2003/0365/F
Proposal: Proposed sun room extension and first floor conversion to dwelling.
Address: 37 Moss Road, Magherafelt.
Decision:
Decision Date: 29.07.2003

Ref ID: H/1992/0061
Proposal: ALTS & ADDS TO DWELLING
Address: 37 MOSS ROAD BALLYMAGUIGAN MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2006/0693/F
Proposal: Replacement dwelling and detached garage
Address: 37 Moss Road, Ballymaguigan, Magherafelt
Decision:
Decision Date: 08.12.2008

Ref ID: H/2004/0669/O
Proposal: Site of proposed dwelling and garage.
Address: 80m South East of 43 Moss Road, Ballymaguigan, Magherafelt.
Decision:
Decision Date: 19.11.2005

Ref ID: H/2003/1437/O
Proposal: Site of two storey dwelling and garage.
Address: 50m South of 37 Moss Road, Ballymaguigan, Magherafelt.
Decision:
Decision Date: 10.11.2005

Ref ID: H/2004/0714/O
Proposal: Site of two storey dwelling.
Address: 38m west of 35 Moss Road, Ballymaguigan, Magherafelt.
Decision:
Decision Date:

Ref ID: H/2002/0467/F

Proposal: Site of Dwelling and Garage

Address: Adjacent to 35 Moss Road, Ballymaguigan, Magherafelt

Decision:

Decision Date: 17.10.2002

Ref ID: H/2004/0708/O

Proposal: Site Of Two Storey Dwelling

Address: 58 Metres West Of 35 Moss Road, Ballymaguigan, Magherafelt

Decision:

Decision Date:

Ref ID: LA09/2015/0347/LDE

Proposal: Portacabin used by CMI Planners for meeting and storage rooms

Address: Lands adjacent to 35 Moss Road, Magherafelt,

Decision: PR

Decision Date:

Ref ID: LA09/2015/0598/F

Proposal: Replacement office and storage unit associated with an established business (retrospective)

Address: 50m West of 35 Moss Road, Ballymaguigan, Magherafelt,

Decision: PR

Decision Date: 25.05.2016

Ref ID: LA09/2016/0761/F

Proposal: Extension to existing portacabin to provide storage and office accommodation

Address: 40m North West of 35 Moss Road, Ballymaguigan, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2016/0635/LDE

Proposal: Portacabin with storage

Address: 40m NW of 35 Moss Road, Ballymaguigan, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2016/0197/F

Proposal: Alterations and extension to existing dwelling to form additional single storey sun lounge

Address: 37 Moss Road, Ballymaguigan, Magherafelt,

Decision: PG

Decision Date: 31.03.2016

Summary of Consultee Responses TransportNI – no objections subject to the provision of the necessary visibility splays. Environmental Health – no objections subject to the development satisfying the requirements of Health and safety at work Regulations. NI Water – no objections.
Drawing Numbers and Title
 Drawing No. 01 Type: Site Location Plan Status: Approved Drawing No. 02 Type: Site Layout or Block Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4/7/2017	Item Number:
Application ID: LA09/2016/1047/F	Target Date: 10/11/2016
Proposal: Granny Flat Extension with link to the rear of the existing dwelling	Location: 75 Donaghmore Road, Dungannon
Referral Route: Recommend Refusal	
Recommendation: Refuse	
Applicant Name and Address: L Mc Guigan 75 Donaghmore Dungannon	Agent Name and Address: Building Design Solutions 76 Main Street, Pomeroy, BT70 2QP
Executive Summary: Proposal to construct a Granny Flat Extension to the rear of number 75 Donaghmore Road, Dungannon. Fails to comply with relevant planning policy – Policy EXT 1 of the Addendum to PPS 7.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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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 consultations deemed necessary. There have been no objections from any third party.

Characteristics of the Site and Area

The application site is within the development limits of Dungannon, at 75 Donaghmore Road, and is occupied by a semi-detached two storey dwelling set back approximately 14.0m from the main road. The house is of the same style as neighbouring houses to the south east and to the north west of the site is a row of single storey terrace bungalows. There is generally a mix of housing styles and densities in the area.

To the rear of the property is a detached garage and behind this is a roughly square shaped area of land generally unkempt with tree cover on the boundary and set approximately 2-2 ½ m below the level of the house. Approximately half of the rear section of the site is set behind the adjoining neighbouring property, No73. The rear of the site is within the grounds of the playing fields at Quarry Lane. The boundary of the site with number 77 is defined by a low level wall. The front

boundary with number 73 is defined by a wooden fence and the rear boundary with a block work wall.

Description of Proposal

Consent is sought to construct a granny flat extension to the rear of this site which would be linked to the main house by an external corridor. The corridor would run for approximately 8.0m and would be 3.0m in height with a gabled roof. Owing to the fall in land levels the building would be three storeys in height. The overall height would be 9.3m, 7.4m when measured from the level of the house. The building would have a hipped roof, with storage space on the ground floor and living accommodation on the other two floors. This would include a living area, kitchen/dining area and utility room/WC on the middle floor of space with two bedrooms with en-suite above.

Early discussions on this application resulted in the applicant being asked to submit additional fee as well as a P1 form with a new description as it was deemed that the scheme is effectively for a separate residential dwelling. This additional fee has been received but no P1 was ever forthcoming.

Planning Assessment of Policy and Other Material Considerations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining land owners were consulted by letter. No objections have been received to date. There is no relevant planning history on this site to be considered but consent was granted (M/2013/0135/F) for an extension to dwelling which included a long corridor link to a two storey dwelling at No 69 Donaghmore Road, which provides similar accommodation to this submission. This building was constructed on site minus the corridor link, however following the opening of an enforcement case (LA09/2016/0188/CA) this link has now been constructed and the enforcement case has been subsequently closed.

Policy Considerations

The development applied for is a Granny Flat and in such instances the policy guidance is provided by:

- The Dungannon and South Tyrone Area Plan (2010)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Addendum to PPS7 - Residential Extensions and Alterations, with particular reference to policy EXT1

The Dungannon and South Tyrone Area Plan (2010)

The site is located within the development limits of Dungannon where there is a presumption in favour of development. It is not subject to any special designations or zonings. In principle a residential development at this location is in compliance with the area plan but it must also comply with relevant planning policy.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

The Addendum to PPS7 - Residential Extensions and Alterations.

Policy EXT 1 of this document makes specific reference to ancillary accommodation in its justification and amplification which is relevant in this assessment (see below)

2.8 There may be occasions when people wish to provide ancillary accommodation to provide additional living space for elderly relatives or to meet a variety of other personal and domestic circumstances.

2.9 To be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable.

2.10 Where an extension to the existing house is not practicable and it is proposed to convert and extend an existing outbuilding, planning permission will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling. The construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right. Other proposals for ancillary residential use which are clearly incidental to the enjoyment of the property, such as a garden room or a gazebo, will be treated on their merits within the terms of the policy.

2.11 In all cases the Department will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property and careful consideration will be given to the impact of proposals on neighbouring dwellings. Where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.

A49 An extension or alteration to a residential property to provide an ancillary use, such as additional living accommodation for elderly or dependent relatives, should be designed to demonstrate dependency on the existing residential property. Proposals of this nature should be designed in such a manner as to easily enable the extension to be later used as an integral part of the main residential property. Ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property. Ancillary uses that could practically and viably operate on their own will not be acceptable.

The applicant has indicated in his description that the proposal is for a Granny Flat Extension. No additional information has been submitted to indicate any personal or domestic circumstances to be considered under this application. In order to be considered ancillary the accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence and usually attached and internally accessible. It is my opinion that the scale and massing of the proposed annex do not make it subordinate to the main dwelling. It will be located 8.0m from the main house and is however connected internally by a corridor link. No evidence has been provided to demonstrate why an extension is not practical in this instance. Even though there is an 8.0m link corridor between the existing dwelling and the Granny Flat it is my opinion that the Granny Flat could be used as self-contained accommodation given the rooms indicated on the proposed floor plan - kitchen, living room, utility, 2 en-suite bedrooms. A self-contained dwelling in its own right would not be acceptable in this location as it would negatively impact on the residential amenity of occupants of number 75 and those at number 77.

Policy EXT 1 clearly states that in all cases Council must be satisfied that the proposed accommodation remains ancillary to the main residential property. Firstly it is difficult to identify a clear link demonstrating that this is supplementary accommodation to an existing use. Whilst a

corridor would be provided this in itself seems quite tenuous given that the accommodation provided amounts to a separate self-contained unit. The corridor could easily be internally blocked without the knowledge of the council.

In reference to a similar development approved by the DOE to the rear of number 69 Donaghmore Road Council should be aware that this was constructed without the approved corridor. Enforcement action was taken in this case and the corridor has now been constructed to ensure compliance with the approval. This application (M/2013/0135/F) was initially recommended for refusal by the case officer however DOE decided that it should be approved as the applicant could actually build a 2m high wall in his rear garden under Permitted Development rights. The additional 2ft in height was not considered of such consequence to merit refusal. It is my opinion that whilst DOE deemed this adjacent application acceptable, the current application under consideration, still does not satisfy the requirement of EXT 1 in terms of being ancillary to the main residential property.

In terms of design and appearance the proposed building has the appearance of a conventional dwelling. Whilst this in itself may not be a concern, it becomes an issue when the structure is off set to the rear of existing dwellings. In that respect the construction of what effectively appears as a separate dwelling between No's 75 and 77 Donaghmore Road would be injurious materially to the general character of the area. The proposal would appear at odds with the existing pattern of development and harm to the character and appearance of the area can be identified. It is accepted that an ancillary building with residential use was granted consent at No69, but this is more low set and not as residential in character.

Under policy EXT1 any new scheme should not unduly affect the privacy or amenity of neighbouring dwellings. This new building would be located 8.0m from the rear wall of the host dwelling. Guidance contained with the Creating Places document suggests that between elevations facing each other a separation distance of 20.0m should be retained. It is accepted that in more built up areas a reduced distance may be accepted. However in this case a distance of 8.0m of habitable windows facing each other is considered low and likely to impinge on the amenity of existing and future occupants. Furthermore the side windows of the new building would be located immediately adjacent to the rear garden of No77. At such close quarters there would inevitably be a material impact on the amenity and privacy of existing residents at No77 and this would offend adopted policy. It could also be argued that if this development was constructed there would be limited space within the curtilage of the existing property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Conclusion

For the reasons outlined above it is considered this scheme is an inappropriate form of development at this location. It is therefore recommended that consent is refused.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse – Proposal fails to comply with policy EXT 1 of the Addendum to PPS 7

Reasons for Refusal:

1. The proposed development, by reason of its ability to practically and viably operate independently from the host property, is not considered an ancillary form of residential development and is therefore contrary to planning guidance contained in Policy EXT1 of Planning Policy Statement 7 "Residential Extensions and Alterations" and its supporting guidance on ancillary accommodation.

2. The proposed development by reason of its scale, siting and design would not be subordinate to the main dwelling and would be out of character with the existing pattern of development in the area and detracting from its appearance and would therefore be contrary to planning guidance contained in Policy EXT1 of Planning Policy Statement 7 "Residential Extensions and Alterations".

3. The proposed development would result in a material loss of amenity to existing and future residents of the main dwelling and the adjoining site, No 77 Donaghmore Road and is therefore contrary to adopted planning guidance contained in Policy EXT1 of Planning Policy Statement 7 "Residential Extensions and Alterations".

4. The proposed development would result in the inadequate provision of in curtilage recreational and domestic space including space for the parking and manoeuvring of vehicles and is therefore contrary to Policy EXT1 of Planning Policy Statement 7 "Residential Extensions and Alterations".

Signature(s)

Date:

ANNEX	
Date Valid	28th July 2016
Date First Advertised	11th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 68 Donaghmore Road Drumcoo Dungannon The Owner/Occupier, 73 Donaghmore Road Drumcoo Dungannon The Owner/Occupier, 77 Donaghmore Road, Drumcoo, Dungannon, Tyrone, BT70 1HB,	
Date of Last Neighbour Notification	11th August 2016
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2016/1047/F Proposal: Granny Flat Extension with link to the rear of the existing dwelling Address: 75 Donaghmore Road, Dungannon, Decision: Decision Date: Ref ID: M/1994/0687 Proposal: Extension to Dwelling Address: 69 DONAGHMORE ROAD DUNGANNON Decision: Decision Date: Ref ID: M/1998/0232 Proposal: Erection of two storey extension Address: 73 DONAGHMORE ROAD DUNGANNON Decision: Decision Date: Ref ID: M/1998/0865 Proposal: Proposed alterations to dwelling Address: 73 DONAGHMORE ROAD DUNGANNON Decision:	

Decision Date:

Ref ID: M/1996/4033

Proposal: Renovations To Dwelling

Address: 75 DONAGHMORE ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0127

Proposal: EXTENSION TO DWELLING

Address: 75 DONAGHMORE ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2010/0342/F

Proposal: Proposed Full Size GAA Playing Pitch, Pitch Surround Fencing, Ball Catchers & Floodlighting. (amended plans)

Address: Lands Approx. 150m East of Junction of Quarry Lane & Donaghmore Road, Dungannon.

Decision:

Decision Date: 05.07.2012

Ref ID: M/1996/6058

Proposal: Catholic Church Donaghmore Road/Quarry Lane Dungannon

Address: Donaghmore Road/Quarry Lane Dungannon

Decision:

Decision Date:

Ref ID: M/2013/0083/F

Proposal: Proposed new changing rooms with associated sanitary works and committee room and site perimeter running track to premises

Address: 97, Donaghmore Road, Dungannon,

Decision: PG

Decision Date: 11.06.2013

Ref ID: M/2013/0279/F

Proposal: The relocation of the existing double mobile as approved in application M/2011/0373/F and the addition of a double mobile including ancillary spaces and associative site works

Address: Gaelscoil Aodha Rua, Donaghmore Road, Dungannon,

Decision: PG

Decision Date: 21.08.2013

Ref ID: M/2013/0135/F

Proposal: Extension to dwelling
Address: 69 Donaghmore Road, Dungannon,
Decision: PG
Decision Date: 01.05.2014

Summary of Consultee Responses

N/A

Drawing Numbers and Title

Drawing No. 01
Type: Block/Site Survey Plans
Status: Submitted

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

Drawing No. 03
Type: Elevations and 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: LA09/2016/1371/O	Target Date:
Proposal: Infill site to be considered under Policy PPS21 (CTY08)	Location: Adjacent to and North of 61 Deerpark Road Bellaghy
Referral Route: Contrary to CTY 1, CTY 8, CTY 14	
Recommendation: Refusal	
Applicant Name and Address: Mr Norman Leslie Oldtown Road Castledawson	Agent Name and Address: T J Fullerton 12 Rainey Court Magherafelt BT45 5BX
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues Contrary to CTY 1, CTY 8, CTY 14	
Characteristics of the Site and Area The proposal site is located on the roadside of Deerpark Road, Bellaghy. The site is one of two proposed out of a large agricultural field. Located on the southern boundary is a detached 2 storey dwelling and detached garage, while on the northern boundary is a detached 2 storey dwelling. The roadside boundary of the proposed site consists of mature hedging and trees which currently shields the proposal sites from view when travelling along the public road. To the rear of the site is further agricultural land.	
Description of Proposal Outline application for infill site for dwelling and garage	
Planning Assessment of Policy and Other Material Considerations I have assessed this proposal under the following: SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21- Sustainable development in the countryside Consultees: - Transportni were asked to comment and responded on 11.11.2016 with no objections subject to recommended conditions. Environmental Health were asked to comment and responded on 27.10.2016 with no objections subject to advice. NI Water were asked to comment and responded on 10.10.2016 with no objections subject to advice. Neighbours: - Owners/Occupiers of No. 61 Deerpark Road were notified of this proposal on 24.10.2016, no representations have been received to date. In line with legislation this proposal was advertised in the local press during October 2016, no objections have been received to date. It is important to mention that there is a current application (LA09/2017/0538/O) immediately adjacent to this current application also for an infill dwelling and garage and for the same applicant. For the purposes of this report I will refer to LA09/2016/1371/O as site 1 and LA09/2017/0538/O as site 2. In line with policy, planning permission will be granted for 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. One of these such types is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 of PPS21.

On occasion the development of a gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage can be considered as an exception.

The proposal site is located within a large agricultural roadside field, this current proposal site is approx. 50metres in width while the adjacent infill proposal site is approx. 60metres in width. In comparison the existing dwelling located south of site 1 has a frontage of approx. 50metres and the dwelling north of site 2 has a frontage of approx. 60metres. The existing dwelling south of site 2 is a detached 2 storey property with a detached garage adjacent, both these buildings are visible when viewed from the Deerpark Road and this property has a frontage directly to the roadside consisting of a formal garden. The existing dwelling located immediately north of site 2 is a detached 2 storey dwelling which is set back approx. 60metres from the Deerpark Road.

This property has a large front garden and winding access but is not clearly visible when viewed from the roadside due to existing planting and vegetation rather it's only the entrance gates and access point of the property that makes you aware that a dwelling exists on the site.

The front boundary of both sites 1 and 2 consists of mature dense vegetation and trees, the boundary between site 1 and the neighbouring property consists of a modest hedge and the boundary on the northern side of site 2 consists of mature trees and hedging, this results in there being no visual linkage between the existing buildings thus failing to meet the criteria of 'an otherwise substantial and continuously built up frontage' under CTY 8 of PPS21. The land that makes up proposal sites 1 and 2 provides an important visual relief and maintains the rural character of the area.

In addition to the requirement of compliance with the above mentioned policy it is also necessary for this proposal to be assessed against the requirements of CTY 13 of PPS21 - Integration and design of buildings in the countryside. Under this part of the policy planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

Should an approval be granted on the proposal site it would not be a prominent feature in the landscape, however I would have concerns that the strong roadside boundary would be removed or reduced and would reduce the level of enclosure and/or integration. As this is an outline proposal the design has not been proposed however should an approval be granted I do not feel a ridge height restriction would be required due to the neighbouring developments designs. Having considered these points it is my consideration that the proposal would meet the requirements of CTY 13.

Finally this proposal should be assessed against the requirements of CTY 14 - Rural Character. According to this planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area; a new building will be unacceptable when it is unduly prominent in the landscape, or it results in a suburban style build-up of development when viewed with existing and approved buildings. In the case of this proposal it is my consideration that an approval on this site would result in a suburban style build-up of development when viewed with existing and approved buildings. Should an approval be granted a ribbon of development would be created and the traditional pattern of development would not be respected. As such the proposal fails to meet policy CTY 14 of PPS21.

Recommendation: Refusal

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Refusal recommended: - contrary to CTY 1, CTY 8, CTY 14	
Reasons for Refusal:	
<p>1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Deerpark Road (footpath or private lane).</p> <p>3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.</p>	
Signature(s)	
Date:	

ANNEX	
Date Valid	28th September 2016
Date First Advertised	13th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 56 Deerpark Road, Bellaghy, Co Derry The Owner/Occupier, 61 Deerpark Road Leitrim Bellaghy	
Date of Last Neighbour Notification	24th October 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1371/O Proposal: Infill site to be considered under Policy PPS21 (CTY08) Address: Adjacent to and North of 61 Deerpark Road, Bellaghy, Decision: Decision Date: Ref ID: H/2004/0261/O Proposal: Site of dwelling. Address: 80m South East of 59 Deerpark Road, Bellaghy. Decision: Decision Date: 11.11.2005 Ref ID: H/2003/0067/F Proposal: House And Garage. Address: Adjacent to access of 59 Deerpark Road, Bellaghy. Decision: Decision Date: 20.05.2004 Ref ID: H/2002/0746/F Proposal: Dwelling and Garage Address: 250 Metres South East Of 59 Deerpark Road, Bellaghy Decision: Decision Date: 29.10.2002	

Ref ID: H/2004/0107/RM
 Proposal: Dwelling and garage. (Outline Ref:H/2003/0333).
 Address: 250m South East of 59 Deerpark Road, Bellaghy.
 Decision:
 Decision Date: 24.05.2004

Ref ID: H/1999/0352
 Proposal: Site of Dwelling
 Address: 250M SE OF 59 DEERPARK ROAD
 Decision:
 Decision Date: 19.04.2000

Ref ID: H/1993/6054
 Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR
 BELLAGHY MAGHERAFELT
 Address: NEAR BELLAGHY
 Decision:
 Decision Date:

Summary of Consultee Responses

Transportni were asked to comment and responded on 11.11.2016 with no objections subject to recommended conditions.

Environmental Health were asked to comment and responded on 27.10.2016 with no objections subject to advice.

NI Water were asked to comment and responded on 10.10.2016 with no objections subject to advice.

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1556/O	Target Date:
Proposal: Proposed infill Dwelling	Location: Site between 33 and 33b Tobermore Road Draperstown
Referral Route: Doesn't comply with criteria in CTY 8 or CTY 14 – PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Tereasa McNally 33b Tobermore Road Draperstown BT45 7HG	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI	Content
Non Statutory	NI Water	No objection
Non Statutory	Environmental Health	Substantive Response

Representations:

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

Summary of Issues

No representations were made in relation to this application.

Characteristics of the Site and Area

The site is located between 33 and 33b Tobermore Road, Draperstown. The red line currently consists of a section of the garden belonging to 33b and extends to a portion of a field situated behind 33b and 33. The site is relatively flat with a slight rise towards the east. The site is located approx. 150m from the Draperstown Development Limit and is within a line of 6 existing dwellings. The site is bounded by existing hedgerows and post and wire fencing with further vegetation to the SW of the site. To the south of the site is Draperstown village and the rest of the surrounding area is large agricultural fields with detached dwellings.

Description of Proposal

Planning permission is sought for a proposed infill site between 33 and 33b Tobermore Road, Draperstown.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2015/1075/O - 76m NE of 27 Tobermore Road, Draperstown - Proposed single dwelling and garage – PERMISSION REFUSED. 06-06-17.

Representations

There have been no objections/comments received in relation to this proposal.

Planning Assessment of Policy and Other Material Considerations

The main policy and material considerations are within:

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement
- Planning Policy Statement 21: Sustainable Development in the Countryside

Magherafelt Area Plan 2015

The site is located approx. 150m North of Draperstown Development Limit. It has no other zonings or designations within the plan.

Strategic Planning Policy Statement

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

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

The proposed site is situated at the rear of the existing dwellings which all have a similar road frontage. It is considered that the proposal constitutes backland development and as such and does not respect the traditional pattern of development. A dwelling on this site would introduce a form of development which is not characteristic of this location and therefore would not be acceptable and is contrary to CTY 14.

The proposal relies primarily on its means of access to achieve an infill as appears to sharing an obvious frontage with the road. Even if a common frontage was accepted this would result in a

dwelling being 'squeezed' into a plot, totally out of keeping with surrounding plot sizes and contrary to the aims of policy CTY 8.

Policy CTY 13 – Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character of PPS 21 are both relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. Due to the sites location behind existing dwellings it is not considered that it would appear prominent or would have problems integrating into the surroundings. As this is an outline application, the detail of the design, access and landscaping are withheld and therefore could not be assessed under this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

It is my opinion that the site does not represent an infill opportunity does not comply with CTY 8 of PPS 21 and therefore is recommended for refusal.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy to CTY 1 of Planning Policy Statement 21, Sustainable Development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to CTY 8 of Planning Policy 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site as defined by CTY 8.
3. The proposal would not respect the traditional pattern of settlement in the locality and result in a further erosion of rural character as a result of build-up.

Signature(s)

Date:

ANNEX	
Date Valid	2nd November 2016
Date First Advertised	17th November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Tobermore Road, Moyheeland, Draperstown, Londonderry, BT45 7HG, The Owner/Occupier, 31 Tobermore Road Moyheeland Draperstown The Owner/Occupier, 33 Tobermore Road Moyheeland Draperstown The Owner/Occupier, 33B Tobermore Road, Moyheeland, Draperstown, Londonderry, BT45 7HG, The Owner/Occupier, 35 Tobermore Road, Moyheeland, Draperstown, Londonderry, BT45 7HG, The Owner/Occupier, 37 Tobermore Road Moyheeland Draperstown	
Date of Last Neighbour Notification	1st December 2016
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/1986/0177 Proposal: HV O/H LINE BM7857 Address: MULNAVOO, MOYHEELAND, MOYKEERAN, -MAGHERFELT Decision: PERMISSION GRANTED Decision Date: (CURRENT APPLICATION) Ref ID: LA09/2016/1556/O Proposal: Proposed infill Dwelling Address: Site between 33 and 33b Tobermore Road, Draperstown, Decision: COUNCIL CONSULTATION Decision Date: Ref ID: LA09/2015/1075/O Proposal: Proposed single dwelling and garage Address: 76m NE of 27 Tobermore Road, Draperstown, Decision: PERMISSION REFUSED Decision Date: 12.06.2017	

Ref ID: H/1975/0012
Proposal: SITE OF RETIREMENT BUNGALOW
Address: MOYESSET, TOBERMORE
Decision: PERMISSION GRANTED
Decision Date:

Ref ID: H/2003/1166/F
Proposal: Housing Development - 16 no. Townhouses, 62 no. semi-detached dwellings, 42 no. detached dwellings and roadway for private streets determination.
Address: North of Tirruadh Development, Tobermore Road, Draperstown.
Decision: PERMISSION REFUSED
Decision Date: 06.12.2005

Ref ID: H/1975/0177
Proposal: 11KV O/H LINE (C.7036)
Address: MOYHEELAND, MAGHERAFELT
Decision: PERMISSION GRANTED
Decision Date:

Ref ID: H/1988/0501
Proposal: DWELLING WITH GARAGE
Address: TOBERMORE ROAD DRAPERSTOWN
Decision: PERMISSION GRANTED
Decision Date:

Ref ID: H/1988/0236
Proposal: SITE OF DWELLING
Address: ADJ TO 33 TOBERMORE ROAD DRAPERSTOWN
Decision: PERMISSION GRANTED
Decision Date:

Summary of Consultee Responses

No objection to the proposal.

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 04/07/2017	Item Number:
Application ID: LA09/2016/1617/F	Target Date: 01/03/2017
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	Location: Lands opposite 274 Killyman Road, Killyman Dungannon
Referral Route: 2 objections received so the application no longer falls into the Councils Scheme of Delegation	
Recommendation: Approve	
Applicant Name and Address: Boa Island Properties Ltd 88 Portadown Road Armagh, BT61 9HJ	Agent Name and Address: Manor Architects Stable Buildings, 30A High Street, Moneymore, BT45 7PD
Executive Summary: Proposal is to amend part of a previously approved residential development. It involves replacing 4 detached dwellings with 6 semi-detached dwellings as well as changing the house types of 6 semi-detached dwellings. Following the submission of amended layout plans to satisfy Transport NI the proposal now complies with all relevant policy. Objections have been fully considered and do not merit refusal of the application.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI	No Objections
Non Statutory	NIW	No Objections
Non Statutory	Environmental Health	No Objections

Representations:

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

Summary of Issues

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

2 no. objections have been received.

1) Occupant of number 270 Killyman Road on the 28th November 2016. Issues raised are summarised and considered as follows:

- Impact on public safety from an increased number of dwelling units and the traffic associated with this increase – Transport NI have been consulted with this application and have raised no concerns in respect of intensification or road safety.
- Noise pollution – Environmental Health have been consulted and have raised no concerns in respect of unacceptable noise and the impact of such on residential amenity.

2) Lord Morrow on the 25th November 2016. Issues raised are summarised and considered as follows:

- Over development of the site – This current application has increased the number of residential units by 2. Given the mix of densities in the area and the adequate amenity space being provided for I do not agree that this can be deemed over development of this site within the village of Killyman.
- Increase in traffic movements – Transport NI have been consulted with this application and have raised no concerns in respect of intensification or road safety.
- Lack of play provision in the Killyman area and a request for the applicant to consider provision of a play facility as part of this development – It is noted that there is an existing play park at the opposite side of the Killyman Road, however utilising this would involve children having to cross a busy road and is not advisable without proper road safety measures being implemented. It is my opinion that it would be unreasonable to ask for the provision of a play park under this current application given it is for changes to an existing larger approval, in which there was no play park facility provided for. In order to accommodate a play park facility under this current application it would effectively involve dropping a unit of accommodation. Adequate areas of open space have been provided for as part of the overall scheme which can be utilised for recreational purposes.

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

Characteristics of the Site and Area

The application site is located on a 0.9 hectare plot of land 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. On the day of my site inspection the site was occupied by two derelict dwellings and several derelict outbuildings. Some clearing of the site has taken place. The site is relatively flat and contains pockets of vegetation throughout. It also cuts through two separate fields further to the South of the existing derelict buildings. The roadside boundary is generally void of any established boundary treatment. A footpath and access has been partially constructed along the roadside boundary as part of a previous planning approval (M/2008/0445/F).

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.

Description of Proposal

This is a full application for an amendment to a previously approved housing scheme (M/2008/0445/F). It is proposed to replace 4 no. detached dwellings with 6 no. semi-detached dwellings, change the house type of 6 no. semi-detached dwellings and associated development.

Planning History

M/2004/0175/O - Adjacent and behind no 269 Killyman Road, Dungannon, 4 no detached dwellings. **Approved on the 15.10.2004**

M/2007/0064/F - Lands adjacent to 279 Killyman Rd, Killyman. Proposed demolition of existing dwellings 279 & 277 Killyman Rd & the construction of supermarket & stores. **Approved on 21.01.2008.**

M/2008/0445/F - Lands at and to the rear (south and south west) of 269-271 Killyman Road, Killyman, and to the west of Watts Park, Killyman. 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. **Approved on 29.11.2011**

LA09/2016/1165/F - Lands opposite 270 Killyman Road, Killyman, Dungannon, 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 **(Under consideration by Mid Ulster District Council)**

LA09/2016/1166/F - Lands to the West of 281 Killyman Road, Killyman, Dungannon, 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 **(Under consideration by Mid Ulster District Council)**

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

In the DSTAP there is a presumption in favour of housing development within settlement limits provided there is compliance with PPS 7, Creating Places and DCAN 8. This site is within a designated settlement and there is a live approval on site (by way of commencement). The site is subject to no special zonings or designations contained within the plan. As the site is not specifically zoned for housing there are no key site requirements to be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. I am satisfied that this development will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance or cause unacceptable harm to neighbouring amenity. It will re-develop a site that is currently blighted by derelict and unsightly dwellings.

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

PPS 3 - Access, Movement and Parking

Policy AMP 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. This proposal involves the creation of a footpath along the site frontage

and internally within the development which will provide a safe pedestrian connection into the centre of the village.

Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. Transport NI have been consulted with the roads layout and they are satisfied that the proposal will not impact on road safety or traffic flow in the immediate area. The proposal no longer involves the provision of a Right Hand Turning Lane on the Killyman Road as was approved under M/2008/0445/F. Transport NI have not raised any concerns with this. The Killyman Road is not a Protected Route so Protected Routes policy does not apply.

PPS 7 - Quality Residential Environments

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

The first is that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas – This site already benefits from approval for residential development (M/2008/0445/F). The proposed development remains residential in nature and is in an area where residential development is prevalent. It is also in an area where there are a mix of densities, ranging from detached dwellings, semi's and terraced dwellings. It is proposed to replace the 4 road fronting detached dwellings with 6 semi's. These have been designed in such a way as to given the impression of being detached properties. One of these dwellings, which is at the entrance to the development is also designed in a manner which adds variety and makes it a feature building. There are only minor design changes proposed to the 6 internal semi's. I therefore have no concerns with the character of this proposal. The scale, proportions and massing of all residential units under consideration are also in keeping with the diversity in the locality. Adequate landscaping areas (Areas A, B and C) are also proposed so there is not an over dominance of hard surfacing.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development - The site is not within an area of recognised archaeological potential nor are there any Listed Buildings in the immediate area. There are no important landscape features existing on the site which need integrated in the overall design scheme.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area – Public open space has been provided for as part of this application (Areas A,B and C) and under the approved wider scheme. This includes buffer planting which will soften the visual impact of the development. Adequate private amenity has also been provided in excess of the 40m² minimum advised in Creating Places.

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

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides

adequate and convenient access to public transport and incorporates traffic calming measures - As the site is in a village location there is an existing movement pattern in the immediate area in terms of footpaths. Transport NI have no objections to the proposal.

Adequate and appropriate provision is made for parking - In-curtilage parking has been provided at a minimum of 2 spaces per dwelling. This is adequate and appropriate for this type of development.

The design of the development must draw upon the best local traditions of form, materials and detailing - The proposed dwellings are suburban in their design, and are typical of the type of dwelling found in many towns/villages within the District. They have a mix of gabled and hipped roofs, chimneys extending from ridge lines and from the roof, a mix of bay windows and windows that are generally vertical in proportion. External walls will be finished in red facing brick, windows in hardwood and roofs in natural slate. I have no concerns with any aspect of the proposed designs as there is a variety of house type in the area some of which are finished in a mix of red brick and render. The site is not in a Conservation Area or Area of Townscape Character where there would be certain design principles to adhere to.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance - The nearest third party properties to the proposed dwellings are those at the opposite side of the Killyman Road as well as number 14 Watt Park. This layout was previously approved and no concerns were raised regarding adverse impact on residential amenity in terms of overlooking, loss of light, overshadowing, noise etc. The situation remains the same.

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

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality where there is a mix of detached dwellings, Semi's and terraced dwellings. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. There is a mix of house type and design which is all acceptable as there are a mix of house types and designs along the Killyman Road. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve – Proposal complies with all relevant planning policy.

Conditions

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

Reason: Time Limit.

2. All planting comprised in drawing no. 06 revision 2, bearing date stamp 20/6/17, shall be carried out in the first planting season following the commencement of the development and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

3. No residential unit hereby approved shall be occupied until Mid Ulster Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company, for the open space areas labelled Area A, B and C, as identified on drawing No. 06 revision 2, bearing date stamp 20/06/2017. These areas shall be permanently retained as landscape/open space.

Reason: To ensure that open space is provided, maintained and managed in accordance with PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

4. The vehicular access, including visibility splays of 4.5m x 70m in both directions, shall be provided in accordance with Drawing No. 08 Rev 2 bearing the date stamp 17th May 2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

6. The Department of Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 08 Rev 2 bearing the date stamp 17th May 2017.

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

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 Rev 2 bearing the date stamp 17th May 2017. The Department of 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 08 Rev 2 bearing the date stamp 17th May 2017 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.

Informatives

1.Repositioning of Traffic Calming Scheme.

Procedural Process:- Repositioning of traffic calming shall be in accordance with Article 65 The Roads (NI) Order 1993. Applicant should contact Traffic Section whose address is Section Office, Moygashel, Dungannon.

The applicant must apply to the DFI Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department/transportni to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from DFI in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Dfi Street Lighting Consultancy, 40a Benson Street, Lisburn. The Applicant is advised to contact Transportni Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

It is a DFI requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges

shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

The development shall not be commenced until a Certificate issued by a Chartered Structural Engineer certifying that the structure has been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by Dfi. The certificate should state; "I/We certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes"

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

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

All construction plant and materials shall be stored within the curtilage of the site.

Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to Network Services through the relevant Division.

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

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure Section Engineer whose address is Section Office, Moygashel, Dungannon.

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Regional Development's Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

The developer is required to enter into a licence agreement with the Department for Infrastructure, for the carrying out of the road works approved, prior to the commencement of any works to the public road network. The licence agreement shall be issued through the Development Control Officer, Network Planning Section, Western Division, County Hall, Omagh and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer, Consultancy at County Hall, Omagh

2.The effluent disposal system shall be designed and constructed in such a manner so as to enable adoption of the facility by Northern Ireland Water.

Water Management Unit of Department of Environmentmust be contacted in respect of "consent to discharge" as issued under the Water Order (NI) 1999.

Signature(s)

Date:

ANNEX	
Date Valid	16th November 2016
Date First Advertised	1st December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Cavan Road, Cavan, Dungannon, Tyrone, BT71 6QW The Owner/Occupier, 1 Laghey Court Cavan Dungannon The Owner/Occupier, 1 Watts Park Laghey Dungannon The Owner/Occupier, 10 Cavan Road Cavan Dungannon The Owner/Occupier, 10 Watts Park Laghey Dungannon The Owner/Occupier, 12 Watts Park Laghey Dungannon The Owner/Occupier, 12 Watts Park,Laghey,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 14 Watts Park Laghey Dungannon The Owner/Occupier, 14 Watts Park,Laghey,Dungannon,Tyrone,BT71 6SF, The Owner/Occupier, 16 Watts Park Laghey Dungannon The Owner/Occupier, 16 Watts Park, Laghey, Dungannon, Tyrone, BT71 6SF The Owner/Occupier, 18 Watts Park Laghey Dungannon Maurice Morrow 19 Church Street, Dungannon, Tyrone, Northern Ireland, BT71 6AB The Owner/Occupier, 2 Cavan Road Laghey Dungannon The Owner/Occupier, 2 Laghey Court Cavan Dungannon The Owner/Occupier, 2 Watts Park Laghey Dungannon The Owner/Occupier, 20 Watts Park Laghey Dungannon The Owner/Occupier, 262 Killyman Road, Killyman, Dungannon The Owner/Occupier, 268 Killyman Road, Killyman, Dungannon The Owner/Occupier, 270 Killyman Road Cavan Dungannon	

George Sloan
 270 Killyman Road, Dungannon, Tyrone, Northern Ireland, BT71 6RT
 The Owner/Occupier,
 272 Killyman Road Cavan Dungannon
 The Owner/Occupier,
 274 Killyman Road Laghey Dungannon
 The Owner/Occupier,
 281 Killyman Road Laghey Dungannon
 The Owner/Occupier,
 3 Cavan Road, Cavan, Dungannon, Tyrone, BT71 6QW
 The Owner/Occupier,
 3 Laghey Court Cavan Dungannon
 The Owner/Occupier,
 3 Watts Park Laghey Dungannon
 The Owner/Occupier,
 4 Cavan Cottages, Laghey, Dungannon, Tyrone, BT71 6QP,
 The Owner/Occupier,
 4 Laghey Court Cavan Dungannon
 The Owner/Occupier,
 4 Watts Park Laghey Dungannon
 The Owner/Occupier,
 5 Cavan Road, Cavan, Dungannon, Tyrone, BT71 6QW
 The Owner/Occupier,
 5 Laghey Court Cavan Dungannon
 The Owner/Occupier,
 5 Watts Park Laghey Dungannon
 The Owner/Occupier,
 6 Cavan Road, Cavan, Dungannon, Tyrone, BT71 6QW
 The Owner/Occupier,
 6 Laghey Court Cavan Dungannon
 The Owner/Occupier,
 7 Cavan Road, Cavan, Dungannon, Tyrone, BT71 6QW
 The Owner/Occupier,
 8 Cavan Road Cavan Dungannon
 The Owner/Occupier,
 9 Cavan Road, Cavan, Dungannon, Tyrone, BT71 6QW
 The Owner/Occupier,
 St Patricks Church 11 Cavan Road Cavan

Date of Last Neighbour Notification	7th February 2017
Date of EIA Determination	20/06/2017
ES Requested	No

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:

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:

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/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/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/1987/0357
Proposal: DWELLING HOUSE
Address: WATT PARK, KILLYMAN, DUNGANNON
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:

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:

Decision Date:

Summary of Consultee Responses

Transport NI – No objections subject to standard conditions.

Environmental Health – No objections.

NIW – Available Capacity in Killyman. No Objections to proposal.

Drawing Numbers and Title

Drawing No. 06 revision 1
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 02
Type: Persepectives
Status: Submitted

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

Drawing No. 08 revision 2
Type: PSD's
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



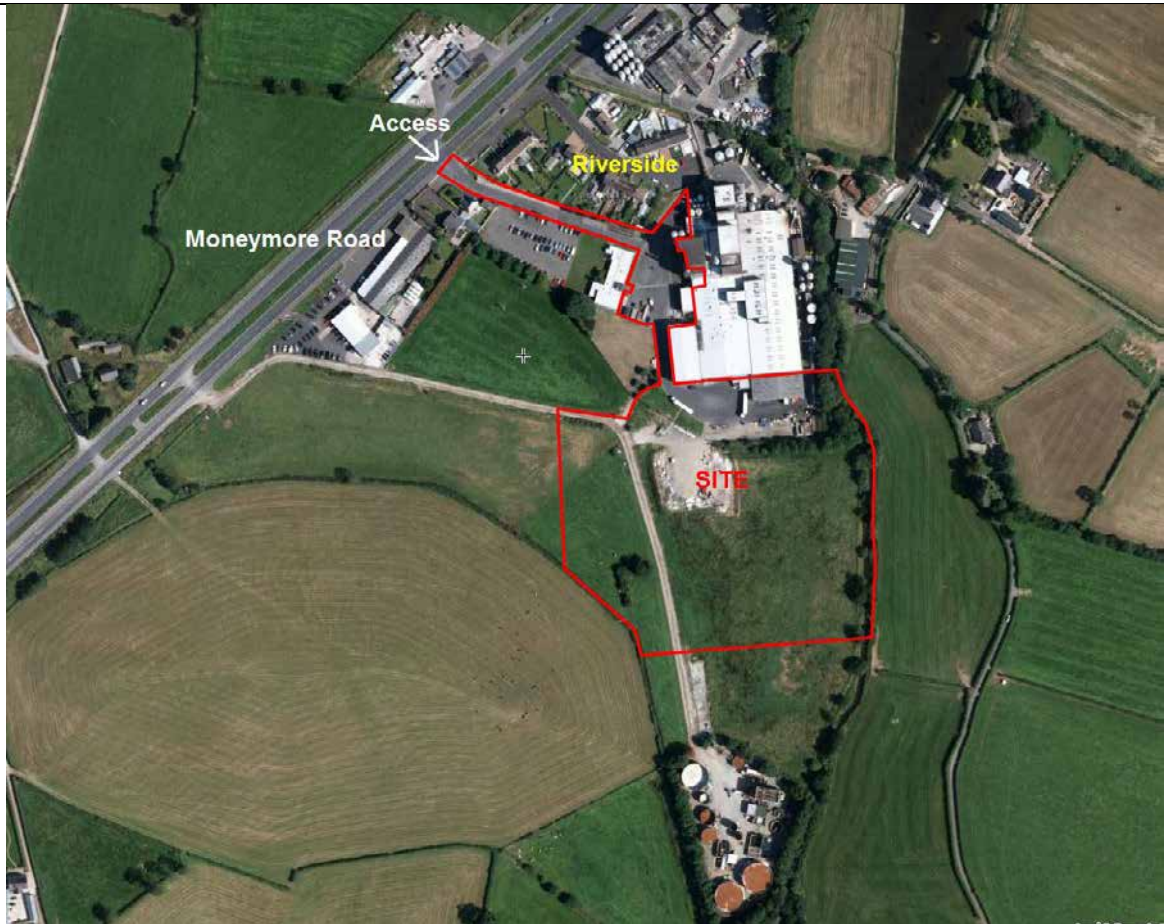
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1650/F	Target Date:
Proposal: Extension of the existing Dale Farm dairy and factory facility at Dunman Bridge, Moneymore Road to provide; additional col storage warehousing; reconfiguration of dispatch bay; new palletising line; and relocation of powder store (Approved under I/2013/0124/F)	Location: Lands at 139 Moneymore Road Dunman Bridge Cookstown
Referral Route: This is a major planning application.	
Recommendation: Approve	
Applicant Name and Address: Dale Farm Ltd Rodney Stewart 139 Moneymore Road Dunman Bridge Cookstown BT80 9UU	Agent Name and Address: JPE Planning & Environmental 1 Inverary Valley Larne BT40 3BJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water	No objection
Statutory	NIEA	No objection
Statutory	Historic Environment Division (HED)	No objection
Non Statutory	Rivers Agency	No objection
Non Statutory	Environmental Health Mid Ulster Council	No objection
Statutory	Transport NI	No objection

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

Partially outside the development limits, Drainage, Roads, Archaeological

Characteristics of the Site and Area

The site is located partly within and outwith the current Dale Farm complex, with part of the lands lying outside the development limits of Dunman. The red line of the site, which is the northern portion, comprises a single storey dispatch area that is to be removed to make way for the new extension. It also contains some tanks and a portacabin, with a turning area for HGV's. To the south of this area is a fence on the other side of which is an open field. The topography is generally flat and drops away slightly from the existing factory. The eastern boundary is bounded by the Lissan Water and along here there is an LLPA designated as identified in the Cookstown Area Plan. The western boundary is defined by a native species hedgerow. Beyond the red line of the site to the south is grassland and an effluent treatment plant, all of which are sited within the blue land of the application site.

Description of Proposal

This application is for the extension of the existing Dale Farm dairy and factory facility at Dunman Bridge, Moneymore Road to provide additional cold storage warehousing, the reconfiguration of the dispatch bay, a new palletising line and relocation of powder store approved under I/2013/0124/F.

Planning Assessment of Policy and Other Material Considerations

Strategic Planning Policy Statement
Cookstown Area Plan 2010
Planning Policy Statement 3
Planning Policy Statement 4
Planning Policy Statement 6
Planning Policy Statement 15
Planning Policy Statement 21

This is an application for an extension and reconfiguration of accommodation and layout to the established Dale Farm complex at Dunman, outside Cookstown. The creamery has operated at this location for over 50 years and it is the largest milk processing site in NI.

The extension extends over 10,000 square metres of floor space across a site area of approximately 3.7 hectares. The site is located in Dunman but the majority of it is outside the development limit as defined in the Cookstown Area Plan 2010. Within Dunman there are a number of commercial premises with Dale Farm being the largest land use with a residential area fronting onto the dual carriageway at Riverside. In January 2016 a large solar farm was approved to the south of the application site under planning reference (LA09/2015/0885/F).

The site is currently accessed through the existing Dale Farm complex and a secondary laneway runs through the site, accessing the treatment works to the south of the site area. The means of access to the treatment plan will have to be retained. In the supporting information for this application it states that all the cheese related HGV trips use the central access and the purpose of the application is to streamline cheese storage and to reduce off-site HGV trips that use the main access.

The supporting statement goes on to explain that Dale Farm have a site specific requirement to provide on-site cold stores for the existing dairy and milk processing factory and thus there is an on-site need. The business is co-operatively owned by some 1400 farmers and the business has continued to grow and evolve and now it includes

- 1- Milk reception area
- 2- Milk processing buildings
- 3- Cheese production area

- 4- Stores for product, equipment and packaging
- 5- Loading/unloading and dispatch areas
- 6- Offices and staff welfare facilities
- 7- Car parking and areas for turning

There is planning history for the site and the drawings include extant committed development such as approved drying facilities.

The business uses six separate off-site storage facilities dispersed throughout the local Mid Ulster area. Products that are produced on site are transported to the off-site storage and either transported on for sale or returned to Dunman for re-processing or packaging prior to final dispatch and this is considered inefficient.

The extension is away from the existing residential area and is for:

- 1- An extension to reconfigure the cheese packaging lines and enable the development of more efficient palletising lines for the cheese currently produced on site;
- 2- A new building to provide additional storage warehousing;
- 3- Reconfiguration and relocation of the existing dispatch bay; and
- 4- Landscaping, including the erection of a landscaped bund with wildflower planting.

The production levels will not increase. The new storage building has resulted in the need to reconfigure the dispatch area and include a new palletising line to feed directly into the proposed stores internally.

The agent has stated the total floor space is directly proportionate to the applicant's demand. The more mature the cheese the longer it needs to be stored. The cheese must be easily accessible through dispersed storage racks to facilitate ease of testing and to facilitate product rotation. It is stored in varying sized blocks depending on the end user.

The layout has been informed by

- 1- Existing site constraints such as availability of sufficient developable land, proximity to neighbours and in particular residential properties, ground conditions and the ability to integrate future development;
- 2- Proximity to the main factory and to respond to the process flows therein; and
- 3- The accessibility of the site in respect of the existing and proposed operations to ensure accessibility is optimised and not constrained.

The new building is proposed to adjoin the southern end of the existing factory complex and will replace and reconfigure the existing dispatch facilities. It has been stated in the supporting information that the layout of the current application takes account of the existing production flow within the factory. The end of the production line is in the southern corner of the existing building where it moves into the existing packing line and finally into the dispatch area. The proposed packaging/palletising line will be immediately adjoining the existing packaging area and the stores are located immediately adjoining to this to enable the process to continue uninterrupted from the production lines through the storage area. This arrangement causes minimal disruption to the existing operations at the facility.

The proposed height of the dispatch building and palletising area has been dictated by the clearance height of HGV's and the palletising plant line with a ridge of just over 8 metres proposed. The height of the storage building needs a greater height to facilitate floor to ceiling racking of cheese products with sufficient insulation to aid temperature control. It will be approximately 22 metres in external height. The existing factory and milk processing area currently extends to over 26 metres in height, the approved lactose drying plant will be erected adjacent to the dispatch bay at over 40 metres in height.

Although the proposed extension is large in scale it is in keeping with the character of the immediate area, given the height of the existing Dale Farm buildings to the immediate north of the red line. It is argued that owing to the limited views and intervening development the overall scale of the extension will be obscured and difficult to perceive against the backcloth of built form already characterising the settlement of Dunman. The mass is reflective of the existing development. The external skin is profiled aluminium cladding, the cladding will be goosewing grey to tie in to the existing design and roof panels will be goosewing grey with matching flashings. A black plinth to the under building is proposed. A landscaped bund is proposed to the front and rear of the extension which won't screen the building but it will aid its integration.

In the supporting statement it states that the proposal represents a capital investment of in excess of £10 million and payback will be achieved within 5 years. It promotes job retention. The TAF confirms a net reduction in HGV movements. It will embrace the Best Available Techniques in building construction and will benefit from power generated from a renewable resources when the solar farm is constructed.

17 people attended the public information event and despite initial concerns over an increase in traffic there were no objections raised at the PAN event or during the course of the application.

Consideration

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area and it retains certain existing planning policy statements. It also sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The Cookstown Area Plan 2010 seeks to protect and extend existing industrial and business areas where they are within easy access of the urban population and will not have a significant adverse impact on the environment or local amenity. In addition it seeks to sustain a living and working countryside whilst protecting, from inappropriate development, those areas that are vulnerable to development pressure or that are visually or environmentally sensitive.

As has been addressed earlier in this report the proposed development is both within and outwith the development limits of Dunman as identified in the Cookstown Area Plan 2010. In the Cookstown Area Plan it is stated that the regional planning policies for industrial development are set out in Planning Policy Statement 4: Industrial Development. The Plan acknowledges that the village of Dunman is dominated and centred on a creamery and food processing plant.

There is relevant history on this site as planning permission was granted in 2013 and is presently extant, for a new lactose building to the north of the current proposal.

Given that part of the site lies outside the development limits Planning Policy Statement 21 provides the context for the planning application. Policy CTY 1 states 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. One of these is industry and business uses in accordance with Planning Policy Statement 4.

PPS 4 - Policy PED 1 addresses "Economic Development in Settlements" and states that Class B2 Light Industrial Use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use. From an assessment of the plans I have measured the existing roof heights to be c.9.5 metres with the new extension standing at c.8

metres with the cheese store ridge height at c.21 metres. Across the frontage of the Dale Farm site the proposed extension will not be the highest building however the majority of it is sited outside the existing development limits. What is proposed in the development limit will be of a scale, nature and design that is appropriate to the character of the settlement. Any residential uses are at the opposite end of the Dale Farm complex though the traffic to and from the site will run alongside existing dwellings at Riverside though from the Transport Assessment Form, and has been confirmed by Transport NI there will be a net reduction in the number of HGV movements to the site.

As part of the red line is outside the development limits it falls for the application to also be considered under Policy PED 3 of PPS 4 "Expansion of an Established Economic Development Use in the Countryside". PED 3 allows for such an expansion where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. As has been previously stated the Dale Farm complex is the predominant land use in the settlement of Dunman. It is clear that a relocation of the Dale Farm business would not be desirable. If this expansion is not allowed it would have implications on the business and if forced to relocate this would clearly have a significant impact on both local employment and the local economy. There are other businesses immediate to the west of the application site, which are directly accessed off the dual carriageway including Clive Hamilton motors, Performance Lab gym and OHI International. It is my opinion that the proposed extension will be acceptable at this semi-rural location. As per The Planning (Development Management) Regulations (NI) 2015, this proposal has been classified as a major application as the development both exceeds the 5,000 square metre threshold and the 1 hectare site area as per Schedule 2 (8). In terms of the site of the increase Policy PED 3 states there should not be a major increase in the site area of the enterprise and considering the overall scale of the Dale Farm complex. Given the application has been classified as major development PED 3 address where a major expansion of an existing industrial enterprise that would not meet the listed policy provision. However in considering the site specifics of this application I do not consider this to be a major increase in size. I have measured the proposed floor space of the extension to be approximately 10,821 square metres. PED 3 requires a new extension/new building to respect the scale, design and materials of the original building. The proposal is in keeping with the scale and design of the existing buildings with the materials being of wall panels in goosewing grey complete with matching flashings, the roof panels will also be goosewing grey with matching flashings and a black plinth to match existing.

Policy PED 9 of PPS 4 "General criteria for Economic Development" states that a proposal for economic development will be required to meet all the criteria listed in PED and I will set out below my consideration of each point.

- (a) The proposal is compatible with surrounding land uses given that it is an extension to the existing factory and there are other commercial uses in the vicinity of the site with any residential development to the northern end of the Dale Farm complex;
- (b) There is no concern with regards to neighbouring residential amenity. EHO commented specifically with regard to food hygiene issues and there are no other concerns raised by EHO. The immediate impact on residential amenity will be a reduction in HGV traffic to the site as confirmed by Transport NI;
- (c) Historic Environment Division had requested an archaeological evaluation has per Policy BH3 of Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage. The evaluation commissioned by the application consisted of the excavation of 16 test trenches and archaeological deposits were identified in one of the trenches in the north-western corner of the red line. This is the remains of the enclosure LDY 48:24 and is identified as an enclosure of an uncertain date. There are no surviving, above ground elements of the monument, however its recorded presence within the site points to the potential to identify sub-surface archaeological remains. An Archaeological Programme of Works was submitted by the applicant for consideration by HED and they confirmed they agree with the archaeological mitigation strategy proposed and are content for the

application to proceed to archaeological licensing. The applicant then submitted an Archaeological Evaluation report which concluded that no further archaeological works are required for this development to proceed and HED have confirmed on the basis of the information provided it is content that the proposal is satisfactory. As such it does not adversely affect features of the natural or built heritage;

- (d) Rivers Agency identified from The Strategic Flood Map (NI) that part of the site lies within the 1 in 100 year fluvial flood plain and a Flood Risk Assessment was requested from the agent. There is an undesignated watercourse that flows along the western boundary of the site and an undesignated watercourse traverses the site along the southern boundary of the existing Dale Farm facility and a 5m maintenance strip is required. An undesignated watercourse known as the Lissan Water flows along the eastern boundary and a 5m maintenance strip is required. A Drainage Assessment was required due to the size and nature of the development. Rivers Agency have now concluded that providing the drainage works described in the Drainage Assessment Addendum and noted on the site layout drawing W-004 are implemented and schedule 6 approval is obtained from Department for Infrastructure Rivers area office, the proposed development should not increase the risk of flooding to the development or elsewhere. The requirements of criteria (d) have therefore been met;
- (e) EHO commented specifically with regard to food hygiene issues and there are no other concerns raised by EHO and thus it has not been considered there will be a noise nuisance from the extension;
- (f) All consultees are satisfied with the proposal and no emission or effluent concerns have been raised;
- (g) Transport NI are content with the proposal and there are no concerns with regards to the existing road network nor are any improvements required. Dale Farm has 3 vehicular accesses with the proposed extension being accessed via the main and central access located next to the housing at Riverside off the main dual carriageway. A Transport Assessment Form was submitted which confirms third party cold storage facilities are used off site at various locations and with each trip being two way there are 8 loads carried to the factory just for off-site cheese storage. Should the application be approved there will be a reduction in 2 way HGV trips to the Dale Farm central access point by over 50%. Transport NI have no objection to the proposal subject to drawing No 06 being listed in the set of approved drawings. This is to ensure that there will be adequate incutillage turning for large HGV's. Transport NI's opinion is also based on the information in the TAF which indicates a reduction in HGV trips to and from the site since external storage is being replaced on site.
- (h) The extension proposes to use the existing central access and TNI are content with the access arrangements, parking and manoeuvring areas;
- (i) The access to the site is not changing, neither is the public transport availability. Dale Farm have the internal arrangements designed to their specification;
- (j) The design of the proposed extension mirrors the design of the existing Dale Farm buildings. The site layout is such that meets the needs of the Dale Farm operations and landscaping in the form of a landscaped bund to the western boundary is proposed so as to soften the impact of the new buildings;
- (k) As detailed the landscaped bund is acceptable and appropriate and storage is a proposed use in the new extension;
- (l) There are no crime or personal safety concerns; and
- (m) Part of the application is in the countryside and I am content there are satisfactory measures to assist integration.

In addition NIW have no objections.

DAERA, IPRI advises the operator has been made aware and has accepted that before granting a minor change or permit variation IPRI will need to be satisfied that the application demonstrates that the proposed development will have an acceptable environmental impact.

DAERA, Drainage and Water: Drinking Water Inspectorate advised the application should consider the potential of private water supply sources being present in the vicinity of the development. DAERA Water Management Unit is content with the proposal subject to conditions that the applicant refers and adheres to standing advice and any relevant statutory permissions being obtained.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve as the proposal satisfies planning policy. There are no objections to the application.

Conditions

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

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

Signature(s)

Date:

ANNEX	
Date Valid	23rd November 2016
Date First Advertised	7th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Riverside, Dunman, Moneymore, Londonderry, BT80 9UX The Owner/Occupier, 10 Riverside, Dunman, Moneymore, Londonderry, BT80 9UX The Owner/Occupier, 137 Moneymore Road, Dunman, Cookstown, Londonderry, BT80 9UU, The Owner/Occupier, 2 Riverside, Dunman, Moneymore, Londonderry, BT80 9UX The Owner/Occupier, 6 Riverside, Dunman, Moneymore, Londonderry, BT80 9UX The Owner/Occupier, 7 Riverside, Dunman, Moneymore, Londonderry, BT80 9UX The Owner/Occupier, 8 Riverside, Dunman, Moneymore, Londonderry, BT80 9UX The Owner/Occupier, 9 Riverside, Dunman, Moneymore, Londonderry, BT80 9UX	
Date of Last Neighbour Notification	8th December 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1009/PAN Proposal: Proposed extension to existing dairy and factory to provide an extension to production lines for cheese processing ,additional cold storage warehousing, reconfiguration of dispatch bay and relocation of powder store (approved under I/2013/0124/F) Address: 138 Moneymore Road, Dunman Bridge, Cookstown, Decision: Decision Date: Ref ID: LA09/2016/0758/PAD Proposal: Extension to existing dairy and factory to provide; an extension to production lines for cheese processing; additional cold storage warehousing; reconfiguration of dispatch bay; and relocation of powder store (approved under I/2013/0124/F) Address: Dale Farm Ltd, Dunman Bridge, 139 Moneymore Road, Cookstown,	

Decision:

Decision Date:

Ref ID: LA09/2016/1650/F

Proposal: Extension of the existing Dale Farm dairy and factory facility at Dunman Bridge, Moneymore Road to provide; additional cold storage warehousing; reconfiguration of dispatch bay; new palletising line; and relocation of powder store (Approved under I/2013/0124/F)

Address: Lands at 139 Moneymore Road, Dunman Bridge, Cookstown,

Decision:

Decision Date:

Ref ID: I/2013/0362/F

Proposal: Proposed extension to existing factory including ground floor hygiene facilities and first floor office

Address: 139 Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 25.03.2014

Ref ID: I/2014/0334/F

Proposal: Proposed replacement of existing chain boundary fence with new acoustic fence

Address: Dunman Factory, 139, Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 04.06.2015

Ref ID: I/2012/0439/F

Proposal: Proposed storage tanks serving existing milk processing factory

Address: 139, Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 21.01.2013

Ref ID: LA09/2015/0885/F

Proposal: Installation and operation of a 4.9MWp solar farm and associated infrastructure including photovoltaic panels, mounting frames, 3 no. control rooms, fencing pole mounted security cameras, underground and over ground electricity cables.

Address: Approx. 350m south of the Dale Farm complex, 139 Moneymore Road, Cookstown,

Decision: PG

Decision Date: 25.01.2016

Ref ID: I/2013/0200/F

Proposal: Proposed alterations to milk reception site including 6 no. new tanks, new water treatment/chilled water building and new switch room building. Proposed chemical compound to the rear of the existing main factory. Proposed 9 no. tanks to the rear of

the existing main factory (adjacent to the existing CIP tanks). Retention of 5 no. tanks to the front of the main factory

Address: 139 Moneymore Road, Dunman, Cookstown,

Decision: PG

Decision Date: 12.06.2014

Ref ID: I/1993/6027

Proposal: Industrial Sites Cloghog Road Cookstown

Address: Cloghog Road Cookstown

Decision:

Decision Date:

Ref ID: I/2013/0124/F

Proposal: Proposed extension and alterations to existing powder store and dispatch at existing factory

Address: 139 Moneymore Road, Dunman, Cookstown BT80 9UU,

Decision: PG

Decision Date: 11.09.2013

Ref ID: I/2012/0449/F

Proposal: Proposed upgrade of existing drying facilities within existing cheese processing factory

Address: 139 Moneymore Road, Dunman, Cookstown BT80 9UU,

Decision: PG

Decision Date: 21.01.2013

Ref ID: I/2012/0376/A

Proposal: 1 no. wall mounted illuminated company logo in substitution of previously approved planning application I/2011/0399/A

Address: Dale Farm Ltd, 139, Moneymore Road, Dunman, Cookstown,

Decision: CR

Decision Date: 19.04.2013

Ref ID: I/2011/0399/A

Proposal: 1 no wall mounted non illuminated company logo

Address: Dale Farm Ltd, 139 Moneymore Road, Dunman, Cookstown,

Decision:

Decision Date: 06.04.2012

Ref ID: I/1976/0290

Proposal: ERECTION OF BRICK STORE FOR OIL, ACID AND DETERGENT

Address: MILK PRODUCTS FACTORY, DUNMAN BRIDGE, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1977/0406
Proposal: PUMPHOUSE AND FILTER ROOMS
Address: DUNMAN BRIDGE, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2012/0068/F
Proposal: Proposed 2 storey extension to existing factory
Address: 139 Moneymore Road, Dunaman, Cookstown,
Decision:
Decision Date: 08.06.2012

Ref ID: I/2006/0054/Q
Proposal: Feasibility Study on Wind Generation
Address: Dale Farm Cookstown factory
Decision:
Decision Date:

Ref ID: I/1974/0201
Proposal: 11KV O/H LINE
Address: DUNMAN, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2007/0102/F
Proposal: Instalation of 4 new stainless steel tanks.
Address: 139 Moneymore Road, Cookstown, Co.Tyrone.
Decision:
Decision Date: 18.06.2007

Ref ID: I/1981/0210
Proposal: EXTENSION TO DAIRY EFFLUENT PLANT COMPRISING ONE CIRCULAR
STEEL TANK ON
Address: 137 MONEYMORE ROAD, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1974/0001
Proposal: ERECTION OF SEWAGE WORKS TO TREAT FACTORY EFFLUENT
Address: DUNMANBRIDGE, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1975/0054

Proposal: TEMPORARY CHANGE OF USE FROM DWELLING TO OFFICE

Address: 137 MONEYMORE ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/1004/LDP

Proposal: refurbishment of powder bagging area (existing) to include new floors ceilings, partition walls & insulated panels to segregate existing area into two different hygiene areas - include for repositioned & new equipment

Address: Dunman Factory, 139 Moneymore Road, Cookstown

Decision:

Decision Date:

Ref ID: I/2006/1037/LDP

Proposal: Installation of additional items of chees processing equipment and the upgrade of associated process control system. 2No additional cats. 2No additional block foiming machines & conveyor extension. Control system for the above upgraded equipment

Address: Dunman Factory, 139 Moneymore Road, Cookstown

Decision:

Decision Date:

Ref ID: I/1987/0033

Proposal: REPLACEMENT MILK EVAPORATING PLANT

Address: DUNMAN MILK MARKETING BOARD FACTORY, 139 MONEYMORE ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1989/0461

Proposal: Replacement Steel Chimney

Address: DUNMANBRIDGE FACTORY 139 MONEYMORE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1974/0087

Proposal: ERECTION OF AMENITIES BUILDING

Address: MILK PRODUCTS FACTORY, DUNMENBRIDGE, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1999/0020

Proposal: Construction of electrical transformer room

Address: 139 MONEYMORE ROAD COOKSTOWN

Decision:
Decision Date:

Ref ID: I/1998/0154

Proposal: Extension to factory to provide evaporator plant

Address: DROMONA QUALITY FOODS LTD DUNMAN FACTORY 139 MONEYMORE ROAD COOKSTOWN

Decision:
Decision Date:

Ref ID: I/1993/0400

Proposal: Storage extension to cheese factory to include loading facilities

Address: DUNMAN FACTORY, 139 MONEYMORE ROAD, COOKSTOWN.

Decision:
Decision Date:

Ref ID: I/1998/0296

Proposal: Wet Scrubber and Flue

Address: DUNMAN FACTORY 139 MONEYMORE ROAD COOKSTOWN

Decision:
Decision Date:

Ref ID: I/1998/4052

Proposal: Proposed Electrical Switch Room

Address: 139 MONEYMORE ROAD COOKSTOWN

Decision:
Decision Date:

Ref ID: I/2002/0402/F

Proposal: Proposed masonry wall to replace chainlink fence

Address: DunmanBridge Factory, 139 Moneymore Road, Cookstown

Decision:
Decision Date: 12.09.2002

Ref ID: I/1987/0359

Proposal: STEEL STRUCTURE FOR STORAGE

Address: MONEYMORE ROAD, COOKSTOWN

Decision:
Decision Date:

Ref ID: I/2009/0559/F

Proposal: Roof alteration to main factory building.

Address: 139 Moneymore Road, Cookstown, Co Tyrone, BT80 944

Decision:

Decision Date: 27.11.2009

Ref ID: I/2009/0186/F

Proposal: Roof alteration to main factory to accommodate installation of modern production equipment and the installation of 2 no additional storage tanks

Address: 139 Moneymore Road, Cookstown, Co Tyrone, BT80 944

Decision:

Decision Date: 10.07.2009

Ref ID: I/1973/0070

Proposal: CONSTRUCTION OF SEWAGE PUMPING STATION

Address: DUNMAN, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1989/0329

Proposal: Boilerhouse Extension

Address: DUNMAN FACTORY, MONEYMORE ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1977/0103

Proposal: NEW COVER OVER LOADING BAY TO EXISTING CHEESE FACTORY

Address: DUNMANBRIDGE, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1999/0377

Proposal: 11KV Interconnector

Address: LOCATED IN THE TOWNLANDS OF DRUMGARRELL, LISMONEY IN THE DISTRICT OF COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1998/0507

Proposal: 33/11KV Alterations

Address: DUNMAN COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses No objections
Drawing Numbers and Title

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

Drawing No. 02
Type: Existing Plans
Status: Submitted

Drawing No. 03
Type: Existing Plans
Status: Submitted

Drawing No. 04
Type: Existing Plans
Status: Submitted

Drawing No. 05
Type: Existing Plans
Status: Submitted

Drawing No. 06
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 07
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 10
Type: Proposed Plans
Status: Submitted

Drawing No. 11
Type: Proposed Plans
Status: Submitted

Drawing No. 12
Type: Proposed Plans
Status: Submitted

Drawing No. 13
Type: Proposed Plans
Status: Submitted

Drawing No. 14
Type: Proposed Plans
Status: Submitted

Drawing No. 15
Type: Proposed Plans
Status: Submitted

Drawing No. DOC 01
Type: Additional Environmental Information
Status: Submitted

Drawing No. DOC 02
Type: Additional Environmental Information
Status: Submitted

Drawing No. DOC 03
Type: Additional Environmental Information
Status: Submitted

Drawing No. DOC 04
Type: Additional Environmental Information
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



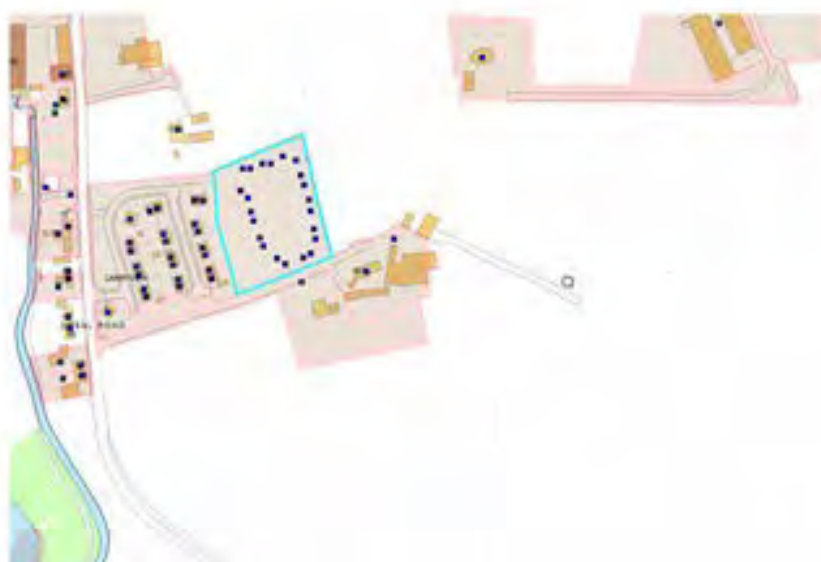
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1685/F	Target Date:
Proposal: Proposed change of house type and road layout from previously approved application no: I/2003/1097/F to provide 22 no. dwellings	Location: Land adjacent to Carryview Urban Road Coagh
Referral Route: Letter of objection	
Recommendation: Approval	
Applicant Name and Address: Sydney Brown and Son Ltd 212 Brackaville Road Newmills Dungannon, BT71 4EJ	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Proposed development is deemed acceptable and complies with all relevant planning policies	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non statutory	Rivers Agency	Consultation Standard
Statutory	Transport NI	Consultation Standard
Non statutory	N I Water	Consultation Standard
Statutory	Historic Environment Division (HED)	Consultation Standard
Non statutory	NIEA	Consultation Standard

Representations:

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

Summary of Issues

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application

Characteristics of the Site and Area

The application site is located within the settlement limits Of Coagh situated approximately 8km east of the centre of Cookstown as depicted in the Cookstown Area Plan 2010 (CAP.)

Coagh is a small rural village with an established vernacular built character incorporating a wide range of local facilities (church, health centre, school and shops). Several Local Landscape Policy Area designations are designated within the village including a Townscape Character in the centre of the village.

The application site had originally consisted of 2 fields located within the settlement limits of Coagh, County Tyrone, which was the subject of a planning application under I/2003/1097/F, for proposed housing development granted on 8 November 2005.

The previous development incorporated the front field onto Urbal Road and was completed under phase one included road layout and associated site works. The current proposal (phase 2) is for the development of 23 housing units which will incorporate high quality residential development to match phase one.

The site's topography is slightly elevated in a west to east direction with well-established boundaries to the north, east and south consisting of mature trees and thick hedgerows. The western boundary is currently open and will require landscaping proposals to knit phase one and two comprehensively.

Description of Proposal

Proposed change of house type and road layout from previously approved application no: I/2003/1097/F to provide 22 no. dwellings

The application had originally 23 units however this was reduced to 22 in order to avoid a sense of cramming at the site's entrance. The proposed development represents 2 detached units on either side of the entrance HT-4, 5 semi-detached units HT-1A, 2 blocks of 3 units HT-2A, and 2 larger semi-detached units HT-3. The units are all 3 bedrooms with the exception of HT-3 – 4 bedrooms.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

Policy References:

Cookstown Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 6 - Planning, Archaeology and the Built Environment

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Revised Planning Policy Statement 15 - Planning and Flood Risk

Creating Places

Supplementary planning guidance is found in:-

1. Living Places An Urban Stewardship and Design Guide for Northern Ireland;
2. Creating Places – Achieving Quality In residential Development;
3. Improving the Quality of Housing Layouts in Northern Ireland;
4. Development Control Advice Note 8: Housing in Existing Urban Areas

Strategic Planning Policy Statement for Northern Ireland (SPPS) September 2015 states: Good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development.

The Regional Development Strategy 2035 (RDS) acknowledges that housing is a key driver of physical, economic and social change and emphasises the importance of the relationship between the location of housing, jobs, facilities, services and infrastructure. Cookstown Area Plan 2010.

The headnote of SETT1 in the CAP 2010, indicates that favourable consideration will be given to the development proposals within settlement limits subject to specified criteria being met. The explanatory text states that the policy is applicable in respect of white land. It should be noted that there is not any physical or environmental constraints to development on the site. In terms of specified criteria, the erection of detached and semi-detached dwellings would not be out of keeping with the character of the surrounding area, which is defined by a mixture of housing types and associated garden areas.

In accordance with the Strategic Planning Policy Statement the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted having regard to the adopted Development Plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The impact of the proposal on the amenity of local residential properties will be considered in detail under the policy considerations below.

The planning context is provided by Planning Policy Statement 7 - Quality Residential Environments (PPS7) and its Addendum "Safeguarding the character of established Residential Areas" with the guidance contained in Creating Places and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN8) applicable. The planning history of this site is also material to consideration of this proposal.

Whilst, there is a need to provide more development in existing urban areas, this must be balanced with sensitivity to the character and amenity of the existing and proposed properties. Policy QD1 of PPS7 requires that proposals in established residential areas should not result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

The predominant land use in the area is residential, with a variety of detached dwellings, semidetached and terraced dwellings, some single storey and majority two storey. Plots sizes in the general area have an average ratio of building form to garden area.

Criterion (a) of Policy QD 1 of PPS 7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site.

It is noted that the 2 blocks of three semi-detached dwellings (HT-2A) will have their car parking spaces adjacent to the open space which is reasonably close proximity to the dwellings

As such the hard standings created by the in car parking is acceptable in this context.

Creating places (11.02) advises that building plots should be wide enough and deep enough to plant trees and shrubs to soften the visual impact of in curtilage car parking, to this end as there

is a soft planting strip to the north of the site and within the front garden areas of sites 1, 3, 4 and 7 and as such it is considered acceptable at this location.

Criterion (b) of Policy QD 1 of PPS 7 refers to features of archaeological, built heritage and landscaped features. As noted in the characteristics of the area this is a dense planted area of land, the outer boundaries of the site are proposed to be retained and supplemented and this can be conditioned appropriately. In addition the site does not have any archaeological, built heritage importance attached to it with the exception in phase one where there is a disused Kilim. HED HM have no concerns.

Criterion (c) of Policy QD 1 of PPS 7 refers to adequate provision for public and private open space and landscaped areas as an integral part of the development. Creating Places provides a figure that private amenity space for family sized homes should be around the 70sqm area with no dwellings being under the 40sqm. Obviously with any housing scheme the character of the area must be assessed. The units are around the 70sqm area and as such I found the proposal acceptable in this case in its surrounding context.

Criterion (d) of Policy QD 1 refers to adequate provision for community facilities. Given the location and size of this site I do not feel that this is necessary.

Criteria (e) of Policy QD 1 is met with the provision of footpaths and links to existing footpaths.

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision be made for parking.

The scheme provides for 2 in curtilage parking spaces per unit, in addition there is unassigned communal car parking provision. In reference to table 8 of Creating Places the development meets the car parking requirement.

Criterion (g) of Policy QD 1 has been met as the materials and finishes are acceptable.

Criterion (h) of Policy QD 1 requires that 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. Creating Places indicates that a separation distance of around 20m between the opposing rear first floor windows of new dwellings is generally acceptable. It also states that a minimum of 10m to the common boundary plans show good separation distances defined by 1.8m high side and rear boundary fence and wall with pillars and wooden gate to the front is generally acceptable. There is no detrimental impact on amenity.

An objection was received on 16/12/2016 and a further follow up letter from the objector was received 30 May 2017. The concerns raised in the letters are as follows:

- Trees - the objector refers to LLPA3 and TPO surrounding lands at no. 70 Urban Road, Coagh (Ultimo House), the building is listed reference: HB09/07/020 requesting no development within the designated TPO area.
-

Consultations were carried out with MUDC Conservation Office provided a copy of the Tree Preservation Order, map A and map B in conjunction with drawing no 02 bearing date 30 November 2016, revised drawing (02A) who stated the proposed development will not impact on trees protected under the TPO.

In terms of LLPA3 this is not impacted as the LLPA does not extend beyond phase one and therefore will not be impacted by the development.

- Over development - The objector makes the claim the proposed development represents over development of the site. Whilst this had been a valid point, following consultations with the agent it was agreed to reduce from two units to one unit on site 1 in keeping with high quality residential layout in accordance with Creating places;

- Open space provision – the objector suggested open space should be increased from 10% to 15%, on balance I felt this was unnecessary and the open space provided is sufficient.

- Buffer 5-10m (southern and eastern boundaries).

Given that there is an established treeline and thick vegetation, some additional tree planting is required to infill gaps along the boundary. On balance, private amenity space and separation fence is considered sufficient and conditions can be applied in relation to buffer denoting edge of town with open country if needs be.

- Fence to northern boundary – as earlier indicated there is no impact with any tree protected under TPO and LLPA3, the agent has been advised to continue with line of fencing in phase one through to phase two in order to strengthen the Northern boundary.

- Underground drain along northern boundary – objector raised flooding concerns and suggested a Drainage Assessment be commissioned to identify potential flooding concerns – as with any development over 10 units legislation requires a Drainage Assessment (DA). The agent submitted a DA which was received 21 April 2017, and Rivers Agency were consulted and content.

The Drainage Assessment confirmed the absence of a suitable watercourse in the vicinity of the application site. NI Water have agreed to permit storm-water discharge to the Phase I sewers.

The DA stated that following checks with Rivers Agency and NI Water no reference could be found relating to a water course or underground drain as indicated by the objector.

However, there is a suggestion from the landowner that there may be a 300mm concrete pipe to a point approximately half way up the dry sheugh. I am content the Drainage Assessment contains mitigation measures to deal with any water issue that may occur a result of future water related issues.

Rivers Agency have confirmed they are happy with the proposed development and made comments there are no watercourses in the immediate vicinity of the application site with the nearest watercourse being the Ballinderry River located circa 220 metres to the west.

With regards to FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains Rivers Agency accept the logic of the report and has no reasons to disagree with its conclusions.

Transport NI have been consulted and requested a number of amendments to the layout and parking. PSD drawings are currently with TNI for approval.

It should be noted the access arrangements are as per the previous approval.

Having regard to planning legislation and site specific criteria I am satisfied that all relevant planning policies and material considerations have been applied with and thus recommend approval subject to conditions.

Neighbour Notification Checked	Yes
Summary of Recommendation: Approve	
Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. During the first available planting season after the first occupation (for habitable purposes) of more than 50% of the dwellings hereby approved, the developer shall plant the landscaped areas in accordance with the details on Drawing Nos 15 and 16 date received 20 June 2017. All hard and soft landscape works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. These areas shall be permanently retained for this use thereafter. Reason: To ensure that the landscaping provision is completed in a timely manner for the benefit of the occupiers and to aid integration of the development into the local landscape as quickly as possible. 3. The open space and landscape areas drawing Nos 15 and 16 shall be managed and maintained in accordance with the agreed management and maintenance plan submitted to the Council bearing date stamp 20 June 2017 Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Council's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation. 4 No unit hereby approved shall be occupied until the Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company for all areas of public open space and landscaping as identified in drawing nos 15 and 16 date stamp 20 June 2017 Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Council's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.	

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

5. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.50 over the first 5 m outside the road boundary. Where the vehicular access crosses footpath, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footpath.

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

6. Mid Ulster Council hereby determines that the width, position and arrangement of the streets (footpath), and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.14 Rev 01 bearing the date stamp 10 June 2017.

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

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. The applicant is advised to contact NIW through its Customer Relations Centre on 08457440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served. The proposer would need to contact NIW immediately due to network issues within the Cookstown Area.

3. Rivers Agency wish to advise that the Strategic Flood Map shows the site to be unaffected by Q100 Flood Plain and a visual site inspection would agree.

Rivers Agency has no objection from a flood aspect to this elevated site.

Initially application should be made to the local Rivers Agency office for consent to discharge storm water, under schedule 6 of the Drainage Order 1973, detailing proposal point of discharge and proposed quantity in litres per second.

It is the responsibility of the developer to satisfy the appropriate authorities that the internal site drainage complies with the appropriate legislation and includes for exceedance (refer to CIRIA document C635).

Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters

4. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

5. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

6. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

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

7. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under the seal for himself and his successors in tile with the Department to make the roads (including road drainage) in accordance with The Private Streets (construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from DFI Transport in respect of detailed standards required for the construction of streets in accordance with The Private Streets (construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (amendment) Regulations (Northern Ireland) 2001.

Under The Private Streets (Construction) (amendment) Regulations (Northern Ireland) 2001, design of any Street Lighting Schemes will require approval from TransportNI's Street Lighting Consultancy, Co Hall, Ballymena. The applicant is advised to contact Street Lighting Section at an early stage. The Applicant / Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footpath or any part of said road, verge of footpath bounding the site. The consent is available on personal application to TransportNI Section Engineer whose address is Molesworth Plaza, Molesworth Street, Cookstown.

A monetary deposit will be required to cover works on the public road.

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

A detailed programme of works and any required / associated traffic management proposals shall be submitted to and agreed by TransportNI, prior to the commencement of any element of road works.

Under the terms of Schedule 6 of the Drainage (NI) Order 1973 the applicant must submit to Rivers Agency, for its consent, any proposal to carry out works which might affect a watercourse.

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

Signature(s)

Date:

Signature(s)

Date:

ANNEX	
Date Valid	30th November 2016
Date First Advertised	15th December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Carryview Urbal Coagh The Owner/Occupier, 18 Carryview Urbal Coagh The Owner/Occupier, 19 Carryview Urbal Coagh The Owner/Occupier, 20 Carryview Urbal Coagh The Owner/Occupier, 21 Carryview Urbal Coagh The Owner/Occupier, 22 Carryview Urbal Coagh The Owner/Occupier, 23 Carryview Urbal Coagh The Owner/Occupier, 24 Carryview Urbal Coagh The Owner/Occupier, 25 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 26 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 27 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 28 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 29 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 30 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 31 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 32 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 33 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 34 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 35 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 36 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 37 Carryview, Urbal, Coagh, Tyrone,, The Owner/Occupier, 38 Carryview, Urbal, Coagh, Tyrone,,	

The Owner/Occupier,
 39 Carryview, Urbal, Coagh, Tyrone,,
 The Owner/Occupier,
 40 Carryview, Urbal, Coagh, Tyrone,,
 The Owner/Occupier,
 41 Carryview, Urbal, Coagh, Tyrone,,
 The Owner/Occupier,
 42 Carryview, Urbal, Coagh, Tyrone,,
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 43 Carryview, Urbal, Coagh, Tyrone,,
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 44 Carryview, Urbal, Coagh, Tyrone,,
 The Owner/Occupier,
 45 Carryview, Urbal, Coagh, Tyrone,,
 The Owner/Occupier,
 46 Carryview, Urbal, Coagh, Tyrone,,
 The Owner/Occupier,
 70 Urbal Road Urbal Coagh
 The Owner/Occupier,
 90 Urbal Road Urbal Coagh
 The Owner/Occupier,
 90A Urbal Road Urbal Coagh
 The Owner/Occupier,
 90A Urbal Road, Urbal, Coagh, Co Tyrone BT80 0DP
 Les Ross
 9A, Clare Lane, Cookstown, Tyrone, Northern Ireland, BT80 8RJ
 Les Ross
 9a Clare Lane, Cookstown, BT80 8RJ

Date of Last Neighbour Notification	
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Date of EIA Determination	N/A
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ES Requested	No
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Planning History	
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Ref ID: LA09/2016/1685/F

Proposal: Proposed change of house type and road layout from previously approved application no: I/2003/1097/F to provide 23 no. dwellings

Address: Land adjacent to Carryview, Urbal Road, Coagh,

Decision:

Decision Date:

Ref ID: I/2004/1391/F

Proposal: Replacement dwelling & garage

Address: Adjacent to 90 Urbal Road, Coagh

Decision:

Decision Date: 14.07.2005

Ref ID: I/2003/1097/F

Proposal: Proposed Housing Development

Address: Lands at Urbal Road, Coagh. Opposite 75-89 Urbal Road

Decision:

Decision Date: 08.11.2005

Ref ID: I/2012/0035/F

Proposal: Proposed 2 storey rear extension to dwelling to create living room and bedroom

Address: 17 Carryview, Urbal Road, Coagh, Cookstown, Co Tyrone,

Decision:

Decision Date: 06.04.2012

Ref ID: I/2013/0241/F

Proposal: Retrospective planning application for retention of extension to curtilage of dwelling

Address: 17 Carryview, Urbal Road, Coagh, Cookstown,

Decision: PG

Decision Date: 03.04.2014

Summary of Consultee Responses

All statutory bodies were consulted on this application no objections recorded. All other material considerations have been addressed within the determination of this application.

Drawing Numbers and Title

Drawing No. 01A

Type: Site Location Plan

Status: Submitted

Drawing No. 02B

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 03

Type: Floor plans & elevations

Status: Submitted

Drawing No. 04

Type: Floor plans & elevations

Status: Submitted

Drawing No. 05

Type: Floor plans & elevations

Status: Submitted

Drawing No. 06

Type: Floor plans & elevations

Status: Submitted

Drawing No. 07

Type: Floor plans & elevations

Status: Submitted

Drawing No. 08

Type: Floor plans & elevations

Status: Submitted

Drawing No. 09

Type: Floor plans & elevations

Status: Submitted

Drawing No. 10

Type: Road sections

Status: Submitted

Drawing No. 11

Type: Road details

Status: Submitted

Drawing No. 13

Type: Road Sections

Status: Submitted

Drawing No. 14

Type: PSD Drawing

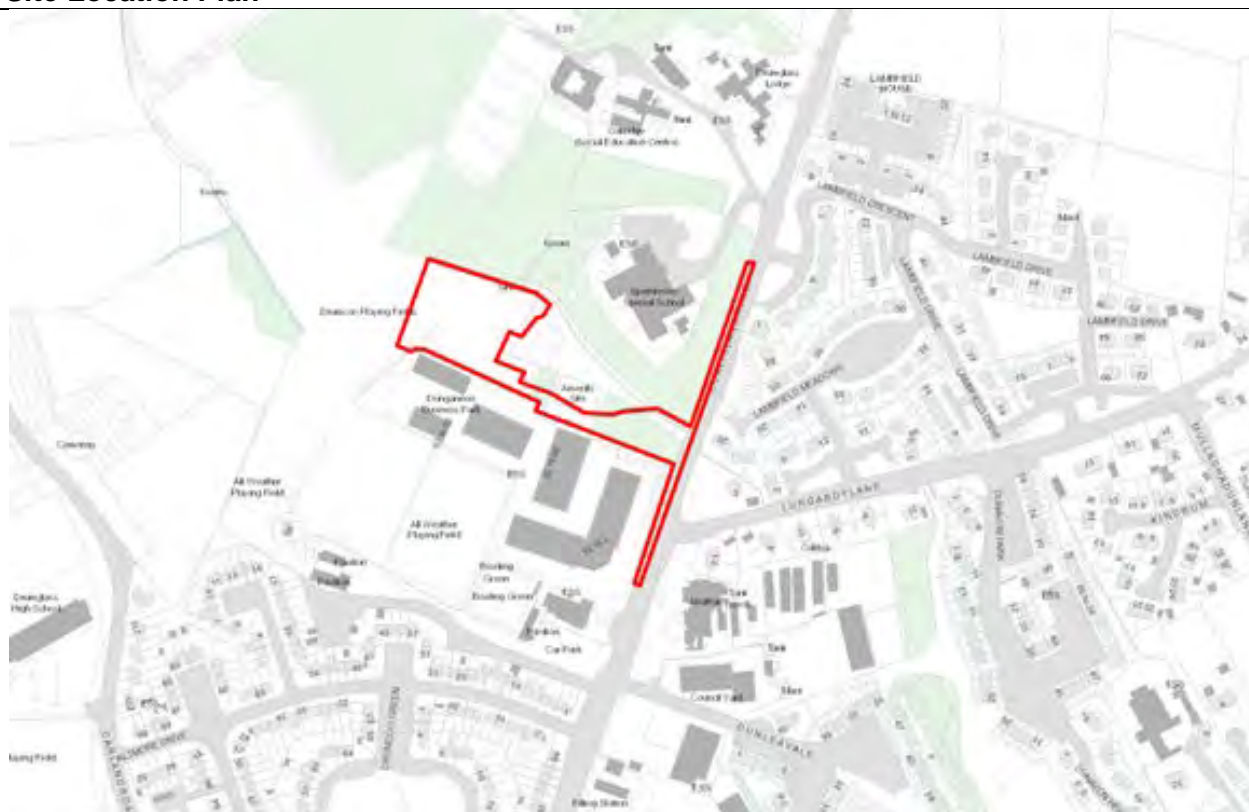


Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1750/F	Target Date:
Proposal: The development of a non-hazardous waste transfer station, including portal frame steel building, concrete yard area, retaining walls and sprinkler water storage tank	Location: Drumcoo Recycling Centre Coalisland Road Dungannon
Referral Route: The applicant is Mid Ulster District Council.	
Recommendation:	APPROVE
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address: WDR and RT Taggart Laganwood House Newforge Lane Belfast BT9 5NX
Executive Summary: We are currently awaiting comments from Transport NI and NIEA and hope to have these by the date of the committee meeting. Subject to satisfactory responses from NIEA and TNI, the proposal satisfies policy requirements and I recommend permission is granted subject to conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type

Consultee

Response

See below.

Representations:

Letters of Support

None Received

Letters of Objection

None Received

Number of Support Petitions and signatures

No Petitions Received

Number of Petitions of Objection and signatures

No Petitions Received

Summary of Issues

No representations received.

Characteristics of the Site and Area

The site is located to within the settlement limits of Dungannon at Drumcoo Recycling Centre, Coalisland Road. It is in an area characterised by a mixtures of uses, including waste management, industrial, business, education and residential. In the wider area there is Oaks shopping centre which includes retail units, a supermarket as well as a petrol station.

The site is disused land associated with the recycling centre. Site levels rises from the public road to the rear of the site. The land is fenced off and is bounded to the north by a forested area, to the west by playing fields and to the south by Dungannon Business Park.

Description of Proposal

The proposal is for the development of a non-hazardous waste transfer station, including portal frame steel building, concrete yard area, retaining walls and sprinkler water storage tank at Drumcoo Recycling Centre, Coalisland Road, Dungannon. The proposal is located adjacent to and will essentially form an extension of the existing recycling centre. The supporting information advises that this transfer station is required to facilitate management operations of Mid Ulster Council for the acceptance and storage of non-hazardous waste and the bulking for onward transfer to an appropriate licensed facility. The facility will accept municipal waste, including black bin, blue bin and brown bin waste collected by Mid Ulster District Council. There will be no processing of waste materials involved within the proposed development. The Council has determined a need for this facility due to the planned closure of Tullyvar Landfill Site in 2018. This facility will therefore be required to deal with waste that was previously landfilled at Tullyvar.

Planning Assessment of Policy and Other Material ConsiderationsPolicy Considerations

- Dungannon and South Tyrone Area Plan
- SPPS: Planning for Sustainable Development
- PPS 3: Access, Movement and Parking
- PPS 8: Open Space, Sport and Outdoor Recreation
- PPS 11: Planning and Waste Management

The Dungannon and South Tyrone Area Plan (2010) identifies the site within the development limits of Dungannon which gives favourable consideration to development subject to local plan policies. It is located in an area of partially within an area designated as 'existing recreation and open space' which relates to Plan policy RSO 1 which states – development proposals will be determined in accordance with the provisions of prevailing regional planning policy.

The Strategic Planning Policy Statement published in September 2015 retains PPS11: Planning and Waste Management which along with PPS 8: Open Space, Sport and Outdoor Recreation is the main policy consideration for the development proposal. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.

Proposal

The site is located to the rear of the recycling centre and set back some 160m from the Coalisland Road. The development will consist of a new portal frame clad building, concrete yard area, retaining walls and sprinkler water storage tank.

The application was accompanied with a supporting statement which details the proposal, its use, permitted wastes, hours of operation, plant and equipment, deliveries of waste, site drainage, site operations including deliveries, waste load, inspection and dispatch and site management and monitoring including dust, mud, debris, odour, noise, vermin and litter control.

Consultations

Consultations were issued to:

- Environmental Health
- NI Water
- NIEA
- Rivers Agency
- Transport NI

The following reports were subsequently submitted upon request for consideration

- Transport Assessment Form
- Drainage Assessment
- Contaminated Land Risk Assessment PRA
- Contaminated Land Risk Assessment GQRA
- Badger Sett Assessment

Assessment

PPS 3: Access, Movement and Parking

PPS 3 sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. The proposal anticipates two additional cars from staff members and 35 additional HGV movements per day. Parking standards does not set out explicit requirements for the type of development proposal. Existing parking is available at the recycling centre, thus given the numbers presented I am satisfied that sufficed parking provision for additional vehicles of staff members is provided within the site. Transport NI were consulted and additional information was requested, including details of access arrangements and internal movements. A meeting was held with Sean Hackett of TNI on 24th May 2017 to discuss the requirements. Revised and additional information was subsequently received on 8th June 2017. Transport NI have been re-consulted and we await their comments.

PPS 8: Open Space, Sport and Outdoor Recreation

Policy OS 1 Protection of Open Space

The above policy states, that development which results in the loss of existing open space or land zoned for the provision of open space will not be permitted. It is notable that the site while zoned as open space, forms part of the existing site of the recycling centre. It is fenced off from Drumcoo playing fields adjacent and is in a disused state. The total area of designated Open Space at and adjacent to the site, is approximately 12.55 Ha. The development proposal will result in a loss of approximately 0.82Ha, equating to 6.5% of the total area of designated Open Space. However, policy OS 1 states, the presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

It continues to state;

An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

The proposed facility will serve residents within the immediate vicinity as well as the wider Mid Ulster District Council Area. The proposal coincides with the closure of Tullyvar landfill site. It will contribute to the Councils Waste Management Policy and The Northern Ireland's Executive programme for Government 2011 – 2015 which contains a commitment to achieve a household recycling or composting rate of 45% for NI by 2014 / 15, under the objective, 'Protecting our People, the Environment and Creating safer Communities.' A strategic need has been identified for the proposal and the site has been chosen as the Best Practicable Environmental Option as it will reduce haulage for refuse vehicles and reduce emissions. I am therefore satisfied that the proposal will bring about substantial community benefits which decisively outweigh the loss of open space.

Department of the Environment Planning (General Development Procedure) Order (Northern Ireland) 2015 Planning (Notification of Councils' Own Applications) Direction 2015

Under the above direction, where the district Council is the applicant / developer, we are required to notify The department in circumstances where the proposed development would be significantly contrary to the development plan for its district. Given the proposal meets the above policy and will not result in significant loss in terms of quantum or distribution of Open Space, we are content that there is not a need to notify.

PPS 11: Planning and Waste Management**Policy WM 1 Environmental Impact of a Waste management Facility**

The above policy states that proposals for development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that the following criteria can be met:

- ***the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;***

It is proposed that surfaces will be impermeable with sealed drainage. All waste will be stored for no longer than 48 hours and management practices have been proposed to control any potential human health or environmental impact. It is also noted that the proposed facility will be regulated under a Waste Management Licence by NIEA.

Environmental Health were consulted and have no objections to the proposal, however recommend the below informative is added to any planning permission granted.

Informative:

The Clean Neighbourhood and Environment Act (Northern Ireland) 2011

The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.

NIEA were consulted and upon submission of a Contaminated Land Risk Assessment – Preliminary Risk assessment (PRA), further request was made for a Generic Quantitative Risk Assessment (GQRA). The GQRA was received and NIEA have been re-consulted for comment. The GQRA concludes;

“Based upon an assessment of the concentrations observed and local hydrogeological setting, no significant risk to the water environment or human health is predicted. Ground gas monitoring showed a classification of CS2 (low risk), therefore the following specific gas protection measures are considered necessary:

- Reinforced concrete cast in-situ floor slab (suspended, non-suspended or raft) with at least 1200g dpm2. All joints and penetrations sealed.
- Beam and block pre cast slab and minimum 2000g DPM / or reinforced gas membrane. All joints and penetrations sealed.”

We await comments from NIEA on the above findings.

- ***the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;***

The proposal is located in an area of mixed use and is adjacent to and will extend existing recycling facilities at Drumcoo Coalisland Road. The proposal will share site access, weighbridges and staff welfare facilities with the existing HRC (Household Recycling Centre). It is therefore be compatible with the established land use and adjacent uses in the surrounding area.

- ***the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;***

The proposed development is located to the rear of existing recycling facilities. It is positioned some 160m from the Coalisland Road and the site is bounded to the north by a forested area

and largely screened from the public road by trees. The building is designed to be in keeping with surrounding buildings, which are notably large in scale, particularly at Dungannon Business Park adjacent. I do not consider given the surrounding character of the area and the separation distance afforded from the public road, that the proposal will cause unacceptable adverse impact on the area.

• the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;

As discussed, Environmental health were consulted and have no objection but recommend and informative outlining The Clean Neighbourhood and Environment Act (Northern Ireland) 2011.

• the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;

• adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;

The proposal will share an access with the existing recycling centre. Following consultation with Transport NI, upgrades have been proposed to the access arrangements to address the intensification of use. Internal movements have also been depicted on drawings. Existing parking at the recycling centre is proposed to also serve the proposal. Further to a meeting with Sean Hackett of TNI, additional drawings were received and a re-consultation has been issued to TNI. We await their comments.

• wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;

The site has no immediate link to waterways or railways which would facilitate alternative modes of transport, nor would they be appropriate given the nature of the proposal.

• the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.

There are no archaeological or built heritage interests in the vicinity of the site. NIEA were consulted and upon request details of lighting due to potential impact on bats and a Badger Settle Assessment were submitted subsequent to the identification of a Badger Settle on neighbouring land to the north west. NIEA: Natural Environment Division NED are content with the lighting details provided. The Badger Report concludes that evidence suggests the badger settle is disused, with no activity being noted at the time of the inspection. We await comments from NIEA in relation to this report.

• the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;

Information accompanying the application, notes that no treatment or disposal of waste will take place on site. All waste operations will take place within a purpose constructed building therefore mitigating emissions to the air. Waste will not be stored for more than 48 hours, therefore mitigating odour emissions. The waste will be stored on impermeable concrete with sealed drainage.

• the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;

The site is not within an area identified as at risk from flooding. Rivers Agency were consulted following their request for a drainage assessment, they are content with the findings of the report and have no objection to the proposal.

• the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;

The proposal is not located on agricultural land.

• In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

Not applicable.

In summary, I am content that, subject to satisfactory responses from NIEA in relation to the Badger Sett Assessment and GQRA, and from Transport NI in relation to access arrangements, the proposal does not offend policy WM 1 of PPS 11.

Policy WM 2 Waste Collection and Treatment Facilities

The above policy states that proposals for the development of a waste collection or treatment facility will be permitted where:

(a) there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction; and

Information accompanying the application notes that the proposed development will assist in the Council's compliance with the current WMS and is a requirement of the current WMP.

(b) the proposed facility is the BPEO; and

The supporting statement state that the proposal is the Best Practicable Environmental Option as it will reduce haulage for refuse vehicles and reduce emissions. The development is identified as a strategic need in the current WMP and the BPEO has been considered as part of that plan.

(c) the proposed facility complies with one or more of the following locational criteria:

• it is located within an industrial or port area of a character appropriate to the development; or

• it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or

• it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or

• in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst

avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or

- **where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups.**

The proposal will form an extension to the existing recycling centre at Coalisland road, and is therefore located in an appropriate area. The proposal will bring back into use, derelict land associated with the recycling centre and will avail of the existing facilities, including parking and access arrangements albeit, upgrades are required.

Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact; and

(d) the following criteria are also met:

- **in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;**

The proposed development is not a regional scale facility, however it will serve the wider community and is easily accessible from key transport corridors.

- **proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;**

The proposal development does not include the sorting or processing of waste. A purpose built building is however proposed for storage of waste with ancillary yard for traffic movements.

- **the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;**

Non-hazardous waste will be received and stored within the building proposed. The surfaces associated with waste storage will be reinforced concrete which is appropriate to the nature of the waste concerned.

- **proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and**

Not applicable.

- **it will not result in an unacceptable adverse environmental impact that cannot be prevented**

Environmental impacts have been considered under policy WM 1 of PPS 11. Subject to satisfactory response from NIEA as previously discussed, policy WM2 is not offended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions, subject to satisfactory response from Transport NI and NIEA.
(Responses are anticipated by date of committee meeting.)

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.

NB: Additional conditions will be considered upon response from NIEA and TNI.

Informatives

1. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

2. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

3. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

4. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

5. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

6. The responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors (refer to section 5.1 of PPS 15).
Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of DfI Rivers. This should be obtained from our Armagh Office, 44 Seagoe Industrial Estate, Seagoe Lower, Craigavon, BT63 5QE.

7. The Clean Neighbourhood and Environment Act (Northern Ireland) 2011

The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.

Signature(s)

Date:

ANNEX	
Date Valid	12th December 2016
Date First Advertised	5th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) <p>The Owner/Occupier, 121 Tutoring Service, 30 Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, 2 Lurgaboy Lane, Lurgaboy, Dungannon</p> <p>The Owner/Occupier, 26 Lambfield Meadows, Lurganboy, Dungannon</p> <p>The Owner/Occupier, BMAC Strength Training, 59 Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Box 11, Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Box 12, Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Box 2, Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Box 3, Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Box 4, Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Box 5, Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Box 7, Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier, Boyd Electronics, 23 Dungannon Enterprise Centre, Coalisland Road, Dungannon</p> <p>The Owner/Occupier,</p>	

Light Creations, Dungannon Enterprise Centre, Coalisland Road, Dungannon
The Owner/Occupier,
Oaks IT Suite, Dungannon Enterprise Centre, Coalisland Road, Dungannon
The Owner/Occupier,
PFI Training, 49 Dungannon Enterprise Centre, Coalisland Road, Dungannon
The Owner/Occupier,
S.D. Salads, 14 Dungannon Enterprise Centre, Coalisland Road, Dungannon
The Owner/Occupier,
Sandwich Supreme, 38 Dungannon Enterprise Centre, Coalisland Road, Dungannon
The Owner/Occupier,
Smyth Architecture, 45C Dungannon Enterprise Centre, Coalisland Road, Dungannon
The Owner/Occupier,
Sperrin View Special School, 8 Coalisland Road, Drumcoo, Drumcoo, Dungannon, Tyrone, BT71 6FA,
The Owner/Occupier,
Summer Garden, Dungannon Enterprise Centre, Coalisland Road, Dungannon
The Owner/Occupier,
Unit 44, Dungannon Enterprise Centre, Coalisland Road, Dungannon

Date of Last Neighbour Notification

8th February 2017

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: LA09/2016/1750/F

Proposal: The development of a non-hazardous waste transfer station, including portal frame steel building, concrete yard area, retaining walls and sprinkler water storage tank

Address: Drumcoo Recycling Centre, Coalisland Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2016/1664/PAD

Proposal: Drumcoo Waste Transfer Station

Address: Lands at Coalisland Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2003/0060/F

Proposal: Modification to approved housing development to incorporate new boundary wall at no2 Lurgaboy Lane and change of house types at Lambfield Meadows at above address.
permission (M/2001/0887)

Address: Lambfield, Coalisland Road, Oaklea Road, Dungannon

Decision:

Decision Date: 12.12.2003

Ref ID: M/1990/0005

Proposal: Extension to existing amenity site(skip site)

Address: COALISLAND ROAD KILLYLACK GLEBE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0432

Proposal: Erection of new Special School

Address: ADJACENT TO DRUMGLASS HOSPITAL DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/6009

Proposal: New Special School Sperrin View Oaks Road Dungannon

Address: Sperrin View Oaks Road Dungannon

Decision:

Decision Date:

Ref ID: M/1994/6045

Proposal: Tree Preservation Order Oaks Road, Drumcoo, Dungannon.

Address: Oaks Road, Drumcoo, Dungannon.

Decision:

Decision Date:

Ref ID: M/1994/6061

Proposal: Additional Complex Drumglass Hospital, Dungannon.

Address: Drumglass Hospital,

Decision:

Decision Date:

Ref ID: M/1974/0573

Proposal: ERECTION OF AMBULANCE REFUELLING STATION

Address: DRUMGLASS HOSPITAL, COOKSTOWN ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/0122

Proposal: Erection of new special School

Address: ADJACENT TO DRUMGLASS HOSPITAL OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/6005

Proposal: Dwelling 84 Coalisland Road, Dungannon

Address: 84 Coalisland Road, Dungannon

Decision:

Decision Date:

Ref ID: M/1993/6086

Proposal: Possible uses of land Drumglass Hospital Dungannon

Address: Drumglass Hospital Dungannon

Decision:

Decision Date:

Ref ID: M/1976/057701

Proposal: PLAYING FIELD AND CHILDREN'S PLAY AREA

Address: DRUMCOO, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0670

Proposal: Erection of 6 No Floodlights.

Address: DRUMCOO PLAYING FIELDS, OAKS ROAD, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/1976/0577

Proposal: PLAYING FIELDS AND PLAY AREA

Address: DRUMCOO, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0654

Proposal: CONSTRUCTION OF RECREATION MAINTENANCE AND EQUIPMENT STORE

Address: DRUMCOO, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2005/1332/F

Proposal: Alteration to previously approved application (M/2005/0321) at Dungannon Enterprise Centre for the provision of additional workspace - Class iv Light Engineering.

Address: 2 Coalisland Road, Dungannon

Decision:

Decision Date: 18.07.2005

Ref ID: M/1994/0117

Proposal: Erection of sign

Address: DUNGANNON ENTERPRISE CENTRE 2 COALISLAND ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0042

Proposal: 2 Workshop blocks adjacent to existing enterprise centre to accommodate 34 workshop units

Address: 2 COALISLAND ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2001/0602/Q

Proposal: Proposed Sub-Division of Unit T10

Address: Dungannon Enterprise Centre

Decision:

Decision Date:

Ref ID: M/2003/1410/Q

Proposal: Extension to Dungannon Enterprise Centre

Address: Dungannon Enterprise Centre, Oaks Road Dungannon

Decision:

Decision Date:

Ref ID: M/1988/0834B

Proposal: Enterprise Centre

Address: DRUMCOO PLAYING FIELDS OAKS ROAD,DUNGANNON

Decision:

Decision Date:

Ref ID: M/1988/0834

Proposal: Enterprise Centre

Address: DRUMCOO PLAYINGFIELDS OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2013/0137/A

Proposal: New entrance sign to reception area

Address: 2 Coalisland Road, Dungannon, Co Tyrone,

Decision: CG

Decision Date: 29.04.2013

Summary of Consultee Responses

- Environmental Health - No objection, recommendation of informative
- NI Water – No issues raised
- NIEA – Response pending
- Rivers Agency - No objection, recommendation of informatives
- Transport NI – Response pending

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02rev1

Type: Site Layout

Status: Submitted

Drawing No. 03rev2

Type: Access Layout

Status: Submitted

Drawing No. 04

Type: Existing Site Levels

Status: Submitted

Drawing No. 05

Type: Proposed Site Levels

Status: Submitted

Drawing No. 06

Type: Internal Traffic Flow HGVs

Status: Submitted

Drawing No. 07

Type: Internal Traffic refuse Vehicles

Status: Submitted

Drawing No. 08

Type: Sprinkler System

Status: Submitted

Drawing No. 09

Type: Cross Section

Status: Submitted

Drawing No. 10

Type: Building Elevations

Status: Submitted

Drawing No. 11

Type: Building Floorplan

Status: Submitted

Drawing No. 12

Type: Earthworks Section

Status: Submitted

Drawing No. 13

Type: Cross Section

Status: Submitted

Drawing No. 14rev1

Type: Site Access Plan 2

Status: Submitted

Drawing No. 15rev1

Type: Site Location Plan

Status: Submitted

Drawing No. 16rev1

Type: Site Layout 1

Status: Submitted

Drawing No. 17rev1

Type: Site Layout 2

Status: Submitted

Drawing No. 18

Type: Lighting

Status: Submitted

Drawing No. 19

Type: Badger Buffer Zone

Status: Submitted

Drawing No. 20

Type: Autotrack 1

Status: Submitted

Drawing No. 21

Type: Autotrack 2

Status: Submitted

Drawing No. 22

Type: Autotrack 3

Status: Submitted

Drawing No. 23

Type: Autotrack 4

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: LA09/2016/1797/F	Target Date:
Proposal: Change of house type and re-siting of dwelling location to that previously approved under I/2008/0310/RM	Location: Lands 50 m east and south east of 20 Loughdoo Road Cookstown
Referral Route: Applicant has requested MUC to revoke applications I/2005/0118/O & I/2005/0310/RM in favour of LA09/2016/1685/F	
Recommendation: Approve	
Applicant Name and Address: Shauna Loughran 18a Loughdoo Road Cookstown BT80 9PL	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary: Planning application LA09/2016/1797/F, meets all relevant planning policies and therefore should be approved subject to revocation process relating to planning permissions I/2005/0188/O and I/2008/0310/RM	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI	Consultation Standard
Statutory	Historic Environment Division (HED)	Consultation Standard
Non statutory	NI Water	Consultation Standard

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

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application

Characteristics of the Site and Area

The application site is situated 50m east and south of no 20 Loughdoo Road. The proposed site was approved as an outline under I/2005/0118/O and I/2008/0310/RM the principle of planning has been settled – this application has the fall-back position under I/2008/0310/RM. This application relates to a single storey detached dwelling with detached garage set in the open countryside 50m east and south of no 20 Loughdoo Road. The application is a full planning application and will be assessed against the relevant planning policy SPPS and PPS 21 Sustainable Development in the Countryside.

The surrounding landform is one of undulating countryside and the land falls north towards the public road. Immediately adjacent to the west of the application site is no 18 a single storey

dwelling and further north east is no 20 which is an older 1 ½ storey dwelling with a large curtilage which is well screened with mature trees.

The site is sited within the rural area as depicted in the Cookstown Area Plan 2010 (CAP). There is no specific planning policy in Cookstown Area Plan 2010 material to this application. The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS.

One such retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

Description of Proposal

Report on the revocation of planning permissions I/2005/0118/o and I/2008/0310/RM in favour of AL09/2016/1797/F for Change of House Type and re-siting of dwelling location to that previously approved under I/2008/0310/RM

This application relates to a single storey detached dwelling with detached garage set in the open countryside 50m east and south of no 20 Loughdoo Road. The application is a full planning application and will be assessed against the relevant planning policy SPPS and PPS 21 Sustainable Development in the Countryside. The surrounding landform is one of undulating countryside and the land falls north towards the public road. Immediately adjacent to the west of the application site is no 18, a single storey dwelling and further north east is no 20 which is an older 1 ½ storey dwelling with a large curtilage which is well screened with mature trees.

The site is sited within the rural area as depicted in the Cookstown Area Plan 2010 (CAP). There is no specific planning policy in Cookstown Area Plan 2010 material to this application. The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One such retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

BACK GROUND

The Department previously approved I/2005/0118/O, permission granted on 2 June 2005, & I/2008/00310/RM (Reserve Matters) approved on 21 October 2008 for a proposed dwelling at approx. 50m east of No 20 Loughdoo Road, Cookstown.

Both applications were respectively taken to Cookstown District Council's Planning Committee with recommendation to approve by DOE Planning Service. (See location plan attached to this report)

In terms of I/2008/0118/O approval subject to conditions, means of access, siting, design, external appearance and landscaping reserved for future consideration.

In the case of I/2008/00310/RM, all matters were met and approval granted on 21 October 2008.

On 21 December 2016 Mid Ulster Council received an application LA09/2016/1797/F for Change of house type and re-siting of dwelling location to that previously approved under I/2008/0310/RM (See location plan attached to this report)

During the processing of the application of the above application it was identified that the proposed development fell outside the site red lines of the 2 previous applications and given that site works had already commenced meant a live application existed which could not be superseded by condition in favour of LA09/2016/1797/F.

The applicant was made aware of the situation and in a letter to Council dated 29 March 2017 requesting Council to revoke the originally applications in favour of LA09/2016/1797/F. The applicant also agreed to reimburse Council's advertisement and legal costs.

Note

The current application LA09/2016/1797/F has been assessed against the relevant planning policies contained in PPS 21 Sustainable Development in the Countryside CTY 10 farm dwelling as was the previous application I/2005/0118/O for a farm dwelling. The application was deemed acceptable and recommended approval subject to the revocation of I/2005/0118/O & I/2008/00310/RM.

Procedure for revocation

Section 71 of the Planning Act (Northern Ireland) 2011 states that if it appears to the Local Planning Authority that it is expedient to revoke or modify any permission to develop land, the authority may by order revoke or modify the permission to such extent as they consider expedient.

In exercising their functions this section of the Act, the Council shall have regard to the development plan and to any other material considerations. A decision on revocation must be made in accordance with the development plan unless material considerations indicate otherwise.

I recommend to Council that planning permissions I/2005/0118/O& I/2008/00310/RM are revoked in favour of LA09/2016/1797/F.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions

Signature(s)

Date:

ANNEX	
Date Valid	21st December 2016
Date First Advertised	12th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Loughdoo Road, Killucan, Pomeroy, Tyrone, BT80 9JL, The Owner/Occupier, 20 Loughdoo Road Killucan Pomeroy	
Date of Last Neighbour Notification	13th January 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2014/0367/F Proposal: Change of house type with garage Address: 150m West of 18 Loughdoo Road, Cookstown, Decision: PG Decision Date: 13.02.2015 Ref ID: LA09/2016/1797/F Proposal: Change of house type and re-siting of dwelling location to that previously approved under I/2008/0310/RM Address: Lands 50 m east and south east of 20 Loughdoo Road, Cookstown, Decision: Decision Date: Ref ID: I/2008/0246/F Proposal: Proposed new dwelling and garage, with new access to site (amendment from previously approved reserved matters (I/2007/0827/RM) Address: Approx 30m North of 20 Loughdoo Road, Cookstown , Co Tyrone Decision: Decision Date: 18.11.2008 Ref ID: I/2008/0310/RM Proposal: Proposed new dwelling Address: Approx 50m east of No 20 Loughdoo Road, Cookstown, Tyrone. BT80 9JG Decision: Decision Date: 21.10.2008	

Ref ID: I/1993/6049

Proposal: Extension to Dwelling 20 Loughdoo Road Killucan Dunamore Cookstown

Address: 20 Loughdoo Road Killucan Dunamore Cookstown

Decision:

Decision Date:

Ref ID: I/1995/0191

Proposal: Extension and alterations to dwelling

Address: 20 LOUGHDOO ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2005/0118/O

Proposal: Construction of dwelling.

Address: 50m East of 20 Loughdoo Road, Cookstown, County Tyrone. BT80 9J6

Decision:

Decision Date: 02.06.2005

Ref ID: I/1991/0091

Proposal: Dwelling

Address: 500M EAST OF JUNCTION OF KILLUCAN ROAD AND LOUGH DOO ROAD
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/6069

Proposal: Dwelling Killucan, Cookstown

Address: Killucan, Cookstown

Decision:

Decision Date:

Ref ID: I/2004/0653/O

Proposal: Construction of Dwelling

Address: 30 M North of 20 Loughdoo Road, Cookstown

Decision:

Decision Date: 27.04.2005

Ref ID: I/2007/0827/RM

Proposal: Proposed new Dwelling.

Address: Approx. 30Metres North of No. 20 Loughdoo Road, Cookstown, County Tyrone, BT80 9JG.

Decision:

Decision Date: 18.02.2008

Summary of Consultee Responses
Drawing Numbers and Title
<p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. 01B Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 03B Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 02A Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p>
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: LA09/2016/1809/O	Target Date:
Proposal: single storey detached dwelling	Location: adjacent to 84 Hillhead Road Creagh Toomebridge BT41 3SP
Referral Route: Application recommended for approval / Objection received.	
Recommendation:	APPROVE
Applicant Name and Address: Noel Nugent 84 Hillhead Road Creagh Toomebridge BT41 3SP	Agent Name and Address:
Executive Summary:	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan.



Consultations:

Consultation Type	Consultee	Response
TNI	STATUTORY	Proposal requires access to MTR contrary to PPS3.
NI WATER		No objections
EHO		No objections

Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
Characteristics of the Site and Area <p>Small greenfield site located adjacent to family bungalow (No 84 Hillhead Road). The site is bounded on 2 sides by existing buildings and benefits from a degree of established hedged boundaries to its north and west sides. Otherwise the site is flat with its rear boundary being defined by post and wire fence. Access is via the main traffic route, Hillhead Road, and utilises an existing laneway which presently serves a number of dwellings / commercial uses.</p>	
Description of Proposal <p>Single storey detached dwelling.</p>	
Planning Assessment of Policy and Other Material Considerations <p>Policy CTY1 indicates those types of development that are seen to be acceptable in principle in the countryside. A dwelling based on special personal or domestic circumstances in accordance with Policy CTY6 is one of these. Policy CTY6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant where there are compelling and site specific reasons subject to two criteria. Firstly, the appellant must provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission was refused. It must also be shown that there are no alternative solutions to meet the particular circumstances of the case.</p> <p>The application has been accompanied by personal medical information which is required to be discussed in closed Committee. Whilst i appreciate and understand the circumstances surrounding the need that has been identified, whether the particular circumstances of the case merit a new dwelling as a necessary response is a matter for consideration. Supporting medical information has referred to genuine hardship resulting if the application was refused.</p> <p>A related previous history (H/2005/0515/O) dismissed by the PAC on the 19 Sept 2008 considered a similar personal case put forward by the applicant in determining the acceptability of a proposal to build a retirement dwelling on this same site. Par. 5 of that decision ruled that whilst a new dwelling would offer Paul Nugent some independence and financial security the medical evidence did not indicate that a new dwelling was a necessary response. That decision was made under previous planning Policy HOU12 of the PSRNI.</p> <p>Clearly we are now some 9 years since that decision and i did meet with the applicants parents to establish what has changed in the meantime. Again this has raised personal information which should be discussed in closed session.</p> <p>Policy CTY6 still requires other potential solutions to be considered, such as an annex to No 84. In response to this request the applicant has presented a number of issues which they feel render this as an unsuitable solution which would only have a further detrimental effect on Paul's health.</p> <p>Notwithstanding the above, having visited the site and being mindful of the provisions of Policy CTY1 of PPS21 to allow the development of a small gap site within an otherwise built up frontage of at least 3 buildings, I would tend to look favourably upon the development of this site for a modest bungalow if appropriately sited between No 84 and the adjacent shed to the NE. An analysis of surrounding development pattern along the laneway reveals an irregular pattern of</p>	

development with a significant degree of built development. Careful positioning of a dwelling on the front part of the site will be within the overall aims of CTY8 and will not lead to any change in the character of the area. With consideration given to orientation there should be no loss of amenity for any adjoining property.

I have considered that the proposal meets all other planning and environmental criteria and would not have any other detrimental impact on neighbouring amenity. TNI have pointed out that the access will onto a Main Traffic Route, however should the Council agree that the application satisfies rural Policy and will use an existing laneway this matter is overcome as there is no ability to use an alternative access onto a minor road. Visibility is otherwise good onto the Hillhead Road.

A letter of objection was received from a Mr Johnny Nugent (no address supplied) who refers to the 2008 application for his brother which was refused. The objector cannot understand how this application could be approved given the previous concerns raised surrounding traffic volumes. The objector also claims ownership of the access lane. In addition the objector has raised issue that a shed which he owns is not shown on plan.

In response the applicant wrote to the Council on the 28th March 2017 to state that he was in ownership of the laneway. The previous PAC decision did regard an additional dwelling using this access onto the Main Traffic Route as intensification of that access. However as the personal circumstances case was not sustained the appeal fell on this reason also. The shed referred to does not impact directly on the application site and its presence is known to the Council and it has been established for some years on the site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That the proposal be approved under the provisions of Policy CTY8 as an in-fill dwelling subject to Conditions.

Conditions:

1. Submission of Reserved Matters within 3 years of date of approval.

Reason: Time limit

2. The dwelling shall be sited to the front portion of the site.

Reason: To ensure the dwelling achieves the objectives of an in-fill opportunity.

3. The dwelling shall have a ridge height no higher than 5.7m above existing ground level.

Reason: To ensure the dwelling integrates into the landscape and respects surrounding house types.

4. All undefined boundaries shall be planted out with natural species hedgerows during the first available planting season.

Reason: In the interests of visual amenity.

5. Visibility splays of 2.4 x 120m shall be provided in both directions on Hillhead Road.

Reason: In the interests of road safety.

Signature(s) M.Bowman

Date: 21/6/2017.

ANNEX

Date Valid

22nd December 2016

Date First Advertised

12th January 2017

Date Last Advertised

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
121 Deerpark Road, The Creagh (Etre And Otre), Bellaghy, Londonderry, BT41 3SS,
The Owner/Occupier,
74 Hillhead Road The Creagh (Etre And Otre) Creagh
The Owner/Occupier,
76 Hillhead Road The Creagh (Etre And Otre) Creagh
The Owner/Occupier,
79 Hillhead Road, The Creagh (Etre And Otre), Creagh, Londonderry, BT41 3SP,
The Owner/Occupier,
80 Hillhead Road, The Creagh (Etre And Otre), Creagh, Londonderry, BT41 3SP,
The Owner/Occupier,
81 Hillhead Road, The Creagh (Etre And Otre), Creagh, Londonderry, BT41 3SP,
Johnny Nugent
82 Hillhead Road, Creagh, Toomebridge, BT41 3SP
The Owner/Occupier,
82 Hillhead Road, The Creagh (Etre And Otre), Creagh, Londonderry, BT41 3SP,
The Owner/Occupier,

Date of Last Neighbour Notification

Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2016/1809/O Proposal: single storey detached dwelling Address: adjacent to 84 Hillhead Road, Creagh, Toomebridge, BT41 3SP, Decision: Decision Date:</p> <p>Ref ID: H/2007/0446/RM Proposal: Erection of dwelling with detached garage Address: Adjacent to 66 Hillhead Road, Toomebridge Decision: Decision Date: 15.04.2008</p> <p>Ref ID: H/2005/0515/O Proposal: Site of demolition of existing piggery to provide site for new retirement dwelling. Address: Adjacent to 84 Hillhead Road, Creagh, Toome. Decision: Decision Date:</p> <p>Ref ID: H/2002/1099/O Proposal: Site of dwelling Address: Adjacent to 66 Hillhead Road, Toomebridge. Decision: Decision Date: 07.07.2004</p> <p>Ref ID: H/2000/0852/F Proposal: Replacement Engineering Workshop (existing building to be retained as a domestic garage) Address: Beside 82 Hillhead Road, Toomebridge Decision: Decision Date: 14.12.2001</p> <p>Ref ID: H/1994/0221 Proposal: DOMESTIC GARAGE Address: 82 HILLHEAD ROAD TOOMEBRIDGE Decision: Decision Date:</p> <p>Ref ID: H/1993/0554</p>	

Proposal: ALTS AND ADDS TO DWELLING
Address: 76 HILLHEAD ROAD TOOMEBRIDGE
Decision:
Decision Date:

Ref ID: H/1983/0516
Proposal: SITE OF BUNGALOW
Address: ADJACENT TO NO. 76 HILLHEAD ROAD, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1980/0003
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW
Address: 76 HILLHEAD ROAD, TOOMEBRIDGE
Decision:
Decision Date:

Ref ID: H/1978/0345
Proposal: RETIREMENT BUNGALOW
Address: ANNAHORISH, TOOMEBRIDGE
Decision:
Decision Date:

Ref ID: H/1976/0410
Proposal: HV O/H LINE AND MV U/G CABLE (BM.1067)
Address: CREAGH, MAGHERAFELT
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0074/O	Target Date:
Proposal: Proposed dwelling (infill site)	Location: Site adjacent to 61a Brough Road Castledawson
Referral Route: Contrary to CTY 1, CTY 8 & CTY 14 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Mary Scullion 67 Brough Road Castledawson BT45 8ER	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
Characteristics of the Site and Area <p>The proposal site is located on Brough Road and sited within a large relatively flat agricultural field adjacent to No.61a Brough Road, a detached single storey dwelling. North of the proposal site is further agricultural land which has been indicated as a second infill opportunity, then an agricultural piece of land with a detached 2 storey dwelling to the rear of the agricultural land. This set back property is accessed via a laneway and has a distinctive curtilage with separation from the road frontage.</p>	
Description of Proposal <p>Outline application for 'proposed dwelling (infill site)'</p>	
Planning Assessment of Policy and Other Material Considerations <p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside.</p> <p>Neighbours notified: - Owners/occupiers of No 52, 54, 64, 68, 60, 60B, 61a, 62, 64 _ 65 Brough were notified of this proposal on 03.02.2017, no representations have been received to date.</p> <p>In line with legislation this proposal was advertised in the local press in February 2017, no objections have been received to date.</p> <p>Consultees:- Transportni were asked to comment and responded on 21.02.2017 with no objections. Environmental Health were asked to comment and responded on 09.02.2017 with no objections. NI Water were asked to comment and responded on 03.02.2017 with no objections.</p> <p>According to PPS21 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. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with policy CTY 8. Normally planning permission will be refused for a building which creates or adds to a ribbon of development. Whilst a ribbon is not defined in the policy, paragraph 5.33 of the amplification sets out what can represent ribbon development. It states that a ribbon does not have to be served by individual accesses nor have a continuous building line. It also notes that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development. However an exception can 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. It has been agreed that a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.</p>	

A letter from the agent has been submitted setting out how they feel this particular proposal adheres to the 'exception' rule of CTY 8 of PPS21. In this it has been argued that there is a substantial and continuously built up frontage along this part of Brough Road formed by the buildings associated with Nos. 61a and No 67 and that as the land to the front of the dwelling set back cannot be developed then it makes this house and land between it and the Brough Road a defined frontage.

In this submission the agent has made reference to several other approvals which he feels are of a similar nature. These have been all considered and not felt to be similar in nature to this proposal.

LA09/2015/1296/O - Relevant site history of infill approval which makes this particular approval an exception.

LA09/2016/1579/O - Nos 41 _ 49 and the associated detached garages provide a line of 3 or more buildings along the road frontage of Drumenny Road and as such meets the criteria of CTY 8.

LA09/2016/0791/O - The proposal site was located adjacent to a line of 9 existing properties immediately adjacent and the site had a sufficient level of integration already in place. It was considered that the proposal site was small enough to accommodate only up to a max. of two dwellings and that an approval on site would not cause a detrimental change to, or further erode the rural character of the area.

The dwelling that is set back is approx. 55metres from the Brough Road and the property is accessed by a laneway. Fencing and planting separate the curtilage of the dwelling and the road and as such even if the dwelling is discernible from the road, I consider that there is nonetheless a functional and physical separation between the property and the road formed by an intervening agricultural field. Given this arrangement, I consider that the property does not form part of the frontage and therefore there is not a line of three or more buildings along the frontage of Brough Road to meet CTY8's definition of a substantial and continuously built up frontage.

The proposal site is located on Brough Road and sited within a large relatively flat agricultural field adjacent to No.61a Brough Road, a detached single storey dwelling. North of the proposal site is further agricultural land which has been indicated as a second infill opportunity, then an agricultural piece of land with a detached 2 storey dwelling to the rear of the agricultural land. This set back property is accessed via a laneway and has a distinctive curtilage with separation from the road frontage. As such it is my considered opinion that this proposal site does not represent an infill opportunity. The 'gap' between No 61a and No 67 is too great with it being in excess of 150metres and provides relief and visual break. This size of gap could accommodate a much greater number than the maximum of 2 houses mentioned within CTY 8 of PPS21 and so fails to meet this criteria.

In addition the proposal should be assessed against CTY 13 - Integration and Design of Buildings in the countryside. This states that planning permission will be granted for a building in the countryside where it can be visually integrated into surrounding landscape and it is of an appropriate design. However a new building would be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape or where the site relies primarily on the use of new landscaping for integration. The proposal site lacks long established boundaries on the northern and southern boundaries, the rear boundary consists of an area of dense woodland and so provides a strong backdrop.

In the assessment of this proposal CTY 14 - Rural Character of PPS21 was also considered. This policy states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area, but that

a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings or where it creates a ribbon of development. It is my consideration that the proposal site acts as an important gap between existing developments and that approval of the proposed dwelling would add to built development along this part of Brough Road, resulting in a suburban style build-up of development.

A relevant example of an appeal decision similar to this proposal is ref: 2006/A0093, this appeal decision supports my considerations of this type of proposal. The main issues within this appeal are that the dwelling located at No. 37 does not form part of the frontage and that even if the dwelling is discernible from the road there is nonetheless a functional and physical separation between the dwelling and the road formed by an intervening field. This is the same situation as this current application. A copy of this appeal has been included with this report.



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2016/A0093
Appeal by:	Mr Cathal Shivers against the refusal of full planning permission
Development:	2 No. Dwellings and garages
Location:	Lands between 37 and 43 Drumlamph Road, Castledawson
Planning Authority:	Mid Ulster District Council
Application Reference:	LA09/2015/0243/F
Procedure:	Written Representations with Commissioners Site Visit on 2 December 2016
Decision by:	Commissioner Brigid McGlinchey, dated 16 December 2016

Decision

1. The appeal is dismissed.

Reasoning

2. The main issues in this appeal are whether the proposal would be acceptable in principle and the effects of the development on the character and appearance of the countryside.
3. The appeal site is located in the countryside as defined in the Magherafelt Area Plan 2016. The relevant policy context for considering the proposal is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Policy CTY1 of PPS21 states 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. One of these is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8. Policy CTY1 goes on to state that 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.
4. Policy CTY8 entitled 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. Whilst a ribbon is not defined in the policy, paragraph 5.33 of the amplification sets out what can represent ribbon development. It states that a ribbon does not have to be served by individual accesses nor have a continuous building line. It also notes that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common

2016/A0093

frontage or they are visually linked. Paragraph 5.32 of the amplification states that ribbon development is detrimental to the character, appearance and amenity of the countryside and has consistently been opposed.

5. Whilst the main thrust is to resist ribbon development, Policy CTY8 exceptionally permits the development of a small gap site sufficient only to accommodate 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 sizes and meets other planning and environmental requirements. It goes on to note that for the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. To meet this definition the relevant buildings must be along a road frontage.
6. The appellant argued there was a substantial and continuously built up frontage along this part of Drumlamph Road formed by the buildings associated with Nos. 37, 41 and 43. The properties at Nos. 41 and 43 each consist of a dwelling with an associated domestic garage located to the rear. The curtilage of each dwelling abuts the roadside. The dwelling at No.37 sits back approximately 90m from the road and is accessed by a laneway. The stamped approved site layout plan accompanying the grant of planning permission in March 2003 showed that the separation of the curtilage of the dwelling from the road by proposed fencing and a scheme of planting. These landscaping works, required by condition 4 of that permission, appear to have been completed. Even if the dwelling is discernible from the road, I consider that there is nonetheless a functional and physical separation between the dwelling at No.37 and the road formed by an intervening field referred to by the planning authority as a 'paddock'. Given this arrangement, I consider that the property at No.37 does not form part of the frontage. There is therefore not a line of three or more buildings along the frontage of Drumlamph Road to meet CTY8's definition of a substantial and continuously built up frontage.
7. The circumstances in this appeal differ from that in 2011/A0189 where, though the buildings were set back, extensive landscaped gardens swept down to the road. None of the other appeal decisions referred to by the appellant are directly comparable to the appeal proposal. In any case, each proposal must be assessed on its own particular merits and in its own unique context.
8. Paragraph 5.34 of the Justification and Amplification of Policy CTY8 refers to gaps that provide relief and visual breaks in the developed appearance of the locality. The extent of the visual separation between the existing buildings at No. 37 and No. 41 is clearly apparent when travelling in either direction along Drumlamph Road. The appeal proposal for two dwellings on the fields between No.41 and the paddock to the front of No.37 would result in the creation of a ribbon of development along the road contrary to Policy CTY8. The planning authority has sustained its second reason for refusal.
9. The appeal site acts as an important visual gap between existing developments. Approval of the proposed dwellings and garages would consolidate built development along this part of Drumlamph Road, resulting in a suburban style

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build-up of development. The proposal would also create ribbon development and cause a detrimental change to the rural character of the area contrary to Policy CTY14. The planning authority's third reason for refusal is therefore sustained.

10. Policy CTY13 requires that buildings visually integrate into the surrounding landscape. The planning authority's only concern related to the impact of the access arrangement on the road frontage vegetation lessening the integration potential of the proposed buildings. The proposal entails the implementation of a shared access arrangement which would result in a gap of approximately 12m. I consider that the impact of the proposed access arrangements in opening up views of the proposed dwellings will be lessened by the retention of the rest of the roadside vegetation and reinstatement of the hedge behind the visibility splays. I judge therefore that the proposed buildings do not rely primarily on the use of new landscaping for integration. The third reason for refusal under Policy CTY13 is not sustained. However, this does not cancel out the other unacceptable impacts on the landscape as identified above.
11. The proposal does not constitute one of the types of development set out as acceptable in principle under Policy CTY 1. The appellant did not argue that there are overriding reasons why the dwelling was essential and could not be located in a settlement. I find that the proposal is unacceptable in principle and contrary to Policy CTY1 of PPS21. The planning authority has sustained its first reason for refusal.

This decision relates to the following drawings:

- 01 1:2500 scale Site location plan;
- 02 (L02) 1:500 scale Proposed site layout plan, 1:200 scale Proposed access detail and Site concept NTS;
- 03 (L03) 1:100 scale Proposed dwelling and garage floor plans and elevations (Plot1);
- 04 (L04) 1:100 scale Proposed dwelling and garage floor plans and elevations (Plot2).

COMMISSIONER BRIGID McGLINCHEY

2016/A0093

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Recommendation: In conclusion having considered all the relevant policies, examples and submitted information I feel that a refusal should be recommended as the proposal does not meet CTY 1, CTY 8 & CTY 14 of PPS21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – contrary to CTY 1, CTY 8 & CTY 14 of PPS21

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap as it relies on a building which does not share a common frontage to Brough Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and the (building) would result in a further erosion of the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	18th January 2017
Date First Advertised	2nd February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 52 Brough Road, Tamniaran, Castledawson, Londonderry, BT45 8ER, The Owner/Occupier, 54 Brough Road Tamniaran Castledawson The Owner/Occupier, 56 Brough Road Tamniaran Castledawson The Owner/Occupier, 58 Brough Road Tamniaran Castledawson The Owner/Occupier, 60 Brough Road Tamniaran Castledawson The Owner/Occupier, 60B Brough Road Tamniaran Castledawson The Owner/Occupier, 61a Brough Road, Tamniaran, Castledawson, Londonderry, BT45 8ER The Owner/Occupier, 62 Brough Road Tamniaran Castledawson The Owner/Occupier, 64 Brough Road Tamniaran Castledawson The Owner/Occupier, 65 Brough Road, Tamniaran, Castledawson, Londonderry, BT45 8ER, The Owner/Occupier, 66 Brough Road Tamniaran Castledawson	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0074/O Proposal: Proposed dwelling (infill site) Address: Site adjacent to 61a Brough Road, Castledawson, Decision: Decision Date: Ref ID: H/2010/0440/F	

Proposal: Proposed single storey farm dwelling
Address: 90m North East of 43 Broagh Road, Castledawson
Decision:
Decision Date: 30.12.2010

Ref ID: H/2011/0034/F
Proposal: Change of house type to previously approved single storey farm dwelling
H/2010/0440/F
Address: 90m North East of 43 Broagh Road, Castledawson,
Decision:
Decision Date: 25.03.2011

Summary of Consultee Responses

Drawing Numbers and Title

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

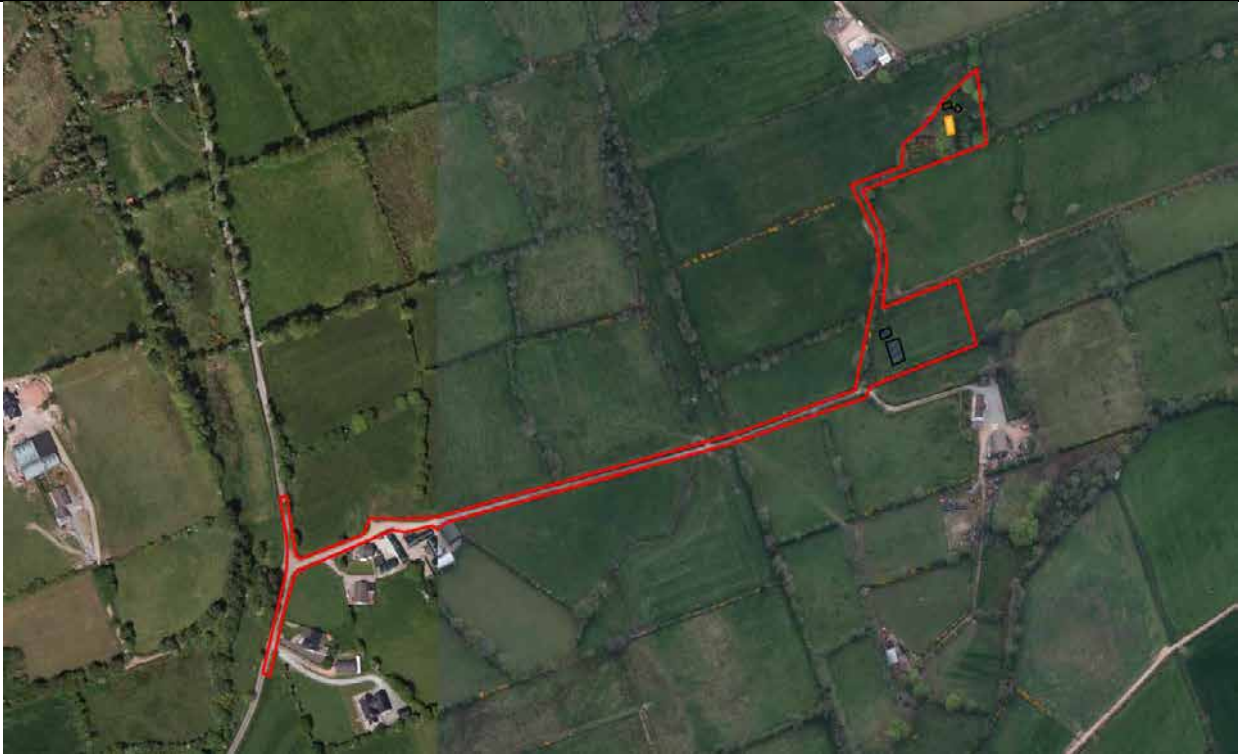


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0308/O	Target Date: 15/06/2017
Proposal: Proposal for an off site replacement dwelling and domestic garage/ store ridge height of dwelling 6.0m (application based on policy CTY3 replacement dwelling)	Location: 55m North West of 53 Tirgan Road Carncase Moneymore
Referral Route: Objection received.	
Recommendation:	Approval
Applicant Name and Address: Mr Mark Moran 59 Tullyreavy Road Rock Dungannon BT70 3JJ	Agent Name and Address: Lissan Design 45 Letteran Road Moneymore BT45 7UB
Executive Summary:	
Signature(s): Sarah Duggan	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI	Advice
Non Statutory	NI Water	No objection
Non Statutory	Environmental Health	Substantive Response

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

There was one objection received in relation to the objection. It was regarding a right of way over the laneway from Tirgan Road.

Characteristics of the Site and Area

The site is located 55m North West of 53 Tirgan Road, Carnose in the rural countryside as defined by the Magherafelt Area Plan 2015. Within the red line is the old dwelling to be replaced and an approximate location of the new dwelling. The preferred off-site location is located south west of the existing old dwelling. The ground levels of both fields rise from the East to the West.

The surrounding area is defined by agricultural land uses predominantly, interspersed with single dwellings. Public views of the site would be very limited due to the topography of the site and its location along a dead end laneway. Mature trees and vegetation is the existing boundary treatment, with a degree of openness to the east of the preferred site due to the topography of the site.

Description of Proposal

The proposal is an outline application for an off-site replacement dwelling and domestic garage/store with a ridge height for dwelling of 6.0m (application based on policy CTY3 replacement dwelling).

Planning Assessment of Policy and Other Material Considerations

Representations

There was one objection received in relation to this application. Details of this objection are included below.

Planning History

H/2007/0839/O – Approx. 150m West of 53 Tirgan Road, Moneymore - Site of Dwelling and Garage - PERMISSION REFUSED - 30/12/2010.

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside

Magherafelt Area Plan 2015

The site is located within an Area of Natural Beauty. It is south west of the Magherafelt Settlement Limit. It has no other zonings or designations within the plan.

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping. It doesn't offer any change in policy direction with regards to replacement dwellings.

Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The old dwelling in question is relatively small however has four walls substantially intact as well as a tin roof. The windows and doors appear to be characteristic of a typical old dwelling. Despite the small size of the building, on balance, the proposed development passes the policy tests relating to the type of building that can be replaced under CTY 3.

CTY 3 adds that the proposed replacement dwelling should be sited within the established curtilage of the existing buildings, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. It is not considered that the curtilage of the existing old dwelling would be able to reasonably

accommodate a modest sized dwelling. The existing old dwelling is surrounded by mature overgrown trees and an established hedgerow. It is considered that the preferred location of the new dwelling would result in demonstrable landscape benefits as the existing trees and hedgerow located immediately to the front and rear of the old dwelling to be replaced would not have to be removed. The proposed site benefits from established vegetation and screening which the development of the original site would not be able to retain due to its restricted site.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the detail of the design, access and landscaping will be reviewed at reserved matters stage. I would recommend that consideration is given to The Department of Environments Building on Tradition Sustainable Design Guide for Northern Ireland Countryside before submitting a reserved matters application.

In the accompanying design and access statement, the applicant has considered a preferred off-site location for the proposed dwelling. The proposed siting of the dwelling would allow for a modest sized dwelling which would take advantage of the sloping ground levels which would provide an adequate backdrop to the proposed dwelling. The applicant has noted they would be willing to accept a ridge height of 6m which would allow a single storey or a 1.5 storey dwelling. It is considered that this size of dwelling would be acceptable in this setting and would not appear as a prominent feature. The established boundaries and the planting of a new hedgerow at the eastern boundary as described in the design and access statement provided will ensure any critical views of the site would be restricted. Details of landscaping should be included within the reserved matters application.

Transport NI have been consulted and have no objections to the proposal subject to conditions. They have recommended visibility splays of 2.4m x 60m. NI Water and Environmental Health were consulted and have both noted no objections subject to a number of conditions.

One objection was received in relation to the proposal, stating that the applicant doesn't have a right of way over the laneway from Tirgan Road to the proposed site. The applicant has served notice on all the relevant land owners on the P1 form, therefore this is considered to be a civil matter and not a planning issue.

The proposed off site location for a replacement dwelling would be acceptable in my opinion as it would result in amenity and access benefits and would satisfactorily integrate into the landscape, given its set back location from the public road and restricted views from any public view point.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

The proposed development is considered to be in compliance with the policy objectives of PPS 21 and PPS 3, and accordingly is recommended for approval.

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

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 construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building coloured orange on the approved plan stamped 24th February 2017 is demolished, all rubble and foundations removed and the site restored in accordance with a scheme to be submitted and approved in writing by Mid Ulster District Council.

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

4. The dwelling hereby permitted shall have a ridge height not exceeding 6.0 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

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

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

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

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

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

8. A detailed scheme of structured landscaping for the site including along all boundaries, shall be submitted at Reserved Matters stage at the same time as the details of the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during the first available planting season after the occupation of the dwelling which is hereby approved.

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

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

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

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

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

11.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. Please refer to the advice provided by NI Water.
4. Please refer to the advice provided by Environmental Health.

Signature(s)

Date:

ANNEX	
Date Valid	2nd March 2017
Date First Advertised	16th March 2017
Date Last Advertised	-
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Rock Road Mawillian Moneymore The Owner/Occupier, 17 Brackaghlistlea Road Brackaghlistlea Draperstown The Owner/Occupier, 45 Tirgan Road, Carncoose, Moneymore, Londonderry, BT45 7RX, The Owner/Occupier, 45A Tirgan Road Carncoose Moneymore The Owner/Occupier, 49 Tirgan Road, Carncoose, Moneymore, Londonderry, BT45 7RX, The Owner/Occupier, 53 Tirgan Road Carncoose Moneymore Patrick J J McGuckin 57, Hall Street, Maghera, BT46 5DA	
Date of Last Neighbour Notification	-
Date of EIA Determination	-
ES Requested	No
Planning History Ref ID: LA09/2017/0308/O Proposal: Proposal for an off site replacement dwelling and domestic garage/ store ridge height of dwelling 6.0m (application based on policy CTY3 replacement dwelling) Address: 55m North West of 53 Tirgan Road, Carncoose , Moneymore, Decision: Decision Date: Ref ID: H/2007/0839/O Proposal: Site of Dwelling & Garage Address: Approx. 150m West of 53 Tirgan Road, Moneymore Decision: Decision Date: 30.12.2010	

Ref ID: H/1975/0200
 Proposal: 11KV AND M/V O/H LINES (C.7060)
 Address: CARNCOSE AND TIRGAN, MAGHERAFELT
 Decision:
 Decision Date:

Ref ID: H/1982/0347
 Proposal: SITE OF BUNGALOW
 Address: TIRGAN ROAD, CARNCOSE, MONEYMORE
 Decision:
 Decision Date:

Ref ID: H/1983/0358
 Proposal: BUNGALOW WITH GARAGE
 Address: TIRGAN ROAD, CARNCOSE, MONEYMORE
 Decision:
 Decision Date:

Summary of Consultee Responses

Transport NI: No objection subject to conditions
 Environmental Health: No objection
 NI Water: No objection

Drawing Numbers and Title

Drawing No. 01
 Type: Site Location Map
 Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0409/O	Target Date:
Proposal: Demolition and clearance of existing abandoned forestry school and replace with new forestry Building	Location: 56 Pomeroy Road Tanderagee Road Pomeroy
Referral Route: Applicant is Mid Ulster Council	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council 76-78 Burn Road Cookstown BT80 8DR	Agent Name and Address: Teague and Sally 3A Killyclop Road Cookstown BT80 9Ad
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site comprises the abandoned forestry school at 56 Tandragee Road, Pomeroy. The red line of the site includes a long winding lane off the Tandragee Road which cuts through the forrest to an opening approx 500 metres off the roadside. The site includes the old forestry building which is a single storey flat roofed building with a mix of finishes including red brick, grey dash, timber cladding, white upvc windows and doors and a large roller shutter door. The site also includes the an extensive walled car park and a few small over grown grassy areas. There is an row of metal fencing blocking entrance to the site at the time of site visit.

The site lies outside of the settlement limit of Pomeroy a short distance to the East. The site is located within the middle of the extensive Pomeroy forest and surrounding the site there is a number of vacant buildings, as well as two domestic dwellings which share the same access.

Description of Proposal

The proposal seeks planning permission for a replacement forestry building.

Planning Assessment of Policy and Other Material Considerations

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

The application is for the replacement of existing Forestry college building, The site is located in the open countryside as defined by the Cookstown Area Plan 2010. There are a range of types of development which in principle are considered to be acceptable in the countryside. 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'.

Planning Policy Statement 3 - Access, Movement and Parking.

The proposal would not significantly contribute to any increased congestion; it would not be detrimental to environmental quality; the proposal is not seen as causing any detriment to environmental quality and will provide appropriate parking in an organised fashion; Pomeroy Forest College may attract many visitors on a daily basis. However, at present there is adequate parking available, any future plans would have to meet this need. This proposal will provide much needed redevelopment of a currently abandoned and run down college site. The proposed use does not change from the existing and is compatible with adjacent land uses;

Relevant Planning History
No relevant history.

PPS21 – CTY 12 – Agricultural and forestry Development.

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

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

In this case the proposal will comply with all of the above and as it is outline stage any design considerations will be made at reserved matters stage.

Consideration

The proposal is designed to provide a new forestry college building. It involves the demolition and clearing of the old not fit for purpose building and replacement with a new building with the same existing use.

Transport NI have been consulted and subject to conditions have no objections. After consultation with Transport NI, I am content that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Recommendation

On consideration of the above, It is my opinion that the proposal complies with the policy provisions of the Area Plan, the SPPS and PPS 21 and I recommend that planning permission should be granted for the proposed development subject to the necessary conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The application proposes a replacement forestry college with the same use, the principal is acceptable in general, details to be considered at RM stage.



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

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

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

Reason: In the interests of visual amenity.

Informatives

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

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

3.HED: Historic Monuments must be consulted on full or reserved matters applications in order to conduct a fully informed assessment of the proposed development to ensure that there is no adverse impact upon the setting of this historic demesne.

Signature(s)

Date:

ANNEX	
Date Valid	22nd March 2017
Date First Advertised	6th April 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 52 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, 56 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS, The Owner/Occupier, 56 Tanderagee Road,Pomeroy,Tyrone,BT70 3HS, The Owner/Occupier, 56 Tanderagee Road,Pomeroy,Tyrone,BT70 3HS, The Owner/Occupier, 58 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, Archada 50 Tanderagee Road Pomeroy	
Date of Last Neighbour Notification	31st March 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1266/F Proposal: Redevelopment of existing maintenance yard to a public car park, extension to an existing footpath and the introduction of passing bays along the existing access/laneway Address: Pomeroy Forest, Tanderagee Road, Pomeroy, Decision: PG Decision Date: 09.02.2017 Ref ID: LA09/2017/0409/O Proposal: Demolition and clearance of existing abandoned forestry school and rebuild new forestry Building Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: Decision Date: Ref ID: I/1979/0182	

<p>Proposal: EXTENSIONS AND ALTERATIONS TO FORESTRY SCHOOL Address: POMEROY Decision: Decision Date:</p> <p>Ref ID: I/2006/1153/Q Proposal: Future Development of Site Address: Pomeroy Forestry School Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>TNI – no objections subject to conditions Env Health – No concerns HED – requested consultation at RM stage</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>

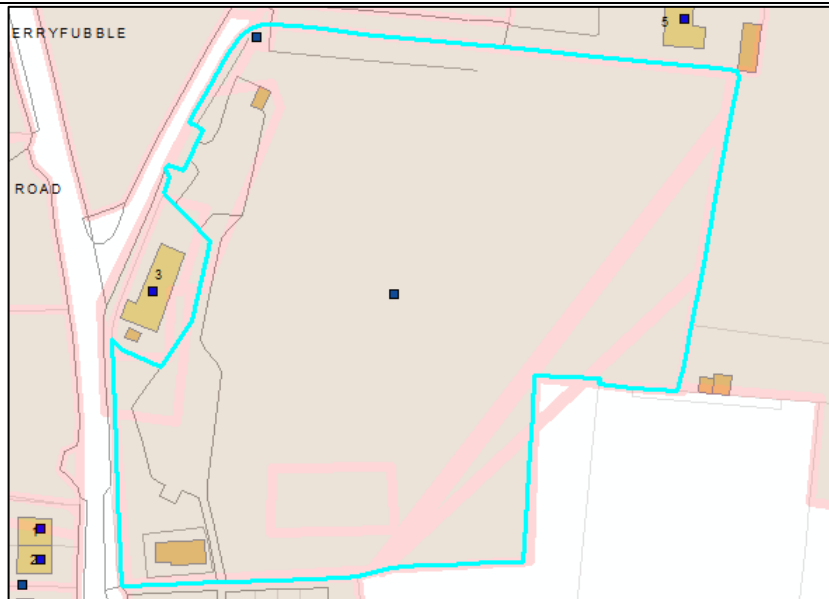


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 04/07/2017	Item Number:
Application ID: LA09/2017/0472/F	Target Date: 17/07/2017
Proposal: Provision of a new surfaced walking route with associated lighting provided by 4m high lighting columns. Adventure trail play equipment, refurbishment of existing play area safety surfacing , provision of 1.2m high spectator fencing and associated hard standing to existing football pitch , seating and planting	Location: Drumgose Road Benburb
Referral Route: This proposal is being presented to Committee as the application relates to land in which the council has an interest/estate.	
Recommendation:	Approve
Applicant Name and Address: Benburb and District Community Assoc. C/o.9 Lisduff Grange Benburb BT71 7GY	Agent Name and Address: Park Hood Hawarden House 163 Upper Newtownards Road Belfast BT4 3HZ
Executive Summary: The proposed development is deemed to accord with prevailing planning policy. It is recommended that permission is granted, subject to condition.	
Signature(s): <i>D. Owens</i>	

Case Officer Report

Site Location Plan



Consultations: 2

Consultation Type	Consultee	Response
Statutory	Historic Environment Division	Content
Non Statutory	Environmental Health Department	Substantive Response

Representations:

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

Summary of Issues

Environmental Health and Historic Environment Division were consulted on this application and responded highlighting that they had no objection to the proposal. No third party representations have been received.

Characteristics of the Site and Area

The application site is located on the Drumgose Road, Benburb which is inside of the settlement development limits of Benburb and in an area zoned as existing recreation and open space, as defined within the Dungannon and South Tyrone Area Plan 2010.

The existing site is made up of an existing grass football pitch, a smaller synthetic surface (3G) football pitch to the south of the site and associated temporary mobile changing facilities situated to the south western corner of the site. The site also includes an existing play area and car park. The site area is generally flat in nature, however the land rises somewhat to the east where the ground rises approx. 4m in elevation.

The land surrounding the application site is made up of a range of uses including residential development, agricultural fields (to the north), a childcare facility (immediate west) and an engineering workshop (to the south).

Description of Proposal

The applicant seeks permission to develop a new surfaced walking route with associated lighting provided by 4m high lighting columns. The proposal also includes provision of an adventure trail with associated play equipment, refurbishment of existing play area, 1.2m high spectator fencing and associated hard standing to existing football pitch. Additionally the proposal includes the provision of seating to the east of the site and associated planting.

The proposed works include the provision of a walkway around the site area including a pathway around the existing playing field and along the small elevated area to the east of the site. The application also proposes to introduce an amphitheatre style seated area to the south and 10 no. separate seated walls measured at a height of 450mm on the small elevated area to the east of the site. The provision of this seating also involves a small degree of 'cutting in' to the profile of the existing ground level and this is annotated on Drawing No. 03.

The proposal includes a new adventure trail which introduces associated adventure trail activity equipment and this is located on the eastern side of the site.

It is noted that the proposal also includes a comprehensive landscaping schedule which includes the provision of additional hedge/tree planting and the retention of existing trees and vegetation.

Planning Assessment of Policy and Other Material Considerations

Assessment

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) 6 – Planning, Archaeology and The Built Heritage.
5. Planning Policy Statement (PPS) 8 - Open Space, Sport and Outdoor Recreation.
6. DOE – Parking Standards.

Planning History

There is no planning history which is relevant to the determination of this application.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Assessment

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, and PPS 9. The policy provision within PPS 3, PPS 6 and PPS 8 have been retained under transitional arrangements.

The SPPS outlines that Open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

In addition the SPPS highlights planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to water sports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.

The proposed works involve alterations to an existing area of open space and outdoor recreation and I therefore consider that the location of the proposal is appropriate. The applicant has not highlighted that the proposed works will intensify the use of the site and as such I am content that the existing access and parking facilities on the site are adequate. In terms of amenity the Council's Environmental Health Department (EHD) were consulted on the application and responded highlighting that they had no objection to the proposal. EHD have recommended that an informative should be attached to any planning decision which stipulates the proposed lighting arrangements to the site should not cause nuisance to neighbouring properties and which directs the applicant's attention to guidance notes on the design and installation of flood lighting.

In terms of landscaping and design I find that the proposal will introduce a degree of betterment when compared to the existing setting. The proposal will introduce new outdoor recreational facilities and equipment which will be to the benefit of the wider community. The proposed scheme will introduce a comprehensive landscaping schedule which will aid the integration of the development into this area of the settlement.

On balance I consider that the proposed works introduce a positive contribution to this site which is zoned for recreation and open space. The works will not create a greater degree of visual influence when compared with the existing setting and they will not create a detrimental impact on the amenity of the surrounding area and neighbouring residential dwellings. As such I find that the proposal is in keeping with the policy provision of the SPPS.

Dungannon and South Tyrone Area Plan 2010

The Dungannon and South Tyrone Area Plan 2010 is a material consideration. As identified above, the site is located within an area zoned as existing recreation and open space. The plan outlines that development proposals in this area should be in keeping with the historic built form in terms of scale, form, massing, design detailing and materials.

As discussed above, the design and layout of the proposal introduces a degree improvement to the existing setting. The Department for Communities Historic Environment Division (HED) were consulted on this application as the competent authority in assessing the application in terms of potential impact on historic monuments and buildings. HED responded highlighting that they were content with the proposal.

I consider that the proposal is in keeping with the policy provisions of the Dungannon and South Tyrone Area Plan 2010.

PPS 8 – Open Space, Sport and Outdoor Recreation

Policy OS 1 of PPS 8 development that would result in the loss of existing open space will not be permitted.

The proposed development of the application site is related to the existing recreational use of the site and will not result in the loss of any existing open space in accordance with Policy OS 1 of PPS 8 and I therefore consider that the proposal is satisfactory to the policy provisions therein.

PPS 6 – Planning Archaeology and the Built Heritage

As highlighted above, HED have been consulted on this application and have highlighted that they are content that the proposal is satisfactory to the SPPS and PPS 6. On this basis I am satisfied

that the proposal will not have a negative impact on the integrity of any nearby historic monuments or buildings. I consider that the proposal complies with the provisions of PPS 6.

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. With this in mind it was not deemed necessary to consult with Transport NI on this application.

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.

Conclusion

I consider that the proposal is in keeping with prevailing planning policy (highlighted above) and for the reasoning outlined above, members are advised that this application is acceptable.

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. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. 03, date stamped 03/04/2017 and the appropriate British Standard or other recognised Codes of Practice, prior to the development hereby approved becoming operational.

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

Informatives

1. The lighting used should be such that it does not give rise to nuisance conditions at neighbouring property. Light pollution generated by artificial illumination of the development can be controlled by careful siting of lighting stanchions and use of appropriate lighting systems.

2. It is recommended that any lighting to the proposed is designed having consideration to the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The guidance provides advice on the design and installation of floodlighting when assessed against the relevant environmental zones.

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

4. This 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	3rd April 2017
Date First Advertised	20th April 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Thornleigh Manor Benburb Tyrone The Owner/Occupier, 10 Rookery Drive Benburb Tyrone The Owner/Occupier, 11 Rookery Drive Benburb Tyrone The Owner/Occupier, 12 Rookery Drive Benburb Tyrone The Owner/Occupier, 13 Rookery Drive Benburb Tyrone The Owner/Occupier, 14 Rookery Drive Benburb Tyrone The Owner/Occupier, 2 Thornleigh Manor Benburb Tyrone The Owner/Occupier, 235 Derryfubble Road,Benburb,Dungannon,Tyrone,BT71 7JS, The Owner/Occupier, 237 Derryfubble Road,Benburb,Dungannon,Tyrone,BT71 7JS, The Owner/Occupier, 3 Thornleigh Manor,Benburb,Tyrone,BT71 7TR, The Owner/Occupier, 43 Main Street Benburb Tyrone The Owner/Occupier, 45 Main Street,Benburb,Tyrone,BT71 7JY, The Owner/Occupier, 5 Drumgose Road Benburb Tyrone The Owner/Occupier, Benburb Playgroup 3 Drumgose Road Benburb	
Date of Last Neighbour Notification	24th April 2017
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: M/1975/0120

Proposal: PLAYING FIELDS; JUNIOR PLAYSPACE, LANDSCAPING, CHANGING FAC & CAR PARK

Address: DUNGANNON ROAD, BENBURB

Decision:

Decision Date:

Ref ID: M/1975/012001

Proposal: PLAYING FIELD, PLAYSPACE, CAR PARK

Address: DUNGANNON ROAD, BENBURB

Decision:

Decision Date:

Ref ID: M/1975/012002

Proposal: PLAYING FIELDS, JUNIOR PLAYSPACE, LANDSCAPING, CHANGING FACILITIES AND

Address: DUNGANNON ROAD, BENBURB

Decision:

Decision Date:

Ref ID: M/2012/0324/F

Proposal: Proposed temporary mobile changing facility at existing playing fields

Address: Site 30m North of 10 Rookery Drive, Benburb,

Decision:

Decision Date: 25.07.2012

Ref ID: M/2005/0176/F

Proposal: Proposed Changing Rooms

Address: 20 Metres North of 11 Rookery Drive, Benburb

Decision:

Decision Date: 18.03.2005

Ref ID: M/1976/0354

Proposal: 11 KV O/H LINE HT AND MV U/C CABLES

Address: BENBURS HOUSING SITE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0043

Proposal: 11KV O/H LINE (AMENDMENT)

Address: DRUMCOSE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2005/1424/Q
Proposal: Proposed residential development
Address: Lands at Benburb
Decision:
Decision Date:

Ref ID: M/2003/1557/F
Proposal: Proposed extension & covered enclosure to play area
Address: 3 Drumgose Road Benburb
Decision:
Decision Date: 18.02.2004

Ref ID: M/1999/0667/F
Proposal: Mobile classroom for pre-school education
Address: Benburb Playing Field Derryfubble Road Benburb Dungannon
Decision:
Decision Date: 06.01.2000

Ref ID: M/1998/0607
Proposal: Extension / Improvements to dwelling
Address: 5 DRUMGOSE ROAD BENBURB
Decision:
Decision Date:

Ref ID: M/1994/0004
Proposal: Roof conversion
Address: 5 DRUMGOSE ROAD BENBURB
Decision:
Decision Date:

Ref ID: M/1983/0370
Proposal: SINGLE SKIP COMPOUND
Address: BENBURB
Decision:
Decision Date:

Ref ID: M/2013/0210/F
Proposal: 4 no 8m floodlights for a 40m x 20m multi use games area (MUGA) with 5m high boundary fencing for use as a healthy living hub. Grant aided by the NI Rural Development Programme
Address: Benburb Playing Fields, adjacent to junction of Derryfubble Road and Drumgoose Road, Benburb BT71 7JT,
Decision: PG

Decision Date: 01.08.2013
Summary of Consultee Responses No objection received from consultees.
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved Drawing No. 02 Type: Floor Plans Status: Approved Drawing No. 03 Type: Landscaping Proposals Status: Approved Drawing No. 04 Type: Proposed Plans Status: Approved
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0538/O	Target Date:
Proposal: Proposed 2 Storey Dwelling and domestic garage	Location: 65m south of 61 Deerpark Road Leitrim Castledawson Magherafelt
Referral Route: Refusal recommended – contrary to CTY 1, CTY 8 & CTY 14 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Norman Leslie 100 Oldtown Road Castledawson Magherafelt	Agent Name and Address: T J Fullerton 12 Rainey Court Magherafelt BT45 5BX
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

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

Characteristics of the Site and Area

The proposal site is located on the roadside of Deerpark Road, Bellaghy. The site is one of two proposed out of a large agricultural field. Located on the southern boundary is a detached 2 storey dwelling and detached garage, while on the northern boundary is a detached 2 storey dwelling. The roadside boundary of the proposed site consists of mature hedging and trees which currently shields the proposal sites from view when travelling along the public road. To the rear of the site is further agricultural land.

Description of Proposal

Outline application for 'proposed 2 storey dwelling and domestic garage'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General principles

Planning Policy Statement 21 - Sustainable development in the countryside.

Neighbours: - Owners/occupiers of Nos. 58, 59, 61 _ 63 Deerpark Road were notified of this proposal on 04.05.2017, no representations have been received to date.

In line with legislation this proposal was advertised in the local press during May 2017, no objection have been received to date.

Consultees: - Transportni were asked to comment on the proposal and responded on 24.05.2017 with no objections subject to conditions.

NI Water were asked to comment and responded on 04.05.2017 with no objections subject to advice.

Environmental Health were asked to comment and responded on 10.05.2017 with no objections subject to advice.

It is important to mention that there is a current application (LA09/2016/1371/O) immediately adjacent to this current application also for an infill dwelling and garage and for the same applicant. For the purposes of this report I will refer to LA09/2016/1371/O as site 1 and LA09/2017/0538/O as site 2.

In line with policy, planning permission will be granted for 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. One of these such types is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 of PPS21.

On occasion the development of a gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage can be considered as an exception.

The proposal site is located within a large agricultural roadside field, this current proposal site is approx. 60metres in width while the adjacent infill proposal site is approx. 50metres in width. In comparison the existing dwelling located south of site 1 has a frontage of approx. 50metres and the dwelling north of site 2 has a frontage of approx. 60metres. The existing dwelling south of

site 2 is a detached 2 storey property with a detached garage adjacent, both these buildings are visible when viewed from the Deerpark Road and this property has a frontage directly to the roadside consisting of a formal garden. The existing dwelling located immediately north of site 2 is a detached 2 storey dwelling which is set back approx. 60metres from the Deerpark Road.

This property has a large front garden and winding access but is not clearly visible when viewed from the roadside due to existing planting and vegetation rather it's only the entrance gates and access point of the property that makes you aware that a dwelling exists on the site.

The front boundary of both sites 1 and 2 consists of mature dense vegetation and trees, the boundary between site 1 and the neighbouring property consists of a modest hedge and the boundary on the northern side of site 2 consists of mature trees and hedging, this results in there being no visual linkage between the existing buildings thus failing to meet the criteria of 'an otherwise substantial and continuously built up frontage' under CTY 8 of PPS21. The land that makes up proposal sites 1 and 2 provides an important visual relief and maintains the rural character of the area.

In addition to the requirement of compliance with the above mentioned policy it is also necessary for this proposal to be assessed against the requirements of CTY 13 of PPS21 - Integration and design of buildings in the countryside. Under this part of the policy planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

Should an approval be granted on the proposal site it would not be a prominent feature in the landscape, however I would have concerns that the strong roadside boundary would be removed or reduced and would reduce the level of enclosure and/or integration. As this is an outline proposal the design has not been proposed however it has been stated in the description that a 2 storey dwelling is requested, due to the adjacent house types I feel this would be acceptable should an approval be granted. Having considered these points it is my consideration that the proposal would meet the requirements of CTY 13.

Finally this proposal should be assessed against the requirements of CTY 14 - Rural Character. According to this planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area; a new building will be unacceptable when it is unduly prominent in the landscape, or it results in a suburban style build-up of development when viewed with existing and approved buildings. In the case of this proposal it is my consideration that an approval on this site would result in a suburban style build-up of development when viewed with existing and approved buildings. Should an approval be granted a ribbon of development would be created and the traditional pattern of development would not be respected. As such the proposal fails to meet policy CTY 14 of PPS21.

Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended – contrary to CTY 1, CTY 8 & CTY 14

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the (creation/addition) of ribbon development along Deerpark Road (footpath or private lane)..
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	20th April 2017
Date First Advertised	5th May 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 58 Deerpark Road Leitrim Bellaghy The Owner/Occupier, 59 Deerpark Road Ballydermot Bellaghy The Owner/Occupier, 61 Deerpark Road Leitrim Bellaghy The Owner/Occupier, 63 Deerpark Road Leitrim Bellaghy	
Date of Last Neighbour Notification	4th May 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1371/O Proposal: Infill site to be considered under Policy PPS21 (CTY08) Address: Adjacent to and North of 61 Deerpark Road, Bellaghy, Decision: Decision Date: Ref ID: LA09/2017/0538/O Proposal: Proposed 2 Storey Dwelling and domestic garage Address: 65m south of 61 Deerpark Road, Leitrim, Castledawson, Magherafelt, Decision: Decision Date: Ref ID: H/2004/0261/O Proposal: Site of dwelling. Address: 80m South East of 59 Deerpark Road, Bellaghy. Decision: Decision Date: 11.11.2005 Ref ID: H/2003/0067/F Proposal: House And Garage.	

Address: Adjacent to access of 59 Deerpark Road, Bellaghy.

Decision:

Decision Date: 20.05.2004

Ref ID: H/2000/0905/O

Proposal: Site Of Dwelling

Address: Entrance to 59 Deerpark Road, Bellaghy

Decision:

Decision Date: 22.06.2001

Ref ID: H/2002/0746/F

Proposal: Dwelling and Garage

Address: 250 Metres South East Of 59 Deerpark Road, Bellaghy

Decision:

Decision Date: 29.10.2002

Ref ID: H/1993/6054

Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT

Address: NEAR BELLAGHY

Decision:

Decision Date:

Summary of Consultee Responses

Transportni were asked to comment on the proposal and responded on 24.05.2017 with no objections subject to conditions.

NI Water were asked to comment and responded on 04.05.2017 with no objections subject to advice.

Environmental Health were asked to comment and responded on 10.05.2017 with no objections subject to advice.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

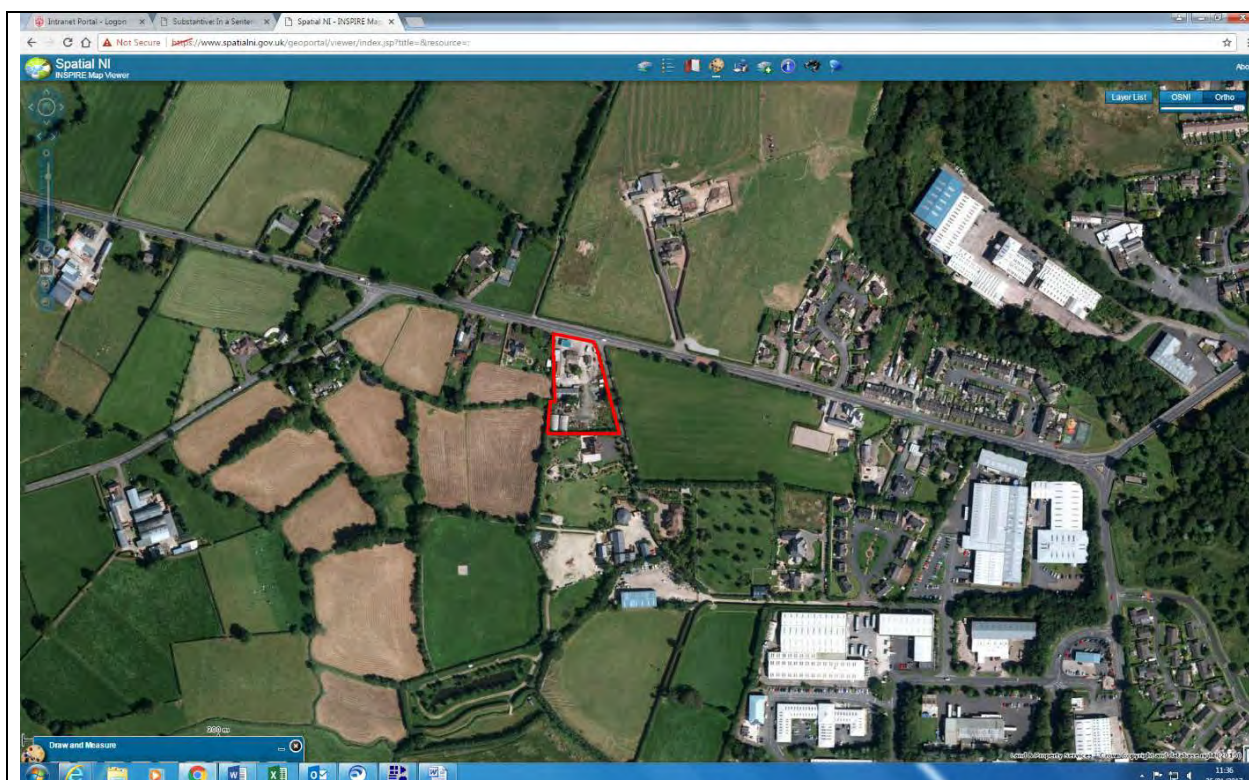
B



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2016/0634/O	Target Date:
Proposal: Replacement of existing filling station, shop and car wash to incorporate along side it the construction of mixed use units (including a filling station, classes A1 and classes B2) and associated car parking and landscaping (amended description)	Location: 132 Drum Road Cookstown
Applicant Name and Address: Mr Seamus Molloy 132 Drum Road Cookstown	Agent name and Address: CMI Planners Ltd Unit C5 80/82 Rainey Street Magherafelt BT45 5AJ



Location

Summary of Consultee Responses:

TNI are objecting to the proposal.

Characteristics of the Site and Area:

The site currently accommodates a vacant shop, petrol filling station (closed), car wash, poly tunnels, tyre fitting unit, car repairs and vacant dwelling. The dwelling is single storey with garden area to rear. Car wash area includes small shed for indoor valeting and wash ramp. The tyre fitting service is accommodated in sheds to the rear and side of the dwelling and the single storey shop is located to the western side of the dwelling with petrol pumps and canopy to front of same. Poly tunnels are located towards the rear of the site in a separate compound. These do not have the appearance of recent use. Three detached dwellings are located to the west of the site all fronting the Drum Road from which access is currently gained for the site. To the south of the site along a laneway is a detached dwelling with another dwelling and yard beyond. On the opposite side of the Drum Road are agricultural lands with dwellings and farm groups to the right and left of same. The area, although close to the edge of the limit of development (over 160 metres) has a rural feel.

History on part of the site includes, I/2000/0219/F - Proposed removal of existing fuel pumps and canopy and change of use from existing coal yard area to display area for garden centre and change of use from existing coal store and garage to store and shop with extension for new garden centre shop at existing service station premises. Approved: 30/1/2001.

Description of Proposal

Replacement of existing filling station, shop and car wash to incorporate alongside it the construction of mixed use units (including a filling station, classes A1 and classes B2) and associated car parking and landscaping (amended description)

Deferred Consideration:

The original proposal on the site was presented to the Planning Committee in Feb 2017 as a refusal for the following reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies PED 2, PED 4 and PED 9 of Planning Policy Statement Planning and Economic Development in that the scale and nature of the proposal would harm the rural character of the area and impact negatively on the amenities of the adjoining residential properties.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development in that the development would, if permitted, have an adverse impact on the vitality and viability of the existing town centre.
4. The proposed development would if permitted be contrary to Planning Policy Statement 3: Access Movement and Parking as it would prejudice the safety and convenience of road users since it has not been demonstrated that it would be possible within the application site to provide adequate sight lines, forward sight distance and right turn lane.
5. The proposed development would if permitted be contrary to Planning Policy Statement 3: Access Movement and Parking as it would prejudice the safety and convenience of road users since it has not been demonstrated that the internal layout can provide requisite parking and servicing to an adequate standard.

And was subsequently deferred for an office meeting held in Feb and a site visit with the agent in March 2017. The description has been amended to remove the reference to Classes A2, B1 & D2 for the construction of mixed use units. The proposal still involves the replacement of existing filling station with a new one with 6 pumps, shop and carwash and the construction of units with classes A1 & B2, along with car parking and landscaping.

Planning Assessment of Policy and Other Material Considerations

The site is located within the open countryside as defined by the Cookstown Area Plan 2010 (CAP) where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. Policy CTY1 identifies acceptance of non-residential development, for industrial and business uses which accord with Planning Policy Statement 4 (PPS 4): Planning and Economic Development and in particular policies PED 2, 4 and 9. Although this application has been submitted for outline consideration a detailed site plan has been submitted for information purposes and forms the basis of the proposal.

Policy PED 2 Economic Development in the Countryside is relevant where policy allows for the redevelopment of an established economic use in compliance with PED 4. A proposal will only be permitted under this policy where it is demonstrated all the following criteria can be met;

- (a) The scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area; even though in this case there is no increase in the site area, it will be the increase in the proposed structures which will be significant in comparison to that existing on site. There is also significantly greater car parking providing a negative visual impact of hard standing on a roadside site.
- (b) There would be no significant environmental benefits as a result of the redevelopment.
- (c) The redevelopment scheme does deal with the full extent of the existing site and addresses the implications of the remainder of the site, a concept plan has been provided to show this.
- (d) The overall visual impact of the replacement buildings will be significantly greater than that of the buildings to be replaced. In particular the retail element of the scheme will be greatly increased. The main shop (Class A1) will be 375sqm and Unit 5 (Class A1) will be 324sqm, resulting in a total of approx. 700sqm. Currently on site is a small disused flat roofed building which has previously been the shop on site. In addition to this will be 3 workshops and a showroom which do not currently exist on site.

PED4 also goes on to state 'redevelopment proposals involving retailing, however, will not be permitted.'

Policy PED 9 of PPS 4: provides general criteria for assessing all applications relating to the location in siting and design: impact on residents and the environment, access and movement improvement. This proposal is generally compatible with the existing land use. However since this proposal is adjacent to residential property attention needs to be given to the neighbours amenities. It is my opinion that as the scale of the buildings and the increase in both vehicles and customers is greater than that existing there will be a significant adverse impact on neighbouring amenity by way of increased noise and nuisance as well as dominance and an overbearing impact on neighbouring property. There is no evidence of any negative natural or built heritage impact. The site is not in an area of flood risk and there is no evidence to suggest that any emission or effluent cannot be dealt with. There are issues relating to traffic movement and it has not been proved that there would be sufficient space for additional car parking and turning required for the development. In addition the access details cause concern in respect of traffic safety.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has removed Planning Policy Statement: Retailing and Town Centres however the SPS reinforces the importance of town centres and the need to locate such proposals within the town. As the application is not in a town centre location a retail impact assessment is not required. This proposal although redeveloping existing uses proposes a significant increase in town centre uses which would be to the detriment of Cookstown and therefore remains contrary to policy.

It should be noted that a majority of the uses proposed would be more suited to being within the town centre and to that end to allow this proposal could have an impact on the vitality and viability of the town centre. The time for enforcement action for the non-compliance of the condition attached to the previous permission has now lapsed, however no application has been submitted for a certificate of lawfulness for the retention of the existing fuel pumps and canopy.

Recommendation

The application should be refused for the following reasons;

Refusal Reasons

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

2. The proposal is contrary to Policies PED 2, PED 4 and PED 9 of Planning Policy Statement 4: Planning and Economic Development in that the scale and nature of the proposal would harm the rural character of the area and impact negatively on the amenities of the adjoining residential properties.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development in that the development would, if permitted, have an adverse impact on the vitality and viability of the existing town centre.
4. The development is contrary to Planning Policy Statement 3, Development Control: Roads considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
5. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 4.5m x 215m in both directions cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2016/0693/F	Target Date:
Proposal: Detached shed for winter storage of caravan and general domestic use	Location: 239 Ballygawley Road Dungannon
Applicant Name and Address: Mr Martin Mc Caul 239 Ballygawley Road Dungannon	Agent name and Address: P G Quinn Ltd 15 Derrytresk Road Dungannon BT71 4QL
Summary of Issues: Overshadowing of property, flooding. Cllr Sharon McAleer has been approached by the objector and has been in contact with the Planning Office to enquire about the application.	
Summary of Consultee Responses: N/A	



Characteristics of the Site and Area:

Characteristics of Site/Area

The site contains a 2 storey semi detached dwelling with a single storey 'coal house' to the rear and 2 small metal-clad sheds, it has a flat grass garden area to the rear and a hard surfaced parking and turning area. The boundaries of the property are low picket fences to the N, E & S and a low laurel hedge to the W. The dwelling attached to this house has a single storey mono pitched roof garage in its rear garden at the boundary with 4 Whites Road. 4 Whites Road is a detached chalet dwelling with a sun room on its south boundary facing no's 239 & 241 Ballygawley Road, it has a low picket fence between it and the application site.

Description of Proposal

Description of Proposal

Consent is sought to construct a residential shed to house a caravan and other ancillary residential storage. The building would have a footprint measuring 12.0m x 8.0m with a ridge level of 4.7m and eaves level of 3.9m. The building would be finished in grey dash with a panel clad roof. The

building would be located in the bottom corner of the garden, 5.0m from the common boundary with No4 Whites Road.

Deferred Consideration:

This application was deferred by the Committee at the meeting in September 2016 to allow further discussions. An office meeting was convened with the Planning Manager and the issues relating to over shadowing of the adjacent property were highlighted. At the meeting amendments to move the building and reduce the height of it were discussed. Following the meeting amended plans were submitted that rotated the building on the site through 90 degrees and moved it a further 3 metres from the boundary of the site with the objectors property, now a total of 5 metre from the boundary.

The objector was advised of the amended plans and is still concerned about loss of natural sunlight and heat in his sunroom as well as possibility of fire within the shed The objectors has indicated the area floods and the garage will have to be raised up..

I visited the property and met with the objector to see his concerns about the development. Members are advised this garage with its 4.770m high shallow pitched roof with grey clad roof and grey dash walls has already been approved in the garden of this property and this application seeks to move it 3.135m to the north and closer to the boundary with 4 Whites Road. The owners of 4 Whites Road, the Gillens, are concerned that the garage will have a significant overshadowing effect on their sun room as it is stated the sunroom requires the light to provide heat and light, the ground floods where the garage is proposed which will result in it being raised up and this will further dominate the house. It is suggested the applicant has ample room to locate a garage further away from the boundary and this has been agreed. It is further suggested the applicant will submit a further application, if this is allowed, to site the garage closer to the boundary.

The garage is located on the south side of the Gillen's house and there is a local hill further to the south on the opposite side of the Dungannon Road which already appears to limit the sun between late autumn to early spring. From the photographs submitted by the Gillen's it is clear there will be overshadowing of the sunroom of 4 Whites Road, however the test for refusing planning permission is not that it should be refused if there is overshadowing, but that the overshadowing will be so significant that it would have a detrimental impact on the residential amenity of the dwelling. Members should be aware the garage currently proposed will have a finished floor level 0.38m below the finished floor level of the Gillen's house, as such the comparison height of the garage is 4.09m and it will have its narrow side facing towards the Gillen's property. Members should be aware planning permission is not required for a building which is less than 4m in height provided it is not within 2 metres of the boundary. The comparison height of the garage and the orientation are factors which will help to limit the impact of the overshadowing on the

sunroom. The sunroom will be overshadowed for only a short part of the day in the late autumn to early spring but during the remainder of the day, the proposed garage will not cause any overshadowing. The garage is located over 5m from the sunroom and I consider this to be a reasonable distance, given the comparison height, where it will not have a dominating effect on the sunroom. Thus whilst there will be some impact on the neighbour in terms of their enjoyment of the sunroom, it will not have a significant impact on the habitable rooms within the dwelling. As such I do not consider that there will be a significant loss of residential amenity to justify refusing planning permission.

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. Access to be provided as detailed

Signature(s):

Date

C

Report on	Mid Ulster Council's current position on planning application LA09/2016/1307/F - Construction of proposed motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; crèche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland.
Reporting Officer	Emma McCullagh
Contact Officer	Dr Chris Boomer

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

1.0	Purpose of Report
1.1	This report is being presented in accordance with Mid Ulster Council's 'A Best Practice Guide for the processing of major planning applications in Mid Ulster', where it states the Council will provide an interim report to the Planning Committee where members views are needed to help progress the application. This will also provide an update to the Planning Committee on the status of the above major planning application proposal.
2.0	Background
2.1	<p>The planning application was initially received on 7th September 2016 and validated on 19th September 2016. A positive EIA determination was carried out on 7th October 2016 and an ES requested on 24th October 2016.</p> <p>The Environmental Statement was received on 2nd May 2017 and was advertised on 18th May, with the public given until 18th June to make comment in line with EIA Regulations.</p> <p>The relevant consultees were notified on 12th May and allowed until 12th June to reply.</p>
2.2	<p>Consultation replies to date (21 June 2017) that remain outstanding are Environmental Health, Health & Safety Executive NI & NIEA: Natural Heritage.</p> <p>Consultations who have replied with no objections or approval subject to condition include Shared Environmental Services, Rivers Agency, NI Water & NIEA; Historic Division.</p>

2.3	<p>Transport NI replied on 15th June 2017 and have taken an initial review of the traffic assessment. More details are required and a full analysis still is to be undertaken, however DFI Roads have stated the proposal will not have any significant impact upon local road networks during normal operational conditions provided the roads infrastructure is delivered to its full extent from Coalisland Road to Brackaville Road.</p> <p>Geotechnical Survey NI replied on 16th June 2017 and have requested further information so that stability concerns for the site can be adequately determined.</p>
2.4	<p>The latest neighbours were notified on 8th June 2017. 7 No Objections (2 from the same property) have been received to date. The main issues being raised include noise & disturbance, increased traffic and its implications and detrimental impact on character of the area.</p>
3.0	Main Report
3.1	<p><u>Site characteristics</u></p> <p>The vast majority of this application site and all of the proposed development is located in the countryside, on the edge of the settlement limits of Coalisland. The site comprises 57 hectares. The former use of the site was a Clay Pits/Tyrone Brickworks site.</p>
3.2	<p><u>Proposal</u></p> <p>Construction of proposed motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; crèche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland.</p>
3.3	<p><u>Policy context</u></p> <p>The overriding policy relevant to the proposal is PPS21. In relation to non-residential development permission will only be granted in the countryside in certain cases if all criteria is met.</p> <p>The proposal involves ancillary buildings including pit garages/media centre/press area, a medical centre, shower block, crèche, mission hall, restaurant & spectator gallery. As these are non-residential uses it must be shown they are a necessary community facility to serve the local rural population in order to meet PPS21 criteria. However no such case has currently been submitted to demonstrate this need for these buildings.</p> <p>The proposed motosport racetrack would fall under 'Outdoor sport and recreational uses' and must be in accordance with PPS8. The Committee's attention should be drawn to Policy OS5 – Noise generating sports and outdoor recreational activities states permission will only be permitted where certain criteria is being met.</p> <p>(i) There should be no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;</p>

- (ii) There is no unacceptable level of disturbance to farm livestock and wildlife.
- (iii) There is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

Appropriate sites for regular use by noise generating sport are not easy to identify and much will depend on a number of factors including mitigation measures. Although the basic principle of this policy would be acceptable, until such times as Environmental Health and NIEA: Natural Heritage provide their responses the Council cannot confirm the key issues of the policy are being met.

The Committee should also give consideration to Planning Policy Statement 4 – Planning & Economic Development, in particular to PED4, PED5 & PED9.

PED4 relates to the redevelopment of an established economic development use in the countryside for industrial or business purposes. Certain criteria needs to be demonstrated for the redevelopment to be deemed acceptable. The former use on this site was Clay Pits. In general terms the criteria of PED4 is being met;

- (a) The scale and nature of the proposal does not harm the rural character or appearance of the local area;
- (b) There would be environmental benefits as a result;
- (c) The scheme deals comprehensively with the full extent of the existing site;
- (d) The overall visual impact of replacement buildings is not significantly greater than that to be replaced.

The applicant has indicated future proposed buildings within the site are dependent on the approval of the racetrack to secure tenants.

The proposal also goes on to state proposal for outdoor sport and recreation will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate.

PED5 deals with major industrial development in the countryside. A proposal such as this, which makes a significant contribution to the regional economy will be permitted in the countryside where it is demonstrated that the proposal due to its size or site specific requirements needs a countryside location.

The key tests in this policy are largely being met;

- (i) there are long term sustainable economic benefits,
- (ii) there are a lack of availability of alternative sites,
- (iii) the environmental and transport impacts are being fully considered.

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

PED9 of PPS4 is the general criteria required for economic development in the countryside. Points (a) – (m) provide the key tests and the proposal will be expected to meet all of them.

A site visit has been carried out by Planning staff on 20 June 2017, no site specific constraints were identified. Concerns may be raised from consultation replies and must be dealt with before a final decision can be reached. It will depend on the complexities of any issues raised by Planning, any consultee, or any objector, as to how long it will be before a recommendation can be made. However in broad terms a development such as this would be supported by the Council subject to conditions.

3.4

Recommendation

	This proposal would be in general conformity of the relevant planning policies, and the Council would be in support of it subject to issues relating to Traffic, Noise and other policy and material considerations being fully addressed.
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: n/a Human: n/a
4.2	<u>Equality and Good Relations Implications</u> <u>Not anticipated</u>
4.3	<u>Risk Management Implications</u> N/A
5.0	Recommendation(s)
5.1	That members note the information given and express any views.
6.0	Documents Attached & References
6.1	Marketing document from applicant- Manna Development Ltd

Manna Development Ltd. propose to create a multi-purpose visitor attraction based around a motor sport complex and centre of excellence for related testing and training activities (resulting in them selecting a 163 acre site in Coalisland Co. Tyrone). The facility is designed to operate all year round providing both permanent and seasonal employment, and would within three years, become the leading visitor attraction in Mid-Ulster, providing significant additional revenues for accommodation, catering and services throughout the Region. The potential of the project is summarised below.

Key Outputs & Opportunities:

1. The Lake Torrent Motorsport Complex will have at its heart a multiple configuration race circuit built to comply with the latest safety and environmental practices. It will have the utility to provide a choice of circuits designed to attract local club to full international status events for car, motor cycles and karts (multi-disciplinary). The management and operation of the Centre of Excellence will necessitate the **creation of a minimum of 15 full time jobs**
2. The infrastructure supporting the complex will be specifically designed to encourage full utilisation of the site and to facilitate the holding of visitor-attractive non-motorsports events such as gymkhanas, concerts (arts & cultural events), competitions, shows and gatherings. **The construction, build and development of the complex is projected to employ upwards on 1,000 people during the building phase.**
3. The project team have been busy talking to the key players within Motorsport within the world market place. As a result of this they have secured provisional bookings for the following sporting events: Rounds of the British Superbike (BSB), World Super Bikes, British Touring Car Championships (BTCC) and Extreme/Drift Racing. These events will necessitate the creation of **350 casual jobs per large race weekend** (marshals, medical staff, vendors, ticket collectors, hosts, cleaners, car park attendants)
4. SGN Gas (a UK gas distribution company which manages the network that distributes natural and green gas to 5.9 million homes and businesses across Scotland and the south of England) wish to operate their Northern Ireland Head Quarters from the facility. **This will create 20 jobs locally within the first 12 months (commencing February 2018), rising to potentially 50+ jobs within the first 3 years.**
5. Provision of a large crèche providing the opportunity for up to 30 children places initially (**creating a minimum of 6 jobs based on current NICVA/Social Services guidelines**)
6. The proposed industrial development incorporated as part of this project will house upwards on 40 businesses. **With the average basic start up in Northern Ireland creating 1.8 jobs, this facility will create 72 direct jobs by third parties**
7. Creation of a Centre of Training Excellence; providing training in areas such as motor vehicle mechanicing and skills associated at all aspects of motorsport such as design, build, new technologies (hybrid and electrical propulsion), precision and light engineering as well as hospitality and tourism training as well as crafts development, that will be specific to the plethora of services and opportunities that will be offered on site. This could see opportunities to **train upwards on 100 unemployed/economically inactive people per annum; again creating an average of 25 jobs per annum.** The creation of such a facility could attract assistance form The SME Horizon 2020 Initiative which has dedicated in access of €3bn for the study of and introduction of innovation into small business. This project is at a very advanced stage (with Mana Developments and a local MLA working jointly on key areas to be targeted)



D

Report on	Consultation response to Department for Communities Historic Environment Division on list of Presbyterian Church, 69 Main Street, Castlecaulfield, BT70 3NP
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Sinead McEvoy

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

1.0	Purpose of Report
1.1	To provide members with background and draft response to a consultation by Department for Communities, Historic Environment Division (HED) regarding their consideration to list the Presbyterian Church, 69 Main Street, Castlecaulfield, BT70 3NP. The consultation from HED is attached at Appendix A.
2.0	Background
2.1	On 19 th May 2017 the Planning Department of Mid Ulster District Council received correspondence from DfC, HED which advised that they are considering the listing of the Presbyterian Church, 69 Main Street, Castlecaulfield. Part 4 Section 80(3) of the Planning Act (NI) 2011 requires the Department (HED) to consult with Mid Ulster Council, as the appropriate council in this instance, and the Historic Buildings Council before amending or compiling lists of buildings of special architectural or historic interest. HED initially requested the response of MUDC to be received within 6 weeks from the date of their correspondence. The Planning Department has since sought an extension of time with HED for the submission of MUDC's response until the close of play on 5 th July 2017 to allow the response to issue following this Committee meeting.
2.2	The Presbyterian Church, Castlecaulfield is at present an unlisted property which lies just off the Main Street of the village. The site lies within the Castlecaulfield Area of Townscape Character (ATC), as defined within the Dungannon and South Tyrone Area Plan 2010 (Annex B). The ATC was designated within the centre of the village based upon the quality of the built heritage. The site also lies within an Area of Archaeological Potential (Annex B), within which developers will normally be expected to submit an archaeological assessment in association with planning applications.
2.3	The church is a Romanesque/barn style design, with a painted, roughcast rendered walling, set within its own mature grounds. A wing-wall and railings mark the entrance to the site. The church is set back off the Main Street beyond the existing graveyard. HED's consultation report (Annex C) advises that the building was constructed between the years of 1840 – 1859. The report states that the building, <i>'although modest in appearance, with restrained detailing and simple proportions, is a well maintained good example of a mid-nineteenth century rural Presbyterian architecture'</i> .
2.4	Whilst there are currently no live planning applications for development on or adjacent this site which could potentially compromise its setting, it is important to note that a Pre

	<p>Application Discussion (PAD) was submitted to the Planning Department on 4th November 2016. The PAD proposal involves the demolition of the church, albeit the rear wall would be retained, and construction of new church on the opposite site of the road, to the rear of the existing Presbyterian church hall. This new site would also involve the construction of a new crèche with additional car parking and associated landscaping (Appendix D). The demolition of the original church on the original site would allow for the expansion of the graveyard and garden of remembrance. To-date the PAD has not been followed up by a planning application.</p>
3.0	Main Report
3.1	<p>The key issue for consideration is whether or not to raise objection to HED's proposed listing of Presbyterian Church, 69 Main Street, Castlecaulfield, under Section 80(3) of the Planning Act (NI) 2011.</p>
3.2	<p>In the context of the prevailing planning policy it highlights the importance of protecting the distinctive character and intrinsic qualities of Areas of Townscape Character (ATCs). Sensitive planning controls are therefore necessary to ensure that both the individual and cumulative effects of development do not detract from the character, appearance and quality of these areas. The prevailing policy stresses a presumption against development that would detract from or fail to maintain the character of the distinct townscape displayed within an ATC. In effect, new development in an ATC should seek to reinforce local identity and promote quality and sustainability in order to respect and, where possible, enhance the distinctive character and appearance of the area.</p>
3.3	<p>The Presbyterian Church and its churchyard are within a recognised Area of Townscape Character which was designated in recognition of the quality of the built heritage in the core of Castlecaulfield. In addition there are a number of listed buildings within the immediate vicinity of the church.</p>
3.4	<p>There are a number of options open to the Council in how it could respond to the consultation:</p> <p>Option 1: Support the listing on the basis that protection of the Presbyterian Church would preserve the character and appearance of the townscape of Castlecaulfield. HED within their report recommends that the church is listed due to its architectural merits and its churchyard setting. HED highlights the social interest of the church and the important role that it has played within the physical and spiritual life of the village for generations. Members should be aware however that the listing of the Church would have an impact on how the site could be developed.</p> <p>Option 2: Object to the listing of the Church on the basis that it will have an impact on the ability to carry out development work to the church in the future. The church is already located within an ATC and therefore this designation will mean that any future development of the site will have to be comply with Planning Policy Statement 6. Policy ATC1 of PPS6 states that <i>"There will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site."</i></p>
3.5	<p>Members should also be aware that the consultation response from this Council is only one of the factors that DfC HED will consider in deciding the way forward with the listing of the building and that the final decision will be on for DfC to make. HBC and the owner of</p>

	the building are also consulted as part of the process and their representations are also considered before a final decision is made. DfC HED guidance on listing states that concerns over the impact of listing on future planning considerations, such as development proposals, cannot be considered as part of this assessment.
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: Human:
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)
5.1	Members are asked to note the contents of this report and it is recommended that members agree that Option 1 is the appropriate position to take in response to this consultation and that a response issue to DfC HED to support the listing given the important contribution the building makes to the historic setting of Castlecaulfield. The draft response is attached at Appendix B.
6.0	Documents Attached & References
6.1	Appendix A – consultation from HED Appendix B – draft reply to HED



Department for
Communities
www.communities-ni.gov.uk

ADVANCE NOTICE OF LISTING

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



Historic Environment Division
Heritage Buildings Designation
Branch
Kiondyke Building
Cromac Avenue
Cosworks Business Park
Aisling Lower
Belfast
BT7 2JA

Tel: (028) 9056 9216

Our Ref: HB13/13/015

Date: 19/05/2017

Dear Sir/Madam,

LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

PRESBYTERIAN CHURCH, 69 MAIN STREET, CASTLECAULFIELD, BT70 3NP

At present, the listing of the above-mentioned property is being considered under section 80(1) of the Planning Act (Northern Ireland) 2011.


I would welcome receipt of your offices views on the proposed Listing within 6 weeks of the date of this Letter. *Comments received outside this period will not normally be considered.*

Please find enclosed a copy of the location map together with a copy of our Second Survey Report of the building for your information. Where this letter refers to building(s), this term includes all types of structures.

Grid Ref: H7541 6279

GERALDINE BROWN

Enc Second Survey HBC Report
Location Map

Address Presbyterian Church 69 Main Street Castlecaulfield BT70 3NP	HB Ref No HB13/13/015 
Extent of Listing Church and entrance screen	
Date of Construction 1840 - 1859	
Townland	
Current Building Use Church	
Principal Former Use Church	

Conservation Area	No	Survey 1	Not_Listed	OS Map No	160/9SW
Industrial Archaeology	No	HED Evaluation	B2	IG Ref	H7541 6279
Vernacular	No	Date of Listing		IHR No	
Thatched	No	Date of Delisting		HGI Ref	
Monument	No			SMR No	
Area of Townscape Character	No				
Local Landscape Policy Area	No				
Historic Gardens Inventory	No				
Vacant	Yes				
Derelict	Partially				

Owner Category

Building Information

Exterior Description and Setting

A freestanding barn-style Presbyterian church, dated c.1842, located at the north side of Hillfoot Terrace, Castlecaulfield, and set in a churchyard. Rectangular on plan with lower gabled porch to SW, sanctuary addition to NE, twentieth-century vestry to NW.

Pitched natural slate roof, uPVC rainwater goods on replacement boxed eaves. Painted roughcast rendered walling over a shallow rendered plinth with painted tooled and feather-edged stone quoins. Lancet window openings having painted chamfered stone reveals and flush cills; margin-paned leaded lattice lights (unless otherwise stated).

Entrance gable faces SW and is abutted by the entrance porch, which is flanked at either side by a

slender blind lancet and spanned at eaves level by plain stringcourse; porch has a depressed pointed-arched entrance opening at SE with chamfered painted stone architrave on plinth blocks and painted timber-sheeted door with strap hinges. Porch is lit at SW by a lancet, and is further abutted to NW by a lean-to boiler house, having a rectangular diamond lattice window.

Side elevations have equally-spaced openings, originally four to each side, and each with substantial ventilation grilles inserted beneath the cills. The twentieth century vestry abuts to the extreme left end of the NW elevation. It has a double pitched slated roof, rendered walls and modern windows and doors. The first floor is accessed by a bridge from the steeply sloping graveyard.

NE gable is abutted by the lower, gabled sanctuary, which has two ornate stained and leaded lancets to rear, and one to each cheek.

Setting:

Village setting, set back from the main road behind a churchyard containing a number of late nineteenth and twentieth-century memorials, and dominated by a large sandstone obelisk. Accessed via a curving tarmac driveway. Bounded to the road by a roughcast boundary wall with alcoved entrance having rendered plinth wall, original cast-iron railings and gates supported on rusticated stone piers with pointed caps. Backdrop of mature trees and hedges.

Roof:	Slate
Walling:	Roughcast
RWG:	uPVC
Windows:	Replacement leaded lattice

Interior Description

Porch (G01) has twentieth-century quarry-tiled floor and plain painted walls. Replacement polished mahogany door leads to main church (G02) which is plainly detailed with painted walls and ceiling, simple cornice, foliate ceiling rose. Carpetted central aisle with simple timber pews fixed to timber boarded floor. Sanctuary dais accessed by two steps, depressed pointed arch to organ located at rear wall between two replacement stained glass windows. Later oak panelling to dado level, with replacement mid-twentieth-century pulpit, communion table and furnishings. A small number of marble and brass plaques line the walls.

Architects

Historical Information

Built 1842, Castlecaulfield Presbyterian Church replaced an earlier Presbyterian meeting house which the first edition OS map (1833) indicates was located close to the ruins of the castle a short distance south east of current church. The minister during this period was Rev John Bridge, who was removed from the post due to his unpopularity resulting from his failure to defend a man named Ritchie at the Omagh Assizes, who was subsequently hanged for murder. He was succeeded by the Reverend Joseph Acheson in 1833.

On 20 July 1839 Acheson married Amelia, daughter of well-known industrialist David Brown from Donaghmore. Amelia's brother founded the David Brown Soapworks in Donaghmore. Acheson is credited with funding the construction of the new church, which first appears on the second edition OS map (1854) as 'Presbyterian Meeting House.' David Acheson, son of Joseph and Amelia, established the Acheson Linen Factory in Castlecaulfield c.1872.

Acheson remained minister of the church until 1877. He died in 1893 and in 1908 the Acheson Hall was constructed on the opposite side of Main Street in his memory. Robert McClean acted as minister from 1877 until his death in 1941 and was succeeded by Thomas Gerald Egerton Eakins, who was minister until 1962.

Primary Sources

1. PRONI OS/6/6/1 First Edition Ordnance Survey Map (1833)
2. PRONI OS/6/6/2 Second Edition Ordnance Survey Map (1854)

3. PRONI T2279/2 Notes and reminiscences dictated 1904-05 by James Brown Donaghmore, Tyrone

Secondary Sources

1. Rankin, K 'The Linen Houses of the Bann Valley: The Story of Their Families' Ulster Historical Foundation, 2007

Criteria for Listing

NB: In March 2011, revised criteria were published as Annex C of Planning Policy Statement 6. These added extra criteria with the aim of improving clarity in regard to the Department's explanation of historic interest. For records evaluated in advance of this, therefore, not all of these criteria would have been considered. The criteria used prior to 2011 are published on the Department's website under 'listing criteria'.

Architectural Interest

A. Style
I. Quality and survival of Interior
J. Setting
H-. Alterations detracting from building
B. Proportion
C. Ornamentation
D. Plan Form

Historical Interest

S. Authenticity
X. Local Interest
Y. Social, Cultural or Economic Importance
T. Historic Importance

Evaluation

A modest barn-style Presbyterian church, dated 1842, characterised by restrained detailing and simple proportions, and located in the centre of Castlecaulfield village. Well-maintained, it is a good representative example of mid-nineteenth century rural Presbyterian architecture, much enhanced by its churchyard setting, containing a variety of memorials and sandstone obelisk, and the elegant gate screen with original gates and railings. Of social interest, the church has been central to both the physical and spiritual life of the village for generations.

Replacements and Alterations

Inappropriate

If inappropriate, Why?

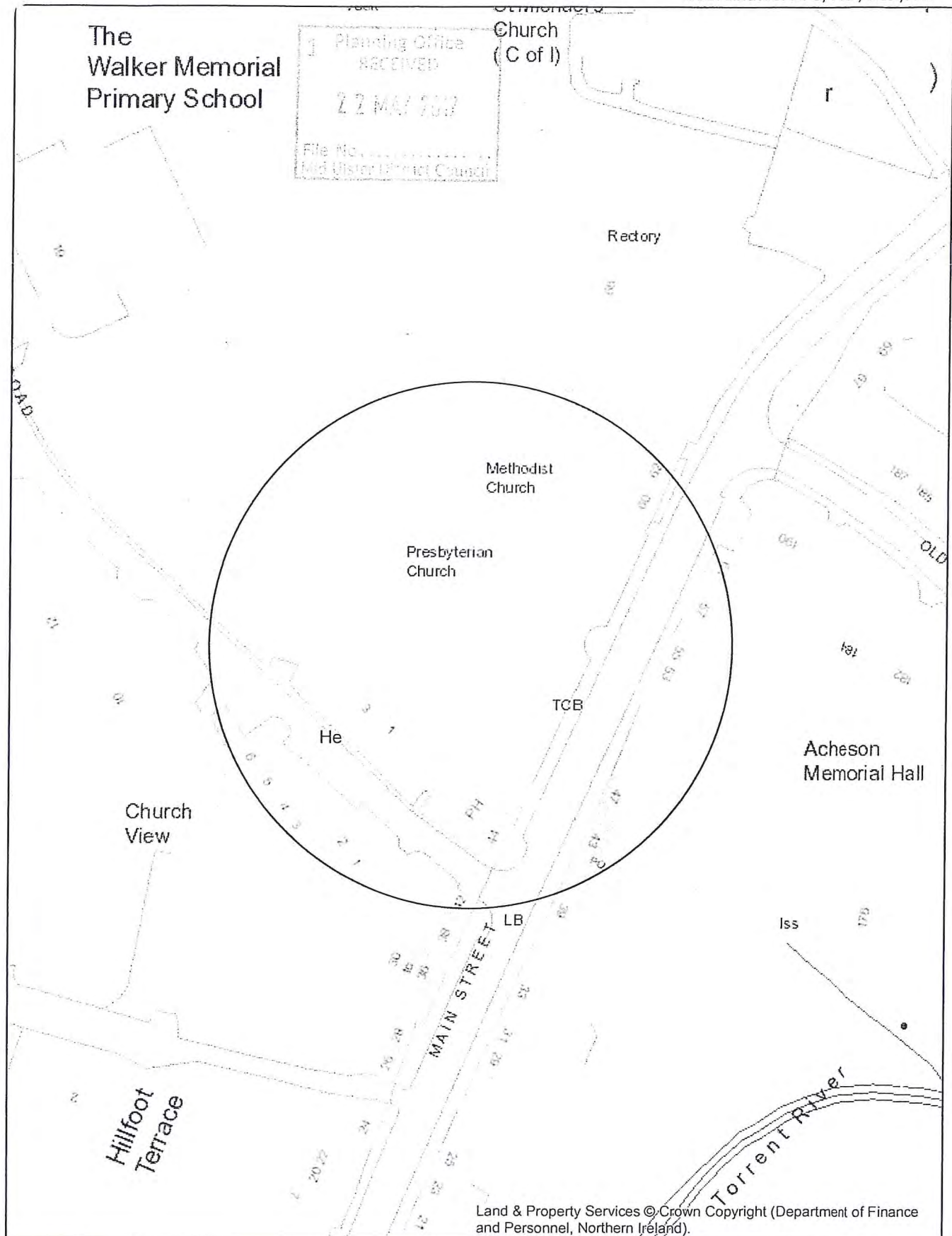
Extension to rear detracts from the building's architectural interest

General Comments

Monitoring Notes – since Date of Survey

Date of Survey 15/03/2017





Department for
Communities
www.communities-ni.gov.uk

**Heritage Buildings
Designation Branch**

Title: HB13/13/015

Scale: 1:1,250

Printed by AP

Date: 12 May 2017

Description:

Location Map

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Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster District Council
Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132

Date: 21/06/2017

Ms Geraldine Brown
Department for Communities
Historic Environment Division
Klondyke Building
Cromac Avenue
Gasworks Business Park
Belfast
BT7 2JA

Your Ref: HB13/13/015

Dear Ms Brown

**Re: Listing of Buildings of Special Architectural or Historic Interest
Presbyterian Church, 69 Main Street, Castlecaulfield, BT70 3NP**

Thank you for your letter dated 19th May 2017 and received by this office on 22nd May 2017.

Mid Ulster District Council Planning Committee has considered the information contained within HED's Second Survey Report relating to the above mentioned building. Mid Ulster District Council would support the recommendation of HED to list the above building given the important contribution it makes to the historic setting of Castlecaulfield.

Yours sincerely,

Sinead McEvoy
On behalf of Dr Chris Boomer – Planning Manager
Mid-Ulster District Council
Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

E

Report on	Consultation by DFI on planning application LA03/2017/0310/F for Extraction, Transportation and working of sand gravel from Lough Neagh AND Consultation by Planning Appeals Commission (PAC) on Amended Environmental Statement for Planning Appeals for the alleged unauthorised working of minerals – Land at Lough Neagh, Co. Antrim, Co. Armagh, Co. Down, Co. Tyrone and Co. Derry
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Sinead McEvoy

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

1.0	Purpose of Report
1.1	To provide members with an overview and a draft reply to the consultation from the Department for Infrastructure (DFI) on planning application LA03/2017/0310/F for Extraction, Transportation and working of sand gravel from Lough Neagh. and also to a consultation from the PAC on an updated and amended Environmental Statement submitted for planning appeals for the alleged unauthorised working of minerals – Land at Lough Neagh, Co. Antrim, Co. Armagh, Co. Down, Co. Tyrone and Co. Derry. A draft response to DFI is attached at Appendix A and a draft response to the PAC is attached at Appendix B.
2.0	Background
2.1	On 18 th May 2017 the Council received a consultation from DFI on planning application LA03/2017/0310/F which seeks permission for 'extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km ² , in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material'. The consultation includes an Environmental Statement (ES). The Non-Technical Summary to the ES states that permission is being sought for 15 years of future extraction within a defined part of the north west sector.
2.2	On 5 th June 2017 the Planning Department of Mid Ulster District Council received correspondence from the PAC, providing Mid Ulster District Council (MUDC) with an opportunity to comment on a revised Environmental Statement for the live appeals associated with the alleged unauthorised working of minerals at Lough Neagh. The PAC originally requested that MUDC submit comment by 16 th June 2017. The Planning Department of MUDC subsequently wrote to the PAC to advise that these matters will require presentation to the Planning Committee on 1 st July 2017 and that we would revert to them with our comments following that meeting. The revised Environmental Statement submitted to the PAC is the same documents which have been submitted in support of the above-mentioned planning application and therefore the report below is a summary in relation to both consultations.

3.0	Main Report
3.1	<p>The Non-Technical Summary of the Environmental Statement (ES) is dated April 2017 and reports on an Environmental Impact Assessment (EIA) carried out on a project comprising two elements;</p> <ul style="list-style-type: none"> • The extraction undertaken in the recent past (2010 – 2015) from enforcement action; and • The extraction to be undertaken in the future for 15 years.
3.2	<p>The ES acknowledges the difficulty in assessing the effect of the sand extraction that has already occurred, since it is not possible to retrospectively gather comprehensive evidence of prevailing conditions pre-2010. The ES states that it does however provide a clear indication of the prevailing environmental conditions during the period of preparation of the environmental information (2015/16/17), with and without the extraction taking place.</p>
3.3	<p>The wide of range of environmental matters which have been given careful consideration are reported on under the following topic headings;</p> <ul style="list-style-type: none"> • Geology • Water Environment • Noise Impact Assessment • Ecology • Visual Appraisal • Air Quality • Vehicle Movement & Highways • Cultural Heritage • Socio - economic & Tourism <p>A summary of the matters contained in the Non-Technical Summary are set out below.</p>
3.4	<p>Geology</p> <p>A Geological Resource Assessment was undertaken by the British Geological Survey (BGS) on behalf of the Lough Neagh Sand Traders (LNST). The Resource Survey was conducted in two phases,</p> <ol style="list-style-type: none"> a non-intrusive seismic survey performed by a specialist marine survey vessel; and a drilling campaign and grab sampling (bulk sediment samples) that was undertaken by Causeway Geotech Ltd on behalf of BGS.
3.5	<p>As a result of all survey and site investigations the extent of the sand and gravel deposit laid down as a glacial delta, was accurately mapped and it extends over some 16km². The flat topped delta extends from the western shore of Lough Neagh approximately 5km eastwards. The delta extends from 100m south of Ballyronan as far as Ardboe in the south, with the water depths ranging from 3 to 12m over its extent.</p>
3.6	<p>Computer modelling has allowed for the interpretation of the various grades of sand and gravel samples that were taken during the site investigation regime. The volumes of sand and gravel within the deposit have been calculated and a conversion to commercial grade sand and gravel tonnage calculated. The construction grade sand and gravel tonnage has been calculated to be some 99.29 million tonnes.</p>

3.7	<p>The ES states that the proposed development will result in only a limited impact at a local level on the geological environment. The ES states that the impacts of the proposed sand and gravel extraction by suction and associated activities will have an insignificant impact on the glacial sand and gravel resource of Northern Ireland as a whole.</p>
3.8	<p>Water Environment</p> <p>The results of the sediment and water quality surveys carried out by consultants on behalf of the LNST, returned concentrations of contaminants in line with background levels or below the limits of detection indicative of relatively uncontaminated sediments. The ES acknowledges that the removal of material from the lough bed will alter the levels of the Lough floor and therefore will alter its existing characteristics.</p>
3.9	<p>As part of the ES the LNST commissioned a hydrologist report. This report included detailed wave modelling incorporating the present and predicted future changes to the base of the lough have shown that the wave heights at the shoreline will be negligibly affected by the proposed extraction process. The ES asserts that any increase in dredging will likely result in a proportional increase in the rate of land creation. This increase in nearshore habitat will provide valuable shallow water habitats to fish, invertebrates and wading birds. The Non-Technical Summary states that whilst the hydrologist report notes that any increase in discharge of dewatering fluid may increase the rate of shoreline extension, with some deterioration of the existing littoral habitat, reduction in the biodiversity and abundance of ecological communities in the area that is likely to relate to aquatic plants, the ecological assessment has determined that there is an overall beneficial ecological impact.</p>
3.10	<p>The ES argues that the onshore impacts associated with the processing wharves can be successfully managed via the implementation of numerous suggested mitigation measures. Such mitigation measures, the ES argues, will limit the potential for negative impacts that may result from unplanned events such as fuel leaks or sediment discharges.</p>
3.11	<p>Noise Impact Assessment</p> <p>The ES included a noise impact assessment which considered a baseline noise monitoring survey and a noise impact assessment for the proposed and historical development, the sand extraction processes from Lough Neagh and the secondary associated activities at the individual landing and processing sites. The noise impact assessment has assessed the project against two 'baselines', as follows;</p> <ul style="list-style-type: none"> • Baseline A - a continuation of the status quo. • Baseline B - a 'zero baseline' where no activity is occurring on the lough or any of the landing sites. The LNST operations are switched off.
3.12	<p>The sound level from operational barges was recorded from when the barges left the mooring to when they returned after the sand extraction from the Lough bed. The worst-case noise prediction results, for the periods of extraction of mineral from the lough bed by 15 barges simultaneously, indicate that the recommended Planning Policy Guidance (<i>Assessing Environmental Impacts from Mineral Extraction – Noise Emissions</i> March 2014, PPG), noise limit will not be exceeded at the nearest residential properties. The noise impact assessment predicted noise levels from the barges are in line with currently experienced operational background noise levels and will not give rise to an adverse noise impact.</p>
3.13	<p>The noise impact assessment also included a comparison of the 'zero baseline' LA90 background noise level against the specific noise level due to the established sand extraction processes, loading and transport activities at the nearest noise sensitive receptor to allow for assessment of each site in terms of the PPG noise limit. Based on this</p>

	<p>assessment of the noise impact versus the PPG noise limit premised on the 'zero baseline' background noise level, noise mitigation measures have been recommended at the three Northstone sites at Creagh Road, Ballyginniff and Sandy Bay; and at the Lagan Sandy Bay site.</p>
3.14	<p>Ecology</p> <p>The ES included an ecology assessment carried out by a number of consultants appointed by LNST. The habitats and species evaluations are based around the guidance issued by the Institute of Ecology and Environmental Management (IEEM). The Application/deemed Application Site lies within the Lough Neagh ASSI, which is further designated as part of the Lough Neagh and Lough Beg SPA/Ramsar site. A key focus of the ecology assessment has been on the potential implications for these sites however detailed consideration has also been given to other relevant designated sites around the Lough.</p>
3.15	<p>The ecology assessment points out that whilst in some instances there is clear evidence that populations are in decline, such as for some of the bird interest feature associated with Lough Neagh SPA, there is absolutely no evidence to suggest that this has resulted from LNST activities. The ecology assessment makes the case that some other factor may be accountable. In some instances this may be part of a natural process such as 'short stopping' in relating to wintering birds or agricultural practices in relation to shoreline habitat losses and water quality. The ES stresses the importance of acknowledging that the LNST operations have given rise to some significant benefits to the Lough (ASSI/SPA/Ramsar site). Through the operations, sand flats, carr woodland, scrub and reedbed habitats have been created, all of which have value to faunal species, some of which are interest features of the ASSI/SPA/Ramsar site.</p>
3.16	<p>Based on the ecology assessment there is no evidence to suggest that the LNST operations have had, are having or would lead to a significant adverse impact on any known protected species or ecological features of value at the international, national, county or local level. The ES considers that positive impacts arise and that a safe consent could be granted.</p>
3.17	<p>Visual Appraisal</p> <p>The visual impact assessment carried out for the ES extends the application boundaries and considered the travel routes taken by the barges and also the visual impact of the shore based operations. The assessment concluded that overall visibility, within this extensive expansive of water, is relatively limited. This is primarily due to the level topography adjacent the lough and also due to the extensive shoreline vegetation throughout the region. The visual assessment concludes that the proposals would not involve the introduction of new and uncharacteristic features into the local or wider landscape setting.</p>
3.18	<p>Air Quality</p> <p>The ES acknowledges that the project has the potential to impact air quality at sensitive locations as a result of dust emissions from landing sites, processing and storage of sand and vehicle exhaust emissions associated with the transportation of the material. As a result an air quality assessment was undertaken to determine baseline conditions and to assess potential effects as a result of the scheme.</p>
3.19	<p>The air quality assessment indicated that impacts were not predicted to be significant at any sensitive location in the vicinity of the site, subject to the implementation of the relevant control measures. With regards vehicle exhaust emissions a detailed assessment using dispersion modelling was undertaken in order to quantify pollution levels with and without</p>

	the project. This indicated impacts were not predicted to be significant at any sensitive location in the vicinity of the site.
3.20	<p>Vehicle Movement & Highways</p> <p>The ES considered transport implications associated with the proposed development, taking into account the historic and permitted activities at the landing sites, baseline traffic flows on the road network, the highway characteristics, its capacity and safety record in terms of HGV collisions recorded over the most recent five-year period available.</p>
3.21	<p>Following consultation with the Department for Infrastructure, the impact of the development has been assessed against a scenario whereby activity at the landing sites ceases, as does the associated traffic activity (the zero baseline). In the zero baseline scenario, there would be no traffic movements to/from the landing sites and therefore there would be no traffic/highway impact.</p>
3.22	<p>If the established development traffic was added to the network assuming a starting point of a zero baseline, there would be an increase in activity, bringing flows back to current levels, which have been found to be acceptable in terms of highway capacity and safety. The ES states that the quantum of development traffic on the local roads is not at a level at which its removal would result in significant benefits in terms of community effects and amenity. The ES goes on to make the point that should extraction at Lough Neagh cease then the supply of sand would have to be replaced from other markets. Therefore satisfying existing demand would result in increased travel distances, resulting in increased fuel consumption, vehicle emissions, traffic noise and wear and tear on both vehicles and the road infrastructure. The ES therefore concludes that the continuation of activities at the landing Sites, as proposed, would be acceptable in terms of highway/transport matters.</p>
3.23	<p>Cultural Heritage</p> <p>An assessment of the impact of the proposed works on historic assets was carried out for the dredging activities and the land based operations. The ES baseline assessment concluded that there will be no direct impacts upon statutorily designated assets and that there are no known archaeological assets within the extraction area. The ES argues that dredging has a low visual impact and takes place more than 500m from shore. There are only five designated assets within 1km of the land-based operations. The assessment concludes that there will be no effects upon the setting of the designated assets.</p>
3.24	<p>Socio – Economic & Tourism</p> <p><u>Economy</u> - The ES considered the impact of the historic and future activities on the economic characteristics of the area and tourism. This assessment was informed by contributions from Oxford Economics and CHL Consulting Company Ltd. Oxford Economics calculated the direct and indirect economic impact of current and future activities as follows:</p>
3.25	<p>Direct & Indirect Impacts</p> <p>In total the ES argues that the cessation of sand extraction would result in the loss of:</p> <ul style="list-style-type: none"> ○ 247 jobs (direct, indirect and induced); ○ £6.8 million in wages; ○ £14.1 million in GVA; and ○ £37.4 million in sales.
3.26	<p>Minerals Industry</p>

3.27	<p>The ES argues that the LNST facilitate and support growth throughout the NI economy and beyond, and in a wide spectrum of economic industries including commercial industries, tourism and construction.</p>
3.28	<p>Construction Industry</p> <p>The ES suggests that the price of sand would have to rise to facilitate an increase in NI sand production for the local market. The higher prices will feed through into construction costs which could have a minor/moderate adverse impact on the construction sector. In addition it is argued that the 'lost sand' will need to be sourced via imports, meaning leakage of money from the local economy.</p>
3.29	<p>Fishing</p> <p>The Lough Neagh Co-operative which engages in eel fishing currently has a turnover of £2.8 million and has 18 employees and Lough Neagh Pollen remains an economically important species. Given the success and sustainability of fishing on the Lough the ES argues that the activities of the LNTS have no significant adverse impact on the fishing industry.</p>
3.30	<p><u>Impact Assessment – Tourism</u> – The ES makes the case given that sand dredging has taken place on Lough Neagh for nearly 70 years and given that the recreational activities on the lake continue, the sensitivity of the receptors involved to potential impacts is low. Furthermore, the ES argues, given that the sand dredging activity takes place on a small proportion of the Lough it is unlikely to deter tourists.</p> <p>The traffic impact assessment submitted as part of the ES notes that there is no evidence to suggest sand dredging is a factor behind the under-development of tourism at Lough Neagh. Lough Neagh Destination Management Plan does not cite sand dredging as a barrier to tourism development at the Lough. The ES claims that equally there is no evidence to suggest that the full cessation of sand dredging on the lake and the cessation of activity at the landing sites would lead to an increase and expansion of tourism activity on the Lough.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial:</p> <p>Human:</p>
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)

5.1	Members are asked to note the contents of this report and it is recommended that a response issue to the PAC to thank the PAC for their consultation and to await the outcome of the planning appeal. The proposed draft response to the PAC is attached at Appendix A.
5.2	It is also recommended that a response issue DFI to state that we have no comment to make on the planning application consultation since the application is being decided by DFI and to note that the responsibility for checking the probity of the ES documents rests with them. The proposed draft response to DFI is attached at Appendix B.
6.0	Documents Attached & References
6.1	Appendix A – Draft letter to PAC Appendix B – Draft letter to DFI Appendix C – Site Location Map



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster District Council
Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132

Date: 21/06/2017

Ms Jane Curley
Strategic Planning Division
Clarence Court
10 – 18 Adelaide Street
Belfast
BT2 8GB

Your Ref: LA03/2017/0310/F

Dear Ms Curley

Re: Planning Ref- LA03/2017/0310/F – Lough Neagh Sand Extraction

Thank you for your letter dated 24th May 2017 and received by this office on 31st May 2017.

Mid Ulster District Council Planning Committee has considered the information contained within the Environmental Statement in relation to the above planning application, received by this office 18th May 2017. Mid Ulster District Council has no comment to make at this time. This application is being dealt with by the Department of Infrastructure and therefore the verification of probity of the Environmental Statement lies with the Department.

Yours sincerely,

Sinead McEvoy
On behalf of Dr Chris Boomer – Planning Manager
Mid-Ulster District Council
Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster District Council
Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132

Date: 21/06/2017

Mr Johnathan Nelson
Planning Appeals Commission
Park House
87/91 Great Victoria Street
Belfast
BT2 7AG

Your Ref: 2015/E0023, 2015/E0024,
2015/E0025, 2015/E0026, 2015/E0027
& 2015/E0028

Dear Mr Nelson

**Re: The alleged unauthorised working of minerals
Lands at Lough Neagh, Co Antrim, Co Armagh, Co Down, Co Tyrone and Co Derry**

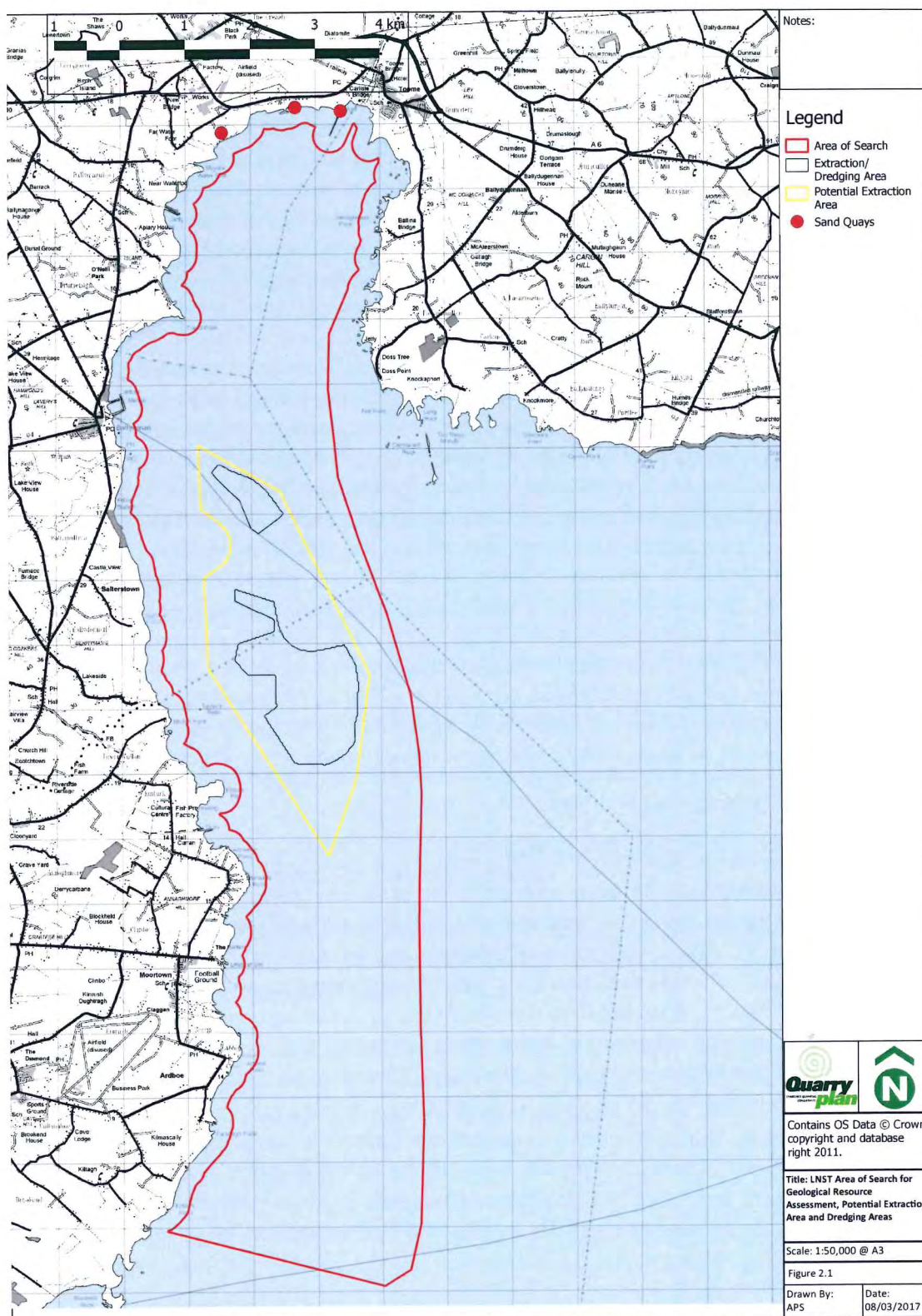
Thank you for your letter dated 24th May 2017 and received by this office on 31st May 2017.

Mid Ulster District Council Planning Committee has considered and noted the information contained within the updated and amended copy of Environmental Statement in relation to the above appeals. Mid Ulster District Council have no comment to make at this time and await the outcome of the aforementioned planning appeals.

Yours sincerely,

Sinead McEvoy
On behalf of Dr Chris Boomer – Planning Manager
Mid-Ulster District Council
Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Figure 2.1: Area of Search, Potential Extraction Area & Extraction/Dredging Area



F

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 June 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow (8.48pm), Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McEvoy, Head of Development Plan & Enforcement
Ms McKearney, Senior Planning Officer
Ms Mullen, Council Solicitor
Miss Thompson, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2017/0496/O	Mr Cassidy
LA09/2017/0354/O	Ms Curtin
I/2014/0074/F	Mr Ryan
	Ms Fowley
	Mr Ross
I/2014/0246/F	Mr Ryan
	Ms Fowley
	Mr Ross
LA09/2016/1279/F	Mr Ross
Consultation response to LA09/2016/0232/F	Ms Stevens

The meeting commenced at 7.04 pm

P070/17 Apologies

None.

P071/17 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P072/17 Chair's Business

The Chair, Councillor Mallaghan expressed his thanks to Councillor Clarke, the outgoing Chair, stating that matters were dealt with as smoothly as possible and that he would hope to continue in this vein for the coming year.

The Planning Manager advised on the following applications which were on agenda for determination –

LA09/2015/0523/F Retrospective application for retention of car park and pedestrian access via underground road tunnel in association with the Jungle NI, approx. 80m SE of 60 Desertmartin Road, Moneymore for Mr Robert Carmichael

The Planning Manager suggested that having considered the latest submission in relation to this application the best way forward would be to arrange a site meeting.

Proposed by Councillor Reid
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2015/0523/F be deferred for a site meeting.

LA09/2016/1684/O Expansion of existing care home facility to provide 4 individual care units and a new dwelling and garage in connection with the existing business at lands immediately SW of 19 Rocktown Lane, Knockloughrim for Mr C Maynes

The Planning Manager suggested that an office meeting be held for this application.

Councillor McPeake declared an interest in this application advising that he had intended to speak but was content for an office meeting to be arranged.

Proposed by Councillor Bell
Seconded by Councillor McPeake and

Resolved That planning application LA09/2016/1684/O be deferred for an office meeting.

The Planning Manager referred to paper circulated around table in relation to consultations received for Council response and how these should be dealt with. The Planning Manager advised that consultations will be a standing item on the agenda going forward.

Consultations received from Fermanagh and Omagh District Council –

LA10/2016/1054/F

Location: From 175m North west of 110 Ballagh Road Fivemiletown BT75
OLE travelling in a southerly direction towards the townland of

Doogary and then veering south east towards 149 Teiges Hill Road Brookborough BT94 4ES passing through the townlands of Kiltermon, Killybane, Cleen, Agheeghter, Aghavoory, Foglish, Derrynavogy, Tattenahishish, Tullykenneye, Derryintony, Doogary, Corlacky, Grogey, Curraghfad and Eshnasillo More.

Proposal: 33kv overhead line comprising of 12.3 km of 3x200mm AAAC overhead line on wood poles. (Alterations/amendments to route/location of line).

LA10/2017/0538/F

Location: From 165m East of 196 Omagh Road Garvaghy travelling in a south west direction towards Rarogan Road Garvaghy. Passing through the townlands of Garvaghy and Rarogan.

Proposal: 33kv overhead power line on wooden poles with 3x200mm AAC conductor and opoc fibre

The Planning Manager suggested that these two consultations be left for officers response stating that there were no issues with these applications.

Consultation received from Department of Environment –

LA09/2015/0292/F

Location: Land approximately 12km to the west of Draperstown Co Derry/Londonderry, 2 km to the north of Broughderg, adjacent to the B47.

Proposal: Erection of 33 wind turbines (comprising 10 turbines with a maximum tip height of 136m and 23 turbines with a maximum tip height of 149m), associated transformers and switchgear at the base of each wind turbine, hardstanding areas for erection cranes at each turbine, internal access tracks and site access, operations building and wind farm substation compound and building, on site electrical cables, a parking area, two temporary construction compounds, five permanent meteorological masts and all ancillary works including borrow pits, peat storage, spoil deposition, forestry removal and minor works to the public highway between site and Magherafelt to facilitate turbine delivery. (Amended proposal).

The Planning Manager advised that Council had already made representation in relation to this application and that refusal was recommended, however, as revisions had now been made to the application it was advised that a report would be brought to a future committee meeting on this item.

Members were in agreement with the suggested administering of the above consultations.

The Planning Manager referred to the upcoming RTPI awards taking place in London in which it had been agreed at Council that the Chair and Vice Chair of Council would attend along with the Chair of the Planning Committee and the Planning Manager.

Matters for Decision

P073/17 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination, he advised of a change to the order of the agenda as requested by the agent for the application. The Chair stated that as there were circumstances for the requested change it would be accommodated on this occasion but advised agents that this would not be tolerated as a normal practice going forward.

LA09/2017/0496/O Dwelling and domestic garage/store at approximately 40m SE of 49 Mullaghboy Road, Bellaghy for Gavin Breslin

Ms Doyle (SPO) presented a report on planning application LA09/2017/0496/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that this application was submitted under Policy CTY2a (cluster) and meets all criteria of that policy.

Mr Cassidy referred to the officer's report which stated that the application is not associated with a local focal point and stated that there is an equestrian centre located opposite the application site thereby fulfilling this requirement. The case officer's report also stated that the proposal was not bounded on at least two sides and Mr Cassidy referred to aerial photography which showed development on north and west of site.

Councillor Clarke asked if cluster had to be on one side of road.

The Planning Manager advised that policy states there should be a suitable degree of enclosure and bounding on at least two sides with other development in the cluster. The Planning Manager felt that the proposed site was not that enclosed with a ribbon on one side of the road and an emerging ribbon on the other side but that this application could be developed based on rounding off. The Planning Manager questioned whether the application would make any obvious change to the neighbouring area stating that this would be a matter for Member's judgement.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0496/O be approved based on rounding off of current straight line of development. Conditions to be

attached in relation to access, planting and landscaping with a ridge height of 6m to be imposed.

I/2014/0393/F 3 Pairs of semi-detached dwellings and 2 detached dwellings at 11 Killeenan Road, Cookstown for JDC Joinery

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor J Shiels
Seconded by Councillor McPeake and

Resolved That planning application I/2014/0393/F be approved subject to conditions as per the officer's report.

LA09/2015/0523/F Retrospective application for retention of car park and pedestrian access via underground road tunnel in association with the Jungle NI, approximately 80m SE of 60 Desertmartin Road, Moneymore for Mr Robert Carmichael

Site meeting to be arranged in respect of this application as agreed earlier in meeting.

LA09/2015/1075/O Dwelling and garage 76m NE of 27 Tobermore Road, Draperstown for Teresa McNally

Ms Doyle (SPO) presented a report on planning application LA09/2015/1075/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor McPeake and

Resolved That planning application LA09/2015/1075/O be refused on grounds stated in the officer's report.

LA09/2015/1215/F 24 dwellings at lands N of 21 Magherafelt Road and N of 15 and 40 Fairlee Heights, Moneymore for A N Property

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bell
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2015/1215/F be approved subject to conditions as per the officer's report.

LA09/2016/0652/O Apartment block at 10-12 Park Road, Dungannon for Bullock Bros.

Application listed for approval subject to conditions as per the officer's report.

Councillor Cuthbertson stated that whilst he was not opposed to the application he did have some concerns in relation to the impact of development in a town centre and asked if this had been fully considered.

Mr Marrion (SPO) advised that the Area Plan for Dungannon allows for development in town centres provided it is in compliance with PPS7. Mr Marrion advised that this application had been fully considered against PPS7.

Councillor Cuthbertson stated that his main concern in relation to this application was with parking provision and advised that parking is limited on Park Road.

Mr Marrion advised that it was indicated in the proposal that internal parking would be provided however this was an outline application and further detail would be made in reserved matters application.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/0652/O be approved subject to conditions as per the officer's report.

LA09/2016/1065/F 5 no.2 storey dwellings, extension of Castle Place Road and realignment of existing car parking at lands to the S of no's 9 and 14/16 Castle Place, Castlecaulfield for Choice Housing

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/1065/F be approved subject to conditions as per the officer's report.

LA09/2016/1259/F Variation of conditions 3 & 4 of planning approval I/2000/0565/F adjacent to 46 Cookstown Road, Moneymore for Railway Hill Adventures Ltd

The Chair referred to late request to speak against the application and felt that there had been adequate time to make this request. The Chair advised that the objectors concerns had been considered within the officer's report.

The Planning Manager advised that as there is a planning protocol in place it was difficult to make an exception.

Councillor Kearney advised he had received a phonecall in relation to this application and requested a deferral in order to provide an independent noise report, further to this, the objector also requested noise report compiled by Environmental Health department.

The Planning Manager advised that Environmental Health had verified that the modern type of karts proposed to be used emit less noise and that conditions have been attached in relation to the type and number of karts that can be used at one time. The Planning Manager advised that this application had been in the planning process for a long time and that a decision should now be made by Members.

In response to the Planning Manager's question Councillor Kearney advised that the independent noise report was not yet ready.

Councillor J Shiels felt that every point of concern had been dealt with in the officer's report.

Proposed by Councillor J Shiels
Seconded by Councillor Bateson

To approve planning application LA09/2016/1259/F.

In response to Councillor Reid's question in relation to noise reports the Planning Manager advised that the Planning department had consulted with Environmental Health in relation to noise in respect of this application and that their advice had been taken on board in making a recommendation to approve with conditions.

Resolved That planning application LA09/2016/1259/F be approved subject to conditions as per the officer's report and additional condition listed in addendum to report as circulated –
"Within 60 days from the date of this permission a 2 metre high sound barrier fence shall be erected at the locations identified on drawing number date stamped.... and shall be permanently retained thereafter. Full details of this fence shall be submitted to Mid Ulster District Council and agreed in writing before the fence is erected."

LA09/2016/1326/F 2 apartments at 84 Orritor Road, Cookstown for Bell Contracts

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2016/1326/F be approved subject to conditions as per the officer's report.

LA09/2016/1346/F Replacement of dwelling with building for 5 self contained apartments at 1 Westland Road South, Cookstown for Westland Property Enterprises Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/1346/F be approved subject to conditions as per the officer's report.

LA09/2016/1609/F Amended design to approval M/2015/0166/F, including additional ground floor area for and off licence within the hop, a second storey over part of the scheme to provide staff facilities and offices and additional control booth for fuel pumps at Centra, 18-20 Augher Road, Clogher for McDade Retail Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/1609/F be approved subject to conditions as per the officer's report.

LA09/2016/1684/O Expansion of existing care home facility to provide 4 individual care units and a new dwelling and garage in connection with the existing business at lands immediately SW of 19 Rocktown Lane, Knockloughrim for Mr C Maynes

Office meeting to be arranged in respect of this application as agreed earlier in meeting.

LA09/2016/1747/O Dwelling on a farm adjacent to 37 Gorestown Road, Dungannon for Mr Samuel Wylie

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Cuthbertson
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/1747/O be approved subject to conditions as per the officer's report.

LA09/2016/1789/O Dwelling adjacent to 69 Coole Road, Aughamullen, Coalisland for Patricia Dorman

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1789/O advising that it was recommended for refusal.

Councillor McAleer proposed that the application to be deferred to allow further information to be submitted in relation to special circumstances for proposal.

Councillor Bell asked if there could be focal point (crossroads) attributed to this application.

The Planning Manager advised that the application did not meet clustering as there was not development on both sides of the proposed site. In respect of infill, it would be possible to get three plots from this site. The Planning Manager referred to the need to protect the countryside and that this development would erode rural character.

Councillor Kearney seconded Councillor McAleer's proposal to defer the application for an office meeting.

Resolved That planning application LA09/2016/1789/O be deferred for an office meeting

LA09/2017/0050/F Restoration and extension to B listed Church and reinstatement of original access at St Patrick's Church, 98 Loup Road, Moneymore for Rev Fr M McArdle

Application listed for approval subject to conditions as per the officer's report.

The Planning Manager advised that as this was a listed building application Council had to notify the Department of its intention to approve and that the application could not be approved outright tonight.

Proposed by Councillor J Shiels
Seconded by Councillor Clarke and

Resolved That Department be notified of intention to approve planning application LA09/2017/0050/F subject to conditions as per the officer's report.

LA09/2017/0086/F Extension to machine hire and repair business for to provide yard for storage of agricultural machinery, opposite 17 Moveagh Road, Cookstown for McCord Machinery

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0086/F advising that it was recommended for refusal.

Councillor Reid proposed that the application be deferred for an office meeting as further information could be submitted in relation to second reason for refusal as per officer's report.

Councillor McKinney seconded Councillor Reid's proposal.

Resolved That planning application LA09/2017/0086/F be deferred for an office meeting.

LA09/2017/0229/F 3 town houses adjacent to 37 Coolmount Drive, Cookstown for Mr Malcolm Thom

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0229/F advising that it was recommended for refusal.

Councillor Bateson proposed the refusal of the application.

Councillor McKinney asked if the proposal could be amended to two houses instead of three.

The Planning Manager advised that officers have to make assessment on what had been applied for.

Councillor Bateson stated that applicants/agents have adequate time to make their case and should make an effort to attend planning meetings.

Councillor McEldowney seconded Councillor Bateson's proposal to refuse the application.

Resolved That planning application LA09/2017/0229/F be refused on grounds stated in the officer's report.

LA09/2017/0315/O Dwelling and garage at 38m E of 90 Moneysharvin Road, Maghera for Mr and Mrs Scullion

Ms Doyle (SPO) presented a report on planning application LA09/2017/0315/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2017/0315/O be refused on grounds stated in the officer's report.

LA09/2017/0328/F Refurbishment, alteration to and extension of, (to include drive thru booths) at The Oaks Centre, Oaks Road, Dungannon for McDonald's Restaurant Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McAleer
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0328/F be approved subject to conditions as per the officer's report.

LA09/2017/0354/O Infill site for 2 dwellings and garages between 15 and 17 Quilly Road, Moneymore for Mr E and C McGuckin

Ms Doyle (SPO) presented a report on planning application LA09/2017/0354/O advising that it was recommended for refusal. Ms Doyle advised that whilst the wrong site had been identified on the case officer report, the correct site had been assessed by the case officer.

Councillor McPeake proposed that the application to be deferred as the wrong site had been identified on the report.

The Planning Manager advised that the assessment of the site had been correct.

Councillor Cuthbertson proposed the refusal of the application.

The Chair advised the committee that a request to speak on the application had been received and invited Ms Curtin to address the committee.

Ms Curtin stated she was of the opinion that an office meeting should be accommodated in respect of this application because the wrong site had been identified in the report.

Ms Curtin advised that the proposed site comprises of the entire gap between 15 and 17 Quilly Road which includes an established mobile home and associated laneway. Ms Curtin advised that neighbouring plot sizes vary considerably and that the proposal respects the existing development pattern and would integrate into the surrounding landscape.

In response to the Planning Manager's question, Ms Curtin advised that the mobile home referred to was established as detailed in case officer's report.

The Chair felt that as there were concerns in relation to the wrong site being identified it may be best to defer this application in order for the committee to be transparent.

In response to Councillor J Shiels question, Ms Doyle advised that the correct site had been assessed and that it was only the officers report in which the wrong site had been identified.

Councillor J Shiels seconded Councillor Cuthbertson's proposal to refuse the application.

Councillor McAleer seconded Councillor McPeake's proposal to defer the application for an office meeting.

The Planning Manager advised he was content to further explore the context of the application.

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 2

Against – 11

Resolved That planning application LA09/2017/0354/O be deferred for an office meeting.

LA09/2017/0367/O Dwelling at 51 Drum Road Cookstown for Mr and Mrs Glackin

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0367/O advising that it was recommended for refusal.

Councillor Clarke proposed that the application be deferred for an office meeting as there were medical grounds associated to the application.

The Planning Manager advised that if there were medical grounds other options could be explored at an office meeting.

Councillor Gildernew seconded Councillor Clarke's proposal to defer the application.

Resolved That planning application LA09/2017/0367/O be deferred for an office meeting.

I/2013/0194/F 4 semi-detached dwelling, 1 detached dwelling and widening of archway to the rear of 65-69 Oldtown Street, Cookstown for Malcolm Thom

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That planning application I/2013/0194/F be approved subject to conditions as per the officer's report.

I/2014/0074/F Alteration of existing access and laneway to the rear of 51 Knockanroe Road, Cookstown for Reid Engineering Ltd

I/2014/0246/F Retention of engineering workshop to include store and ancillary accommodation and storage yard at 55 Knockanroe Road, Cookstown for Reid Engineering Ltd

Councillor Reid declared an interest in these applications and withdrew to the public gallery.

The Head of Development Management presented a report on planning applications I/2014/0074/F and I/2014/0246/F advising that they were recommended for approval.

Members were advised of further response from Environmental Health as circulated at meeting and reminded that the applications had been given an adequate hearing at April Planning Committee. Members were advised to make their decision based on planning issues only.

The Planning Manager stated he would like to hear from the solicitor representing the objectors as to the legal arguments why the applications are unsound.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Ryan to address the committee in the first instance.

Mr Ryan stated that, if approved, these applications would have a negative impact on rural character and amenity of local residents. It was stated that the business had now outgrown its current site, that the decision made on the 2010 application was finely balanced and proposals now were excessive. Mr Ryan advised that the applications were contrary to PED3 and PED9 of PPS4 and referred to planning appeal decisions taken in respect of other applications. Members were asked to consider the inescapable impacts of the applications and the concerns of local residents.

Ms Fowley stated that objectors felt let down by the planning system and was failing the people it was designed to protect. Ms Fowley stated that the business had disregarded its 2010 approval and if these applications were also approved it would be seen that there is no deterrent to such action. Ms Fowley referred to discussion at April meeting in that if the applications were refused the business would close, Ms Fowley contended that the business would not close and could still build to proposal approved in 2010. Ms Fowley stated that the applications were contrary to planning policy and that local residents would be at a detriment if approved. Ms Fowley urged Members to refuse the applications.

The Planning Manager advised Members to consider the information before them and form their own view. He advised that the Committee were not held to approve this application because of the previous approval, however, they did need to take into consideration the history on the site before reaching a decision. The Planning Manager explained that these applications could be considered as minor and that Heffron Judicial Review referred to was for a much bigger extension.

Mr Ross stated he respected the comments of objectors but felt it was the job of the solicitor to frustrate the process, not offer solutions. Mr Ross advised that consultees had been consulted over and over again in respect of these applications and felt it was unfair for comparisons to be made in how other applications were dealt with. Mr Ross highlighted that these applications were brought as approvals in April and were coming back with the same recommendation tonight. Mr Ross stated he appreciated the work that had been undertaken in respect of the applications by the applicant, planning officers and consultees and felt the right decision was being taken. Mr Ross stated that the business was a continuing success which provides employment and asked objectors to engage in the process.

Councillor McKinney asked if there was any breach of PED3 and PED9 of PPS4.

The Planning Manager advised that actions had been taken to improve the design of the application. He also advised the Committee that an Enforcement Notice had been served and therefore if the application was refused and the shed was not taken down legal action would need to be taken against the applicant for non-compliance. The Planning Manager referred to the masterplan application which will be considered in due course on its own merits and stated that Members had all information related to the applications and encouraged them to make a determination.

Councillor Kearney proposed that both applications should be refused, that it was right to undertake a site visit regarding these applications which helped to confirm the objectors view – that the rural area had been harmed and that of neighbouring residents. Councillor Kearney felt that not enough action had been taken by the applicant and that previous Ministerial/PAC decisions should carry weight.

The Planning Manager asked Councillor Kearney if he was making a representation in relation to these applications and should declare an interest.

Councillor Kearney stated he was not making a representation but was expressing his opinion.

Councillor Robinson stated that he had attended the site meeting and proposed that both applications be approved as recommended.

Councillor McKinney seconded Councillor Robinson's proposal.

The Planning Manager stated that as this was a finely balanced case he would be content and was willing to defend whatever decision the committee made.

Councillor Mullen seconded Councillor Kearney's proposal to refuse both applications.

Members voted on Councillor Robinson's proposal to approve planning applications I/2014/0074/F and I/2014/0246/F –

For – 10
Against - 3

Resolved That planning applications I/2014/0074/F and I/2014/0246/F be approved subject to conditions as per the officer's report.

Councillor Reid rejoined the meeting.

LA09/2016/0158/O Infill site for dwelling and garage, 40m W of 15a Tullyheran Road, Maghera for Ms Megan McGarvey

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor J Shiels
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/0158/O be approved subject to conditions as per the officer's report.

LA09/2016/0783/F Retrospective application for car parking area, with existing entrance and new access onto Lissan Road, at lands at rear of 2-12 Moneymore Road, Cookstown for LCC Group Ltd

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/0783/F be approved subject to conditions as per the officer's report.

LA09/2016/1034/F Change of house type from previously approved 2 storey dwelling and garage to 2 no. semi-detached units within same curtilage at 75 Killyliss Road, Dungannon for Mr Gary McCann

Mr Marrion (SPO) presented a report on planning application LA09/2016/1034/F advising that it was recommended for refusal.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/1034/F be refused on grounds stated in the officer's report.

LA09/2016/1195/F Extension to Church building to provide church hall, toilet facilities, chair store and additional Sunday School rooms at Cookstown Independent Methodist Church, Morgans Hill Road, Cookstown for Rev Malcolm Patterson

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2016/1195/F be approved subject to conditions as per the officer's report.

LA09/2016/1279/F 2 no. semi-detached dwellings at 89 Moneysallin Road, Kilrea for Mr David Gordon

Ms Doyle (SPO) presented a report on planning application LA09/2016/1279/F advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Ross to address the committee.

Mr Ross stated he would welcome feedback as to why it was felt the application was not acceptable under policy CTY4, that there was a building there which the proposal would not change the look or character of.

The Planning Manager stated that this application was similar to an application which was refused earlier in the meeting.

Councillor McPeake referred to the similarity with other application but felt that as there was only a footprint for one house in this case then this application could be considered differently. Councillor McPeake stated he was loathed to see the application being refused as the building was already there, in relation to housing need, the Councillor advised that the proposal was located closed to Gulladuff and Clady and that there would be housing demand in those areas.

The Planning Manager stated that there was no suggestion that the current building be knocked down however there appeared to be an intention to maximise rental potential and these instances were not happening by accident. The Planning Manager indicated that a test on interpretation of policy was required by Planning Appeals in order to assist Council in making future similar decisions. The Planning Manager advised that the house could be used for living in as is as long as it was not an HMO.

Councillor McKinney asked if HMO was a planning issue.

The Planning Manager advised that traditionally houses could have up to six people paying rent however current planning law was not specific and was based on relationships. The Planning Manager advised that HMO was a big issue in Mid Ulster.

Councillor Bateson asked what precedent would be set in determining this application.

The Planning Manager advised that the manner in which the house was designed indicated that there was an intention to develop additional units. The Planning Manager stated that this application should go to appeal and that that decision would help to set precedent for the future.

Councillor Glasgow entered the meeting at 8.48 pm.

Councillor Bateson asked what the implications were of approving the application.

The Planning Manager stated that if this application were to be approved he felt there would be a lot more of this type of application in the future.

Councillor Kearney felt that Councillor McPeake had made a good case and that there would be housing need in the nearby area.

The Planning Manager advised that figures on housing need were received from Housing Executive and that this was indicated to be zero within the application area. The Planning Manager went on to explain policies CTY1 and CTY4.

Councillor Bateson felt that some clarification was required on how to determine this type of application.

The Council Solicitor urged the committee to be cautious and consider the implications of overturning the recommendation of the planning officer.

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/1279/F be refused on grounds stated in the officer's report.

LA09/2017/0053/O Dwelling and garage 150m SW of 283 Pomeroy Road, Lurganeden, Dungannon for Mr Colin Moore

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Clarke
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/0053/O be approved subject to conditions as per the officer's report.

P074/17 Response to Consultation from Fermanagh & Omagh District Council on application LA10/2017/0365/F – sand and gravel extraction at Shantavny Road, Omagh

Members considered previously circulated report in relation to Council's response to Fermanagh and Omagh District Council's consultation on planning application LA10/2017/0365/F.

Proposed by Councillor Robinson
Seconded by Councillor Reid and

Resolved That Council issue response to Fermanagh and Omagh District Council stating that –
“Mid Ulster District Council have no concerns in relation to the long term visual impacts of this development provided a robust and properly detailed restoration plan is agreed and conditioned for implementation within 2 years of the development commencing.”

P075/17 Response to consultation from Department for Infrastructure on application LA09/2016/0232/F – Corlackey Wind Farm

The Head of Development Management presented previously circulated report in relation to Council's response to Department for Infrastructure's consultation on planning application LA09/2016/0232/F.

The Chair advised the committee that a request to speak on the consultation had been received and invited Ms Stevens to address the committee.

Ms Stevens advised that the proposal is compliant with PPS6 and will have limited visibility within the Sperrin AONB. It was felt that the relationship with nearby Brockaghboy wind farm would help to cluster the development. Ms Stevens stated that monuments in the area would not be to any detriment through development of this wind farm. Members were advised of a significant community package

associated with the proposal and the rateable income over the lifetime of the project. Ms Stevens sought the support of the Committee for the proposal.

Councillor McEldowney stated that Brockaghboy Wind Farm was more visual than what Corlackey Wind Farm will be, she advised that the community were in support of the application and would benefit from reduced electricity costs.

The Planning Manager urged caution in relation to proposed community package associated to the application and that to approve an application on this basis would be *ultra vires*. The Planning Manager stated he would have some concern in stating that the Council were in support of the application.

Councillor McPeake advised he had attended site meeting for this application and felt there would be no significant additional impact to what already was there. The Councillor also felt there would be no negative impact on nearby monuments and stated he could not support the wording of the proposed response as circulated. Councillor McPeake felt that the fact there were no local objections to the application spoke for itself and that benefits to the local community should not be lost sight of.

Councillor McKinney asked if it was within the remit of the Committee to make a determination on the application.

The Planning Manager advised that determination of this application rests with the Department but that Council can submit a response to the consultation with an opinion in favour, against or neutral.

In response to Councillor McPeake's question, the Planning Manager advised that if Council wish to submit an opinion in favour of the application then further detail as to why it should be approved would have to be included based on planning grounds. If the opinion of Council is that the application should be refused then the reasons as circulated in report could be submitted. The Planning Manager stated that Council could also offer a neutral opinion to the application.

Councillor McAleer proposed that Council submit a neutral response to the consultation to LA09/2016/0232/F.

Councillor Bateson stated that wind farm proposals usually create hostility which is not the case for this application and felt that this should be highlighted in the response.

The Planning Manager stated that by submitting a neutral response then Council would not be raising any objections.

The Planning Manager suggested wording for response stating that Council notes the application and that no objections have been raised against it. The Council is also raising no objection to the application and therefore leaves the determination of the application to the Minister.

Councillor Kearney seconded Councillor McAleer's proposal to submit a neutral response.

Councillor McPeake asked if a comment supporting the application in principle could be included.

The Planning Manager stated that to support the application in principle Council would have to set out its reasons why and could be held to account in the future. The Planning Manager stated that a neutral response would indicate that Council had no objection to the application.

Councillor McKinney asked if comment in relation to community benefit could also be included within response.

The Planning Manager suggested wording stating that if the Department is minded to approve the application then associated community benefit package should be delivered upon.

The Chair suggested that wording for response be brought to June Council meeting for consideration.

Members were in agreement that wording for a neutral consultation response being made to application come back to June Council meeting.

Resolved That wording for neutral consultation response in relation to LA09/2016/0232/F – Corlackey Wind Farm be brought to June Council meeting for consideration.

*Meeting recessed at 9.23 pm and recommenced at 9.43 pm.
Councillors Gildernew and Mullen did not return to the meeting.*

P076/17 Planning Performance Indicators

The Planning Manager presented previously circulated report which sought approval on the Planning Performance Management Framework for NI.

The Planning Manager suggested that the Council response should also be sent to NILGA.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That Council submit response to Department for Infrastructure as per paper previously circulated regarding Planning Performance Indicators. Council response to also be sent to NILGA.

Matters for Information

P077/17 Minutes of Planning Committee held on Tuesday 2 May 2017

Members noted minutes of Planning Committee held on Tuesday 2 May 2017.

P078/17 Verbal update on Local Development Plan

The Head of Development Plan and Enforcement advised that work was progressing on Local Development Plan and sought approval to hold a special Planning Committee meeting on 15 August 2017 to present report on consultations received related to Local Development Plan.

Councillor Bell proposed that special committee meeting be held on 15 August.

Councillor Cuthbertson asked if the content of this proposed meeting could be incorporated into the normal monthly committee meeting in August as there was not usually as full an agenda over the summer months.

The Planning Manager stated that depending on the schedule of applications to be brought to the August meeting it may be possible to include the consultation report on the agenda for the normal monthly planning committee, however, as adequate time and consideration would need to be given to the consultation report a decision would be taken nearer the time.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved That consultation report for Local Development Plan be brought, if possible, to normal monthly Planning Committee to be held on 1 August.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P079/17 to P085/17.

Matters for Decision

P079/17 Receive report on Listed Building
P080/17 Receive Enforcement Cases

Matters for Information

P081/17 Confidential Minutes of Planning Committee held on Tuesday 2 May 2017

P082/17	Verbal update on unauthorised peat extraction
P083/17	Enforcement Live Caseload
P084/17	Enforcement Cases Opened
P085/17	Enforcement Cases Closed

P086/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.08 pm.

Chair _____

Date _____

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Report on	The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Sinead McEvoy

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

1.0	Purpose of Report
1.1	To provide members with an overview of the new Environmental Impact Assessment Regulations, made by the Department for Infrastructure (DfI) on 16 th May 2017. These new regulations, known as The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 cover the assessment of the effects of certain public and private projects on the environment and revoke the 2015 regulations. This report will highlight the key changes made to the regulations.
2.0	Background
2.1	Members will be aware that Council previously provided comment to DfI, on 7 th February 2017, on their recent consultation document on the then proposed transposition of the new EIA Directive (2014/52/EU) into new EIA Regulations.
2.2	The Planning (Environmental Impact Assessment) (Northern Ireland) 2017 has since been made by DfI on 16 th May 2017. Their main aim is to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and assessment of projects with a view to reduce their impact on the environment.
2.3	The purpose of the EIA is to identify and evaluate possible alternatives to the scheme, identify and quantify the potential impacts which the proposed scheme might have on the environment, identify and assess potential mitigation measures, and establish a system for post scheme implementation monitoring. The Directive therefore sets out a procedure that must be followed for certain types of project before they can be given 'development consent'.
2.4	The intention of the amendments to the regulations is to lighten unnecessary administrative burdens, reinforce the quality of decision making and improve current levels of environmental protection. The new EIA Regulations will have direct implications for the planning system in Northern Ireland and indeed resource implications for this Council.
3.0	Main Report
3.1	<p>Although the new EIA regulations came into force on 16th May 2017 the 2015 Regulations will nevertheless continue to apply in the following circumstances:</p> <ul style="list-style-type: none"> - Where a request for a screening determination is made or the process to make a screening determination has been initiated before 16th May, the development will be screened under the provisions of the Planning (EIA) Regulations 2015.

3.2	<ul style="list-style-type: none"> - Where a request for a scoping opinion is made before 16th May, the scoping opinion will be made and the application processed under the provisions of the Planning (EIA) Regulations 2015. - Where the environmental statement has been submitted before 16th May, the application will be processed under the provisions of the Planning (EIA) Regulations 2015. <p>The main amendments introduced in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 include the following:</p> <ul style="list-style-type: none"> • The environmental impact assessment process has been defined and the environmental factors to be considered in the assessment have been refined and broadened to reflect emerging challenges that are important to the EU as a whole in areas such as resource efficiency, climate change, biodiversity and disaster prevention. [Regulation 5] • The screening procedure, determining whether an EIA is required, is strengthened through new information requirements and a revision of the selection criteria to be considered when making decisions. [Regulations 8(3) and 8(4) and Schedule 3] • Screening determinations are subject to a maximum timeframe of 90 days, except in exceptional circumstances. [Regulations 8(8) and 8(10)] • The information to take into account when making a screening determination and giving a scoping opinion has been revised [Regulations 8(7) and 8(17)] • Reasons for screening determinations must be provided and shared with the public for both positive and negative determinations. [Regulations 8(14) and 8(15)] • The information to be contained in the Environmental Statement has been revised and clarified to improve quality and content. [Regulation 11(2) and Schedule 4] • Environmental Statements are to be prepared by competent experts and planning authorities are to have access to sufficient expertise to examine and assess the statements. [Regulations 11(3)(a) and 5(4)] • The developer can require the planning authority to provide a scoping opinion setting out the information to be included in the Environmental Statement. Where provided, the Environmental Statement must be based on the scoping opinion. [Regulation 11(3)(c)] • Administrative burdens will be reduced and processes streamlined through the introduction of coordinated procedures when a development also requires assessment under the Habitats/Wild Birds Directive. [Regulation 23]
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3.3	<ul style="list-style-type: none"> • The grounds for planning permission decisions must be clear, considered and up-to-date and reasons for decisions must be provided and shared with the public. [Regulations 24, 26 and 27] • Planning authorities will be required to consider whether monitoring measures, proportionate to the nature, location and size of the development, should be imposed for developments which appear to have significant negative effects on the environment. [Regulation 25] • The Department is responsible for carrying out the Member State role for EIA developments with significant transboundary effects. Councils are to notify the Department of any proposed development which is likely to have significant effects on the environment in another EEA State and the Department will liaise with the affected Member State. For developments in other Member States likely to have a significant impact in Northern Ireland, the Member State will inform the Department who will arrange for the information to be made available to the relevant council. [Regulations 29 and 30] • Effective, proportionate and dissuasive penalties are required for breaches of the requirements of the Directive. [It is considered that the existing planning enforcement powers provide an appropriate penalty system for unlawful development. This position has been reinforced through regulation 32] • Planning authorities are to perform their duties in an objective manner and avoid conflicts of interest. [Regulation 43] <p>These amendments to the EIA Regulations will require some adaptation of the Council's current procedures and assessment methods and will therefore likely have potential implications for resources and processing times.</p>
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: Human:
4.2	<u>Equality and Good Relations Implications</u>
4.3	<u>Risk Management Implications</u>
5.0	Recommendation(s)

5.1	Members are asked to note the contents of this report.
6.0	Documents Attached & References
6.1	N/A