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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: I/2014/0393/F	
Proposal: Erection of 3 pairs of semi-detached dwellings and 2 detached dwellings, associated site works (8 residential units in total) - amended details received	Location: 11 Killeenan Road Cookstown
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: JDC Joinery 4 Flo Road Cookstown	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

See main body of assessment.

Description of proposal

This is a full planning application for housing, consisting of 3 pairs of semi-detached dwellings and 2 detached dwellings and associated site works (8 residential units in total).

Characteristics of Site and Area

The site has a 2m wide footpath running along the existing frontage of the site, behind which is a 1m high ranch style wooden fence. Part of the roadside boundary is defined by landscaping to the SW. There is an access to a 3rd property dwelling which runs through the site, dissecting it, to the NE. The boundaries located to the north are adjacent to an existing watercourse with sparse vegetation growing along the banks. The site is the same level as the adjacent road, is relatively flat and falls steeply towards the watercourse within 5m of it. The site is currently disused land and is waste land, most of which is located within the development limits of Killeenan as defined in the Cookstown Area Plan 2010. The area to the east of the access dissecting the site is overgrown with vegetation and has a mare treed boundary to the north.

South of the site is a graveyard and Chapple. North of the site is a 2 storey dwelling set back from the public road. East is some housing consisting of 2 storey detached and semi-detached dwellings. The area is rural in character.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Cookstown Area Plan 2010: most of the site falls within the development limits of Killeenan, a small village. The area within the limits of development is part white land, part zoned as area of constraints on mineral development. The area that falls outside the limits is not zoned and is open countryside.

Relevant Planning History

I/2012/0231/F- Proposed development of 8 no. semidetached houses and 1 no. detached house with associated gardens and driveways, permission was refused on 15.02.2015 for the following reasons;

1. The proposed development is contrary to Policy QD1 of the Planning Policy Statement 7 (PPS7) Quality Residential Environments in that it has not been demonstrated that the development would create a quality and sustainable residential environment and fails to meet the requirements of criteria (a), (c), (f) and (g) of Policy QD1.
2. The proposed development is unacceptable in that insufficient information has been provided to ensure a proper means of sewerage disposal to serve the development.
3. The proposal is contrary to PPS 15 (Planning and Flood Risk), FLD 4 in that the proposal will result in the culverting of a designated watercourse and the site is not considered to be one of the exceptions.
4. The proposed development would, if permitted, prejudice the safety and convenience of road users due to the conflict caused at the junction of Cloughfin Road with Killeenan Road would add to existing traffic hazards.
5. The proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.

Key planning Policy

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

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

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

The proposal is for 8 no. dwellings (3 sets of semis and 2 detached). Under I/2012/0231/F permission was refused as it was assessed at this time that the proposal for 9 no. dwellings on this site was not in keeping with the existing character of the area. The subject application is for 8no. dwellings, a reduction in one, which results in a more spacious layout and is similar to semi-detached properties located to the east of the site on the same side as St. Joseph's Church. The proposed materials and design of the dwellings are also in keeping with that of the area and will not look incongruous in this area.

While plot sizes are slightly smaller than what is common in the area, they are of a size that is not so small as to warrant a refusal in this instance. The dwellings will share a building line, with the detached properties on each side of the development sitting forward by 1 metre, which distinguishes the properties as part of the same development and encloses the properties. It is considered that criteria (a) of QD1 is now met.

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

No archaeological or built heritage features identified on GIS search. The watercourse to the northern boundary will be protected by a retaining structure and protected from culverting. The proposal includes supplementary planting which will soften the impact of the proposed development.

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

No open space is included within the proposed design, which is acceptable given the size and scale of the proposal. Given the need for protection of the open watercourse, rear amenity space is somewhat restricted. While each property is close to obtaining the recommended 70m² private rear amenity space for dwellings, not all will achieve this. However, given the restricted nature of the site, and the fact that an open watercourse and wildlife corridor will be located to the rear of the dwellings, this in itself will add extra amenity value, and in this instance a reduction in recommended standards is considered to be acceptable. While I/2012/231/F refused permission for sub-standard private amenity, due to the reduction in numbers and the reasons stated above, it is my view, on balance, that this part of policy is now achieved.

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

The proposal is for 8 No. dwellings. No additional facilities are required due to the size and scale of the proposal.

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

Through the processing of the application protracted negotiations between Transport NI, the applicant's road engineers and Council took place to try and come to a solution over access. A solution was eventually reached and Transport NI are now content with the access points, subject to conditions. A footpath is proposed along the frontage of the site for safe access for pedestrians. The surrounding road network also supports cycling and access for cyclists.

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

Transport NI have no objections. Each dwelling has 2 no. in-curtilage parking spaces and turning area to exit in forward gear. This refusal reason under I/2012/0231/F has been addressed.

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

As stated in (a) above, the form, materials and design are reflective with residential development in the area and is no longer a valid reason for refusal.

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

There is ample separation distance between existing and proposed development for there to be any detrimental impacts being experienced by overlooking and loss of light.

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

The proposal has got good surveillance of surrounding land and is designed with safety and overlooking of public space in mind, while retaining privacy to the rear.

In terms of PPS 7 (Addendum) - Safeguarding the Character of Established Residential Area, the proposed housing density is broadly in keeping with density when read with surrounding development, especially semi-detached properties to the east.

Other considerations

PPS2- due to the proximity of the development to an open watercourse there was concern that the proposal may be hydrologically linked to an N2K site, or that detrimental impact may be caused to protected habitat or species. NIEA and Shared Environment Services were consulted and raised various concerns about this proposal in terms of potential environmental impacts. On completion of various environmental reports, including a Biodiversity Checklist and Badger survey, it has been determined that impacts on the environment will not be detrimental and planning conditions can ensure appropriate mitigation can be achieved. NIEA and Shared Environmental Services have now no issues with this proposal.

Sewage- Northern Ireland Water has indicated that there is insufficient sewage capacity for this development to connect to the mains. The applicant/agent has indicated a temporary waste water treatment plant to deal with sewage from this development until such times as the sewage infrastructure has been upgraded. This can be controlled through planning condition and is the normal way in which housing developments have been progressed where insufficient sewage infrastructure exists in an area.

Culverting- under I/2012/0231/F permission was refused as culverting of an open water course was taking place. An alternative engineering solution has been found and Rivers Agency are content to accept this and have no further objections to this proposal.

Road safety- I/2012/0231/F provided 2 road safety reasons for refusal. As stated above these issues have now been satisfactorily addressed and Transport NI have no further objections to this proposal subject to planning conditions.

3rd Party Planning objections- objections have been received and raise the following concerns; -road safety; this has been considered above and Transport NI have indicated that they no longer object to this proposal subject to planning conditions

-concern that the temporary waste water treatment plant would cause impacts of noise/odour to nearby residential amenity, and that it is located within 50m of well/bore hole; on discussion of these concerns with Melvin Bowman (Principle Planner) it was decided to progress with an informative, given that separate approval for this temporary waste water treatment plant will require separate permission under different legislation from Planning (either NIEA or NIW will issue consent to discharge). NIEA Water Management Unit notes that there is a well near the proposed site and advise that treatment plants and soakaways/ discharge points should not be installed in the vicinity of any well or borehole. The minimum distance required will depend on site specific conditions but will never be less than 50 metres. Should the applicant/agent not receive discharge consent then they will have to apply for alternative sewage arrangements which may require a new planning application and will be assessed separately.

-concern that additional runoff from the development will cause exacerbated flooding which will lead to access being washed away; Rivers Agency were consulted on this proposal and raised no drainage objections. The site is not at a threshold where a drainage assessment is required. The objector provided no evidence that flooding occurred at this point.

The site is not subject to flooding and there are no contamination or human health issues to consider. Waste Management (WM) (Land and Groundwater Team) notes that there are no records of previous potentially contaminating land uses on this application site or in the adjacent area. The proposed development is therefore considered to be a low risk to the water environment.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission be granted subject to the following conditions.

Conditions

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

2.All works must be carried out in accordance with the documents Protection of the Water Environment CEMP (December 2016) and Drainage Plan (December 2016). The detailed mitigation must be adhered to and implemented throughout the construction, operation and decommissioning phases in accordance with the approved details, unless otherwise agreed in writing by Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse effects on the integrity of the Upper Ballinderry River SAC.

3.If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

4.After completing any remediation works required under condition 3 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with

Department. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. The development hereby permitted shall not be commenced until the vehicular accesses have been constructed in accordance with Drawing No. 03 revision 3 bearing the date stamp 18th January 2017.

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

6. The vehicular accesses, including visibility splays of 2.4m x 108m in both directions, shall be provided 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 user.

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

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

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

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

9. Gates, if erected, shall not open over the public footway, verge or carriageway.

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

10. The development hereby approved shall not be occupied until the footpath as indicated on Drawing No 03 Revision 3 bearing the date stamp 18th January 2017 has been fully completed in accordance with the approved plans across the entire site frontage.

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

11. No dwelling shall be occupied until its boundary definition has been provided in accordance with drawing number 03 rev3 date stamp received 18th January 2017 unless otherwise agreed with Council.

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

12. All landscaping shown in drawing No 03 rev3 date stamp received 18th January 2017 shall be carried out in the first planting season following the commencement of development hereby approved and any trees or shrubs which, within a period of 5 years from planting, 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.

13. Prior to the commencement of development hereby approved, details of number, position and species of trees to be planted within the area indicated in green on drawing No 03 rev3 date stamp received 18th January 2017 shall be provided and agreed by Council, unless otherwise agreed in writing. All approved landscaping shall be carried out in the first planting season following the commencement of development hereby approved and any trees or shrubs which, within a period of 5 years from planting, 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: To mark the division between town and countryside and to ensure the provision, establishment and maintenance of a high standard of landscape.

Signature(s)

Date:

ANNEX	
Date Valid	10th December 2014
Date First Advertised	24th December 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Killeenan Road Drumshanbo Glebe Cookstown The Owner/Occupier, 10A Killeenan Road Killeenan Cookstown The Owner/Occupier, 11 Killeenan Road, Killeenan, Cookstown, Tyrone, BT80 9JA, The Owner/Occupier, 7A Killeenan Road, Drumshanbo Glebe, Cookstown, Tyrone, BT80 9JA, Gerald McKenna 9 Killeenan Road Drumshanbo Glebe Cookstown Gerard McKenna 9, Killeenan Road, Cookstown, Tyrone, Northern Ireland, BT80 9JA Gerald McKenna	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0523/F	Target Date:
Proposal: Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI	Location: Approximately 80m South East of 60 Desertmartin Road Moneymore
Referral Route: Refusal recommended: contrary to PPS 21 & PPS3	
Recommendation:	Refuse
Applicant Name and Address: Mr Robert Carmichael C/o.agent	Agent Name and Address: TC Town Planning Town & Country Planning Consultants 84 Ashgrove Park Magherafelt BT45 6DN
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 site is located approximately 3 km north of the village of Moneymore in the open countryside as defined by the Magherafelt Area Plan 2015. The site is adjacent to and connected with an existing farm complex and associated outdoor activity centre, known as 'The Jungle'. The proposed site is located on the eastern side of the Desertmartin road (A29), a protected route. The site is accessed directly from the Desertmartin Road. A hardstanding has been created on the site and is being used as a car park. To the north of this is a footpath leading to a tunnel under the road providing access to the facility. This tunnel was designed initially for the use of moving cattle around the farm. There is a small stream located to the north of the car park. Views of the site are achievable when travelling along the A29 in both directions, however the existing roadside vegetation softens the landscape to some extent. The surrounding area is characterised by a mixture of single dwellings and farm complexes. An existing lime quarry is located approximately 600 metres to the east of the site. The surrounding land generally slopes upwards from the main road in a westerly direction, with land to the east of the road flatter.</p>	
Description of Proposal	
<p>The proposal is for 'Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI'. The proposed car park is laid out differently to what is currently in place, with a more formal layout proposed. The proposal includes 9 coach parking spaces, 4 disabled access spaces and 40 standard spaces.</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 3 - Access, Movement and Parking Planning Policy Statement 21 - Sustainable development in the countryside</p> <p>The proposal is to access onto the Desertmartin Road which is a protected route as defined in the Magherafelt Area Plan 2015.</p> <p>Site History - H/2004/1367/F - Approval granted for 2 poultry houses and entrance room H/2007/0545/F - Approval granted for retention of farm diversification project for paintball games to ancillary facilities H/2009/0490/F - Approval granted for indoor paintball centre H/2010/0027/LDP - Approval for ancillary tree top facility H/2010/0368/F - Approval granted for retention of games zone area for zorbing and paintball and proposed extension to paintball games zone area. Retention of office/reception area and ancillary facilities for established paintball business.</p>	

H/2010/0519/F - Approval granted for minor alterations to previously approved indoor paint ball centre to include change of use to office/reception, meeting room, male and female toilets, changing rooms and showers, canteen kitchen and store facilities for established paint ball business and increase in ridge height.

H/2012/0401/F - Approval granted for proposed log cabin for reception/office use in conjunction with 'The Jungle' activity centre.

It should be noted that there is an ongoing enforcement case with regards this proposal and this submission is following this enforcement.

In line with legislation this proposal was advertised in the local press during August 2015 - no representations have been received to date.

Neighbours: Owners/occupiers of No 60 Desertmartin Road were notified of this proposal on 03.08.2015 - no objections have been received to date.

Consultees: - Transportni were asked to comment and responded on 07.10.2015 recommending the proposal for refusal as 'this is a Transportni maintained structure for the sole purpose of livestock transfer/agricultural purposes and not suitable for members of the public to use because of the confined spaces implications. Following further clarification of nos. of visitors etc Transportni commented further on 09.03.2016 again recommending the proposal for refusal. Further discussions were held and subsequent reconsultation, Transportni responded to this on 19.01.2017 still recommending the proposal for refusal.

Water Management Unit were asked to comment and responded on 17.08.2015 with no objections.

Waste Management unit were also asked to comment and responded on 17.08.2015 with no objections.

Rivers Agency were asked to comment and responded on 10.08.2015 requesting a drainage assessment due to the size and nature of the proposal (Change of use involving hard surfacing exceeding 1000 sqm.). This has not been requested as a recommendation of refusal was being recommended so didn't want to put the applicant to unnecessary expense.

In line with CTY 1 of PPS21 all proposal for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance. It is my opinion that having considered all the information available that this proposal does not comply with this point of planning policy statement 21. The sheer size of the car park does not lend itself to integrate sympathetically with the surrounding land uses, Transportni have advised that road safety is an issue, drainage has not been dealt with and the access arrangements are not in accordance with published guidance.

In addition Annex 1 of PPS21 clearly states in part (d) Other Categories of Development - approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot be reasonably be taken from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. However currently there is no existing vehicular access, a field gate is not an access (paragraph 5.13 of PPS3 AMP2) and so this is further reason for a refusal to be recommended.

Extensive discussions have been held between the applicant, Transportni and ourselves to try and fully assess this proposal and potentially find a solution that adheres to policy and is acceptable to all parties. However this resolution was not achievable and Transportni are still of the opinion that the development does not comply with policy AMP 3 of PPS3 (access to protected routes). The development would not be deemed as an exception under the policy. The car park is on the opposite side of the road from 'The Jungle' and the proposed access is via an

underpass below the road that is already in place. The underpass is managed by Transportni and is only to be used for agricultural purposes. Transportni will not give permission for the use as a pedestrian access as the minimum standards are not adhered to (heights, ventilation etc.) Consequently, pedestrians would have to cross a protected route which would impact on road and pedestrian safety.

It is Transportni's opinion that the site history of H/2004/1367/f for poultry houses is no longer relevant as it was never implemented and since then Planning Policy Statement 21 has replaced Planning Policy Statement 14 as the relevant policy with which this proposal must be assessed. Discussions with TNI have taken place with regards the use of the cattle underpass for the movement of pedestrians however they have commented that they could not sanction this use as the underpass is a structure which was designed for the safe movement of livestock from one area of the farm to another. It is 1.8m high while the minimum height for a pedestrian underpass is 2.3m as set out in the Design Manual for Roads and Bridges volume 6 section 3 Part 1 TD 36/93.

It should be noted that the applicant has a large amount of land under his ownership and there may be the potential for alternative siting on the opposite side of the road to the rear of existing grouping of buildings and thus resulting in the favourable closure of the unauthorised car park.

In the consideration of this proposal AMP 9 of PPS3 should also be mentioned. Within this policy it states that there is a high expectation for a high standard of design, layout and landscaping to accompany all proposals for car parking and planning permission will only be granted for a proposal where all of the following criteria are met:

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

Relating this to this particular proposal it is my professional opinion that this scale of car parking on the opposite side of the road from the existing business does not respect the existing character but would rather be an expanse of 'dead space'. No floodlighting has been indicated on the submitted plans but it would seem likely that for a car park of this scale that some sort of floodlighting would be added and this in itself would have a negative impact on the visual amenity. On this side of the road the landscape character would be one of an agricultural nature and the proposed large car parking would not be visual integrated into the landscape. Finally no provision has been made for the direct and safe movement of pedestrians and cyclists within the site and as such the proposal fails to meet the standards of AMP 9 of PPS3.

Having considered all of the above I feel that the only recommendation that can be made is that of a refusal as the proposal is contrary to PPS 21 CTY 1 & PPS3.

Members are asked to note that if this application was refused then there is an existing enforcement notice in place (H/2015/0004/CA) requiring that the land in question be:

- permanently cease use of the land for the unauthorised use of car parking;
- remove all hardcore from the land;
- remove the floodlights from the land;
- permanently remove the structures which can be used for the display of advertisements; and
- re-instate the land to its previous condition by re-soiling with 150mm of top soil and re-seeding in grass.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended : contrary to CTY 1 of PPS21 & AMP 2, 3 & 7 of PPS3

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 and AMP3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
2. The proposal is contrary to Planning Policy Statement 21 Annex 1, consequential amendment to Policy AMP 3 of PPS3 Access, Movement and Parking, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
3. 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 pedestrians attracted to the site since it proposed to utilise a cattle underpass, which is maintained by TNI, to move pedestrians under the protected route. The structure was not designed to transport people and does not meet the minimum design standards, for pedestrians, as set out in The Design Manual for Roads and Bridges.
4. 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 would encourage pedestrians to cross and re-cross the protected route thus increasing accident potential.
5. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Signature(s)

Date:

ANNEX	
Date Valid	9th July 2015
Date First Advertised	10th August 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 55 Desertmartin Road Quilly Moneymore The Owner/Occupier, 60 Desertmartin Road,Quilly,Moneymore,Londonderry,BT45 7RB,	
Date of Last Neighbour Notification	3rd August 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1973/0154 Proposal: SAND AND GRAVEL EXTRACTION Address: QUILLY, MONEYMORE Decision: Decision Date: Ref ID: H/2004/1367/F Proposal: 2 No. Poultry Houses and Entrance Room. Address: Approximately 120m East of 60 Desertmartin Road, Moneymore. Decision: Decision Date: 05.09.2006 Ref ID: H/2010/0519/F Proposal: Minor alterations to previously approved indoor paint ball centre Ref.H/2009/0490/F to include change of use to office/reception, meeting room, male and female toilets, changing rooms and showers, canteen, kitchen and store facilities for established paint ball business and increase in ridge height Address: 110 Metres South West of 60 Desertmartin Road, Tobermore, Decision: Decision Date: 05.05.2011 Ref ID: H/2009/0490/F Proposal: Indoor paint ball centre with 16 car parking spaces provided	

Address: 110m South West of 60 Desertmartin Road, Tobermore

Decision:

Decision Date: 17.11.2009

Ref ID: H/2007/0545/F

Proposal: Retention of farm diversification project for paintball games and ancillary facilities.

Address: Approximately 500m West and 150m East/South-East of 60 Desertmartin Road, Moneymore, Magherafelt

Decision:

Decision Date: 06.08.2009

Ref ID: H/2010/0027/LDP

Proposal: Ancillary tree top activity

Address: Approx 550m west of 60 Desertmartin Road, Moneymore, Magherafelt

Decision:

Decision Date:

Ref ID: H/2012/0401/F

Proposal: Proposed Log Cabin for Reception/Office Use in Conjunction with "The Jungle" Activity Centre

Address: Approx 560m SW of 60 Desertmartin Road, Moneymore (Existing Jungle Activity Centre),

Decision: PG

Decision Date: 18.02.2013

Ref ID: H/2010/0368/F

Proposal: Retention of games zone area for zorbing & paintball & proposed extension to paintball games zone area. Retention of office/reception area & ancillary facilities for established paintball business.

Address: Land to the east & south of The Jungle, 60 Desertmartin Road, Moneymore

Decision:

Decision Date: 14.10.2010

Ref ID: H/2009/0545/F

Proposal: Installation of a wind turbine (15m high)

Address: Approx 184m from Main Desertmartin Road in North West corner of field at 60 Desertmartin Road, Moneymore

Decision:

Decision Date: 25.11.2009

Ref ID: LA09/2015/0523/F

Proposal: Retrospective permission for retention of car park and pedestrian access via under road tunnel in association with the Jungle NI

Address: Approximately 80m South East of 60 Desertmartin Road, Moneymore,

Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Type:
Status: Submitted

Drawing No. DOC1
Type: Technical Specification
Status: Submitted

Drawing No. 03
Type: Levels and Cross Sections

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/1075/O	Target Date:
Proposal: Proposed single dwelling and garage	Location: 76m NE of 27 Tobermore Road Draperstown
Referral Route: This application is being referred to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Teresa McNally 33a Tobermore Road Draperstown	Agent Name and Address: CMI Planners Ltd Unit C5 - The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues	
No representations have been received in respect of this proposed development.	
Description of proposal	
The proposal is for a site for a dwelling and garage linked to a farm business.	
Characteristics of the site and area	
<p>The site is comprised of a small field set to the rear of a number of road frontage dwellings along the Tobermore Road. There is a 4m wide grass verge at the access point which is located at the 30mph signs entering Draperstown. The access to the site is via the existing entrance to No.27 which is within the blue lands, indicating that this property is owned/controlled by the applicant. The access extends past the front and side of the existing dwelling at No.27 and on towards the site. The site falls gently from the south towards the north and has a 2.5m high thorn/conifer hedge along the northern, southern and eastern boundaries. The north-western boundary is defined by a post and wire fence along the rear of No.33 with a path extending along the inner side of this between the rear of No.27 and No.33b. There is also a small wedged shaped paddock to the north of the site at the rear of No.33b. There are no critical views of the site due to the location of the site and the mature vegetation on the surrounding boundaries. However, the site will be overlooked by the rear of No.33 due to the lack of boundary vegetation along this boundary.</p>	
Planning Assessment of Policy and Other Material Considerations	
<p>The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a dwelling in the rural area and is linked to an established farm business.</p> <p>The main policy considerations in the assessment of this application are:-</p>	
CTY 10 – Dwellings on Farms	
<p>Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-</p> <ul style="list-style-type: none"> • 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 :- <ul style="list-style-type: none"> • 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 that the business has claimed SFP or LFACA or Agri Environment scheme in the last 6 years.

A farm check has revealed that the applicants' farm business ID no. has already been used in connection with a previous application for a 'proposed dwelling on a farm' which was granted approval under H/2013/0415/O on 20.02.2014 at '21m North West of 8 Disert Road, Draperstown'. The proposal is therefore unacceptable under policy CTY 10 and cannot be approved.

CTY 13 - Integration and design of buildings in the countryside

States that planning permission will be granted for a dwelling in the countryside where it can be visually integrated into the surrounding landscape and is appropriate design, but that it will be unacceptable where:-

- It is a prominent feature in the landscape;

A dwelling on this site would not be considered to be prominent.

- 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;

The site has long established boundaries and together with the topography of the surrounding area and mature vegetation and can provide a suitable degree of integration.

- It relies primarily on the use of new landscaping for integration;

The site does not rely on new landscaping to achieve a suitable degree of integration.

- Ancillary works do not integrate with their surroundings;

The ancillary works would be relatively low key and would not be unacceptable.

- The design of the building is inappropriate for the site and its locality;

As this is only an outline application, the final design has not been considered.

- It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

Given that the proposed site is largely hidden from view, it does not present an issue regarding integration.

- Or in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

The proposed dwelling is not visually linked or clustered with a group of buildings on a farm. The farm holding is largely located at Disert Road, where the previous planning approval was granted. At that location there is a small group of farm buildings which are accessed off an existing laneway. Any dwelling on the farm should therefore be sited at that location.

CTY 14 – Rural Character

A dwelling positioned on the proposed site would not result in a change of character of the surrounding area. Furthermore, as the site could accommodate a dwelling with a ridge height of 8.0m ridge height it is not considered to be unduly prominent. However, as the site is located to the rear of the existing dwellings which are all road frontage dwellings, it would result in a suburban style build-up of development which does not respect the traditional pattern of development in the area insofar as it is for backland development. A dwelling on this site would introduce a form of development which is not characteristic of this location. A dwelling on the proposed site would not create a ribbon of development and the impact of ancillary works would not damage rural character.

Policy CTY 1 – Development in the Countryside & Strategic Planning Policy Statement for (NI)

Policy CTY 1 and the SPPS at para.4.12, require all proposals in the countryside to meet other planning and environmental considerations. One such consideration is residential amenity. The rear boundary of No.33 is defined by a post and wire fence with views into the site to the rear and vice-versa. If a dwelling were to be located in this site it would be required to have a sufficient separation distance from the rear of No.33 in order to protect the private residential

amenity space of No.33 to the rear. Any dwelling would therefore be required to be sited in the south-eastern corner of the site and not be facing in a north-westerly direction, ie. towards the rear of No.33.

PPS 3 - Access, Movement and Parking;

Transport NI advised that they have no objection to the proposed development subject to conditions.

Consultation responses

All consultees have responded positively.

Recommendation

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse, as approval has already been granted for a site for a dwelling linked to this farm business. A dwelling on this site would not be visually linked or be sited to cluster with an established group of buildings on the farm.

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 CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm; and planning approval has already been granted for a site for a dwelling linked to this farm business since 25th November 2008.

Signature(s)

Date:

ANNEX	
Date Valid	5th November 2015
Date First Advertised	16th November 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Tobermore Road Moyheeland Draperstown The Owner/Occupier, 31 Tobermore Road Moyheeland Draperstown The Owner/Occupier, 33 Tobermore Road Moyheeland Draperstown The Owner/Occupier, 33B Tobermore Road Moyheeland Draperstown	
Date of Last Neighbour Notification	17th November 2015
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/1975/0177 Proposal: 11KV O/H LINE (C.7036) Address: MOYHEELAND, MAGHERAFELT Decision: 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: Decision Date: 06.12.2005 Ref ID: H/1975/0012 Proposal: SITE OF RETIREMENT BUNGALOW Address: MOYESSET, TOBERMORE Decision: Decision Date: Ref ID: LA09/2015/1075/O Proposal: Proposed single dwelling and garage Address: 76m NE of 27 Tobermore Road, Draperstown,	

Decision:
Decision Date:

Summary of Consultee Responses

All consultees responded without raising any concerns.

Drawing Numbers and Title

Drawing No. 01
Type: Site Layout or Block Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/1215/F	Target Date:
Proposal: ---Erection of 24 no Dwellings consisting of detached and semi detached and associated siteworks	Location: Lands East of No 21 Magherafelt Road and North of No's 15 and 40 Fairlea Heights Moneymore
Referral Route: Approval – objections received	
Recommendation: Approval	
Applicant Name and Address: A N Property 146 Pomeroy Road Dungannon BT70 2TY	Agent Name and Address: McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	

Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Health & Safety Executive for NI	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	4	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Objections received		
Characteristics of the Site and Area		
<p>The proposal site is currently an area of scrub land sited directly north of Fairlea Heights a long established housing development and directly south of Gallion Way, a relatively newly built housing development. Both neighbouring housing developments have a variation of housing types.</p> <p>Access is currently obtained through Fairlea Heights until the roadway ends, it is proposed that this access is extended into the proposed housing development.</p> <p>The site currently overgrown and undulating in levels within the site. There are strong boundaries to all sides of the proposal site. An existing industrial business - Electro-tech machinery- exists adjacent on the western boundary of the proposed site which sits at a lower level than the proposal site.</p>		
Planning Assessment of Policy and Other Material Considerations		
I have assessed this proposal under the following:		
SPSS		
Magherafelt Area Plan 2015		
Creating Places		
PPS3 - Access, Movement Parking		

PPS7 - Safeguarding the character of established residential areas

Consultees: - Transportni were asked to comment and responded on 22.12.2015 requesting for additional/amended info. This was received and transportni reconsulted, they responded on 08.03.2016 and 09.05.2016 with more amendments/additional info required, this was received and the consultee reconsulted who then replied with no objections subject to conditions.

NI Water were asked to comment and responded on 31.12.2015 with no objections.

Environmental Health were asked to comment and responded on 18.02.2015 stating that as the proposal site is located in close proximity to an existing warehouse with Class B2 Light Industrial use (Electro-Tech Machinery Ltd) on occasion such an activity may on occasion result in impact upon the amenity enjoyed by the proposed development.

Environmental Health were reconsulted with an amended acoustic report, they responded on 11.10.2016 with no objections subject to conditions.

HSENI were asked to comment and responded on 17.02.2016 with no objections.

Neighbours notified: - Owners/occupiers of Nos 14, 15, 19, 38, 40 Fairlea Heights, Nos 21, 23, 25 Magherafelt Road and No 5 Gallion Way were notified of this proposal on 10.02.2016, 15.02.2016, 23.03.2016 and 04.04.2016. Several objections have been received with regards this proposal.

Objections: -

Objection received from Electro-Tech Machinery Ltd on 31.03.2016 stating that they are concerned that an increase in hours of work to a shift pattern and generator and dust extraction unit will cause ongoing noise, light and dust etc. nuisance to the proposed neighbouring dwellings and as such would be opposed to the proposed development.

Objections were also received from several owner/occupiers as follows:

- No 18 Fairlea Heights received on 26.02.2016

The main points raised that are concerning the resident are:

- increase in levels of use of the small narrow roads within Fairlea Heights.
- road safety
- flooding – the objector has stated that there is an ongoing problem with flooding at the entrance to the development and queries whether if an approval were granted for this application would this issue not be exacerbated. NI Water were consulted with this application and raised no issues, in addition I checked flood maps on the portal and Rivers Agency flood maps and both these sources confirmed that the site nor any adjoining land was affected by flooding issues.
- increase to noise and traffic safety issues for extra traffic produced.

- No 19 Fairlea Heights received on 25.02.2016

The main points raised that are concerning the resident are:

- the access point for the new development is through Fairlea Heights as opposed to a new access point elsewhere
- potentially increasing flooding in and around site
- extra noise and traffic issues for Fairlea Heights residents

All objections were forwarded onto consultees, no additional comments were made following this.

In line with legislation this proposal was advertised in several local press publications during December 2015 and no representations have been received to date.

The proposal site is within the settlement limits of Moneymore as per Cookstown Area Plan and also within 'land unsuitable for housing due to adjacent Industrial process', as such the Health

and Safety Executive for Northern Ireland were asked to consult on 26.01.2016 and responded on 17.02.2016 with no objections as the neighbouring quarry is no longer operational.

Proposal site is to be surrounded by fence and/or wall as per plan No.11.

Location suitable for local facilities and services and close to infrastructure and all proposed sites have off street parking, all have detached single storey garages. All properties have an acceptable level of private amenity space and no public open space is required. All the back garden provisions for this proposed development are in excess of 40sqm and are considered acceptable for these house types.

The proposal site is located adjacent to 2 established housing areas, the land currently is vacant and overgrown, the density of the proposed housing development has a density that is in keeping with that of the surrounding existing development. In addition the pattern of development is in keeping with the overall character of the larger area.

The proposed dwelling types and sizes are in keeping with guidelines set out in Annex A of PPS7.

It is my opinion that this proposal would create a quality and sustainable residential environment. It would not impact negatively on the surrounding existing dwellings and it has been demonstrated that adequate provision has been shown to prevent nuisance from any neighbouring land uses by additional buffering/boundary treatment and interior and exterior design measures so as to limit potential interference to the future occupants of the dwellings. The proposal would have no impact on the archaeological or built heritage and full and acceptable landscape details have been provided.

Upon consideration of the submitted objections and proposal it is my opinion that this scheme would not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The points raised by the neighbouring residents regarding the access can be dealt with by a temporary condition during construction and the points raised by the neighbouring business has been dealt with as previously discussed by additional buffering and interior and exterior design changes.

There are 5 different house types propose : 2 dwellings proposed to be house type A (sites 10 _ 15) - 2 storey detached with an approx. ridge height of 8metres

4 dwellings proposed to be house type B (sites 1, 11, 14 _ 24) - 2 storey 4 bedroom, detached dwelling with a ridge height of approx. 8metres

8 dwellings proposed to be house type C (sites 2, 3, 6, 7, 16, 17, 20 _ 21) - 2 storey 3 bedroom semi-detached with an approx. ridge height of 8metres

8 dwellings proposed to be house type D (sites 4, 5, 8, 9, 18, 19, 22 _ 23) - 2 storey 3 bedroom semi-detached with an approx. ridge height of 8 metres

2 dwellings proposed to be house type E (sites 12 _ 13) - 2 storey 3 bedroom semi-detached with an approx. ridge height of 8.4metres

The proposed development is located in close proximity to an existing warehouse - Electro-Tech Machinery Ltd with Class B2 Light Industrial use. Such an activity may on occasion result in impact upon the amenity enjoyed by the proposed development. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of nuisance.

In email dated 10th March Sean Hackett from Transportni stated that the existing access is fit for purpose and will support the proposed development. It was discussed with Transportni for the existing industrial access NW of the proposal site to be used for construction traffic then closed once development built, this point could be conditioned.

Further planting details where requested and submitted - these are considered acceptable.

A drainage assessment was requested from the agent on 31.10.2016, this was received on 09.02.2017 and Rivers Agency consulted with it. Rivers Agency responded on 13.03.2017 requesting additional information to be included in the drainage assessment, this was received and Rivers Agency reconsulted, they responded on 09.05.2017 (uploaded 24.05.2017) accepting the report and offering no objections, as such this proposal can be taken forward for discussion at the next available committee meeting with a recommendation for approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

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 access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m 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.

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department 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. 15 bearing the date stamp 25.04.2016.

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.

4. All bedroom windows within the development shall have a sound reduction value of greater than 27dB Rw.

Reason: To protect inhabitants from any potential noise or light intrusion.

5. All trickle vents to bedrooms in the development shall be acoustically attenuated to provide a sound reduction value of 27dB Rw or greater.

Reason: To protect inhabitants from any potential noise intrusion.

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

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

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

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

Informatives

1. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Roads Service's Street Lighting Consultancy, County Hall, Ballymena. The Applicant is advised to contact Roads Service 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.

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

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

4. 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 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 Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

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

The development hereby permitted shall not commence until a Street Lighting Scheme has been submitted and approved by the Department Street Lighting design.

The Private Streets (Construction) (Amendment) Regulations (NI) 2001 apply to this Private Streets Determination.

6. All services within the development should be laid underground.

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

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

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

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

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.

9. 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 watercourses such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of Rivers Agency. This should be obtained from our Western Regional Office, Woodside Avenue, Gortin Road, Lisnamallard, Omagh, BT79 7BP.

10. 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.

11. 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.

12. 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.

13. 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.

Signature(s)

Date:

ANNEX	
Date Valid	4th December 2015
Date First Advertised	14th December 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14 Fairlea Heights Moneymore Londonderry The Owner/Occupier, 15 Fairlea Heights, Moneymore P Thompson 18 Fairlea Heights, Moneymore, Londonderry, Northern Ireland, BT45 7UQ The Owner/Occupier, 19 Fairlea Heights Moneymore Londonderry Colin Stewart 19 Fairlea Heights, Moneymore, Londonderry, Northern Ireland, BT45 7UQ The Owner/Occupier, 21 Magherafelt Road Moneymore Londonderry The Owner/Occupier, 25 Magherafelt Road, Moneymore. The Owner/Occupier, 38 Fairlea Heights Moneymore Londonderry Robert J G Wilks 38, Fairlea Heights, Moneymore, Londonderry, Northern Ireland, BT45 7UQ The Owner/Occupier, 40 Fairlea Heights Moneymore Londonderry The Owner/Occupier, 5 Gallion Way Moneymore Londonderry The Owner/Occupier, DSP Eurospar, 23 Magherafelt Road, Moneymore, BT45 7UL Derek Reid Electro-Tech Machinery Ltd ,25 Magherafelt Road,Moneymore,BT45 7UL	
Date of Last Neighbour Notification	4th April 2016
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: I/2004/1348/F

Proposal: 1 No Workshop & associated ancillary siteworks

Address: Site numbers 6,7,8 of Industrial Estate, Magherafelt Road, Moneymore.

Decision:

Decision Date: 05.01.2009

Ref ID: I/2002/0597/F

Proposal: Proposed garage

Address: 19 Fairlea Heights, Moneymore

Decision:

Decision Date: 18.11.2002

Ref ID: I/1993/0305

Proposal: Dwelling and Garage

Address: 32 FAIRLEA HEIGHTS, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2009/0527/RM

Proposal: Demolition of existing quarry buildings & erection of phase 1 residential development for 51 dwellings comprising detached, semi-detached, townhouses, apartments, associated access & right turning lane

Address: Lands at 31 Magherafelt Road Moneymore

Decision:

Decision Date: 23.06.2010

Ref ID: I/1993/6035

Proposal: Site Moneymore

Address: Moneymore

Decision:

Decision Date:

Ref ID: I/2006/0722/F

Proposal: Change of use from vacant land to proposed office, kitchen, toilet, car park and ancillary car valet building in connection with car sales (Amended description).

Amended drawings 01 (rev 01), 02 (rev 01) & 03 (rev 01).

Address: Opposite and East of 1 to 8 Rockview Terrace, Magherafelt Road, Moneymore

Decision:

Decision Date: 26.06.2008

Ref ID: I/1998/0509

Proposal: Proposed Site for Industrial Estate including Estate Road

Address: OPPOSITE 1-8 ROCHVIEW TERRACE MAGHERAFELT ROAD
MONEYMORE

Decision:

Decision Date:

Ref ID: I/1990/0420

Proposal: Private Nursing Home

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

Decision:

Decision Date:

Ref ID: I/2002/0106/F

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

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

Decision:

Decision Date: 18.07.2002

Ref ID: I/2012/0323/F

Proposal: Retention of Temporary car showroom

Address: 21, Magherafelt Road, Moneymore,

Decision: PG

Decision Date: 13.12.2012

Ref ID: I/2003/0828/F

Proposal: Refurbishment of showroom area. Removal of external cladding panels and replacing with corporate blue panels

Address: Roadside Peugeot Garage 21 Magherafelt Road Moneymore

Decision:

Decision Date: 15.11.2003

Ref ID: I/2011/0316/F

Proposal: Extension of Existing Car Showroom to Include No. 2 Dealerships, Associated Offices and Workshop

Address: 21 Magherafelt Road, Moneymore, Magherafelt,

Decision:

Decision Date: 31.05.2012

Ref ID: I/1986/0330

Proposal: GARAGE PREMISES

Address: MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1989/0060

Proposal: Petrol Filling Station

Address: ADJACENT TO FARLEY MOTORS MAGHERAFELT ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/2007/0078/F

Proposal: Retention of Car Wash Building

Address: Roadside Motors 21 Magherafelt Road, Moneymore

Decision:

Decision Date: 15.05.2007

Ref ID: I/1987/0353

Proposal: PETROL FILLING STATION FORECOURT, SHOP/CAFE AND SELF
CONTAINED FLAT

Address: MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2011/0443/A

Proposal: Replacement building signs and free standing totem sign

Address: Peugeot Car Garage, Magherafelt Road, Moneymore, Magherafelt, BT45 7UL,

Decision:

Decision Date: 17.01.2012

Ref ID: I/1981/0204

Proposal: HOUSING DEVELOPMENT

Address: MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1973/000301

Proposal: 23 SUBSIDY BUNGALOWS

Address: MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1973/0003

Proposal: HOUSING DEVELOPMENT

Address: MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1976/0421

Proposal: ERECTION OF 23 NO SUBSIDY BUNGALOWS

Address: MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2013/0027/O

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

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

Decision: PG

Decision Date: 15.08.2013

Ref ID: I/2005/0311/F

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

Address: 50 metres North of 23 Magherafelt Road, Moneymore

Decision:

Decision Date: 01.12.2005

Ref ID: I/2002/0593/O

Proposal: Site for new public car-parking facilities

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

Decision:

Decision Date: 23.12.2002

Ref ID: I/2013/0135/F

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

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

Decision: PG

Decision Date: 15.08.2013

Ref ID: I/1994/0320

Proposal: Proposed workshop for the maintenance of lorries

Address: MAGHERAFELT ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/2004/0020/A

Proposal: corporate signage to existing building plus free-standing totem sign

Address: Roadside Motors Ltd Peugeot Motor Showroom, 21 Magherafelt Road, Moneymore

Decision:

Decision Date: 11.02.2004

Ref ID: I/1994/0153

Proposal: Dwelling

Address: ADJACENT TO NO. 13 FARLEA HEIGHTS MONEYMORE

Decision:

Decision Date:

Ref ID: I/1990/6050

Proposal: Proposed Residential Development. To rear of Fairlea Heights Moneymore

Address: To rear of Fairlea Heights Moneymore

Decision:

Decision Date:

Ref ID: I/1978/0146

Proposal: PORTABLE PLANT FOR MANUFACTURE OF ASPHALT AND BITMAC

Address: 31 MAGHERAFELT ROAD, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1991/6001

Proposal: Residential Development Fairlea Heights Moneymore

Address: Fairlea Heights Moneymore

Decision:

Decision Date:

Ref ID: I/2011/0409/F

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

Address: Lands at 31 Magherafelt Road Moneymore.,

Decision:

Decision Date: 24.05.2012

Ref ID: I/1985/0055

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

Address: 31 MAGHERAFELT ROAD, MONEYMORE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: I/1979/0533

Proposal: EXTENSION TO OFFICE BLOCK

Address: 31 MAGHERAFELT ROAD, MONEYMORE, CO LONDONDERRY

Decision:

Decision Date:

Ref ID: I/1974/0369
Proposal: QUARRYING
Address: MONEYMORE
Decision:
Decision Date:

Ref ID: I/2007/0974/Q
Proposal: Housing Development
Address: Moneymore
Decision:
Decision Date:

Ref ID: I/2004/0918/O
Proposal: Residential development, access and associated site works
Address: 31 Magherafelt Road, Moneymore.
Decision:
Decision Date: 11.09.2009

Ref ID: I/1982/0163
Proposal: BASATT ROCK QUARRYING
Address: MAGHERAFELT ROAD, MONEYMORE
Decision:
Decision Date:

Ref ID: LA09/2015/0386/F
Proposal: Erection of residential development of four dwellings, with associated garages and landscaping (change of house type and a reduction by 1 units (site 26) to sites 21, 27-28 and 34 of previous approvals ref: I/2009/0527/RM and I/2011/0409/F)
Address: Land approximately 125m South East of 4 and 6 Gallion Heights, Moneymore,
Decision: PG
Decision Date: 19.10.2015

Ref ID: LA09/2015/1215/F
Proposal: Erection of 24 no Dwellings consisting of detached and semi detached and associated siteworks
Address: Lands East of No 21 Magherafelt Road and North of No's 15 and 40 Fairlea Heights, Moneymore,
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title
<p>Drawing No. 08 Type: Garage Plans Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 07 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 06 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 09 Type: Cross Sections Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 04 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 10 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 05 Type: Proposed Plans 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: 06/06/2017	Item Number:
Application ID: LA09/2016/0652/O	Target Date: 22/08/2016
Proposal: Proposed Apartment Block	Location: 10-12 Park Road Dungannon
Referral Route: Objections received so application is no longer delegated.	
Recommendation: Approve	
Applicant Name and Address: Bullock Bros 10 Park Road Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: Proposal complies with all relevant policies. Objections considered but do not merit refusal of the application. Approve subject to conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	No Objections
Statutory	Transport NI	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

There have been 2 objections to this application both from ASM Chartered Accountants, number 8 Park Road, Dungannon.

Issues raised:

- Lack of information provided - This is an outline application where the applicant is seeking approval in principle. Detailed drawings are not required to be submitted with an outline application. He has submitted a design concept statement and conceptual drawings and this is more than adequate for Council to make a decision on an outline application.
- Impact on character in terms of scale, density and massing - This is considered in my report.
- Over shadowing and loss of light - This is considered in my report.
- Lack of parking - The scheme has been amended to provide internal parking. This is considered in my report.
- Poor quality concept statement - This is a matter for Council to determine

- Failure to submit a Design and Access Statement - These are only required where the application is considered Major or where the site is in a designated area. This application is not major and the site is not in a designated area (as detailed in Legislation)
- Creation of Traffic chaos during construction - Transport NI have raised no concerns in this regard. All construction will cause some disruption for a period of time and is unavoidable.
- Noise nuisance - EH have been consulted and have raised no concerns regarding noise.

Characteristics of the Site and Area

The application site is located at 10-12 Park Road Dungannon. It is the site of Bullock Brothers Contractors yard, offices and stores. It is within the development limits of Dungannon Town and is within the Town Centre Boundary as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It is not subject to any other designations contained within the plan. There is currently a two storey building on the site with direct access to the internal yard coming off Park Road. To the immediate North of the site is a two storey office building occupied by an accountancy firm. Park Road defines the Western boundary. To the South of the site is a vacant plot of land which benefits from planning approval for apartment development. To the East of the site is a row of Housing Executive bungalows.

This area is characterised by a mix of uses commonly found in a Town Centre Location. These uses range from commercial to residential to community. This is also an area of archaeological potential and there are two Grade B Listed Buildings in the locality - Saint Anne's Parish Church and a Methodist Church.

Description of Proposal

This is an Outline Planning Application for a Proposed Apartment Block. The conceptual drawing submitted on the 17th October 2016 indicates that the proposal will be for 15 units over four floors. It does not meet the threshold to be designated a Major Planning Application (ie) 50 units or more or where the site exceeds 2 hectares. As such no Pre-Application Community Consultation is required under Legislation. Pre-Application discussion is at the discretion of the applicant and is not a requirement under Legislation.

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 6 - Planning, Archaeology and the Built Heritage
- 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

In the DSTAP there is a presumption in favour of housing development in Towns provided there is compliance with PPS 7, Creating Places and DCAN 8. As this 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 gives provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policies will be applied.

PPS 7 - 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 an area where residential development is prevalent. I therefore have no concerns with the impact of the proposal on the character of this area. The conceptual drawings submitted with this application indicate that proposal will have four floors, internal parking and a communal area. The proposed scale and massing will be in keeping with an apartment development approved adjacent to the site (M/2011/0024/F).

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 - Historic Environment Division have confirmed that the site is outside any area of archaeological potential. They have also stated that the proposed site is sufficiently removed from two nearby listed churches and therefore will have no impact on their setting. This also ensures compliance with PPS 6. There are no landscape features in the area to be considered in this assessment.

PPS 7 QD1 requires that 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 conceptual drawings indicate a communal area and some planting to the rear of the building. I deem this to be sufficient in this town centre location. Dungannon Park is also close by which can also be utilised as public open space.

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 local neighbourhood facilities. The site is in a town centre location and there will be neighbourhood facilities available in the locality.

QD1 requires a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - As the site is in a Town Centre location there is an existing movement pattern in the immediate area. Transport NI have no objections to the proposal.

PPS 7 requires adequate and appropriate provision is made for parking. Internal parking has been provided at 1 space per apartment. There are also public car parks in the locality. I have therefore no concerns in respect of parking provision.

The design of the development must draw upon the best local traditions of form, materials and detailing - These are matters reserved and can be dealt with under future applications.

<p><i>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</i> – A concept plan has been submitted and has been subsequently revised to reduce over dominance, overlooking and loss of light to the NIHE properties to the rear of the site. This plan shows that the site could accommodate 15 1-2 bedroom apartments. I am satisfied that if these apartments were well designed they would not have an adverse impact on neighbouring amenity. This said, the detailed design is a matter reserved. I do have concerns that the external design as currently shown on the concept plan is of poor quality and therefore I would suggest an informative be placed on the permission suggesting further discussion on the design and measures to be taken to reduce the massing, such as stepping back the upper floor. In relation to noise nuisance, I have consulted with Environmental Health who have raised no concerns, thus it is my view that the scheme would not be inappropriate given its town centre location.</p> <p><i>The development is designed to deter crime and promote personal safety</i> - I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety.</p> <p>PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas</p> <p>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 town centre location and subject to an acceptable detailed design it could be keeping with the existing character of the area.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Approve subject to conditions.</p>	
<p>Conditions/Reasons for Refusal:</p> <p>1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, 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:-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: Time Limit</p> <p>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.</p>	

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. 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.

4. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Pollution Prevention Guidance No. 2 and No. 27 (PPG2 and PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 5 will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing all remediation works under Conditions 1 and 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Informatives

1. Your attention is drawn to the attached responses from NIEA and Environmental Health
2. The design and external finishes as shown on the concept plan would not be of sufficient high quality to obtain approval at reserved matters stage. The Council are however satisfied that the site could accommodate 15 1-2 bedroom apartments. The final design should seek to reduce the mass of the building by stepping back the upper floor and be designed to be more in character with adjacent buildings. The developer is therefore advised to take pre-application discussions with the Council before submitting a reserved matters application.

Signature(s)

Date:

ANNEX	
Date Valid	9th May 2016
Date First Advertised	25th May 2016
Date Last Advertised	25th May 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Victoria Way Drumcoo Dungannon The Owner/Occupier, 11 Victoria Way Drumcoo Dungannon The Owner/Occupier, 11-13 Perry Street Drumcoo The Owner/Occupier, 14 Park Road, Dungannon, BT71 7AP The Owner/Occupier, 15 Perry Street Drumcoo Dungannon The Owner/Occupier, 15 Perry Street, Dungannon The Owner/Occupier, 20 Park Road Drumcoo Dungannon The Owner/Occupier, 3 Victoria Way Drumcoo Dungannon The Owner/Occupier, 5 Park Road, Dungannon, BT71 7AP The Owner/Occupier, 5 Victoria Way Drumcoo Dungannon The Owner/Occupier, 7 Perry Street Drumcoo Dungannon The Owner/Occupier, 7 Victoria Way Drumcoo Dungannon The Owner/Occupier, 8 Park Road Drumcoo Dungannon The Owner/Occupier, 9 Park Road Drumcoo Dungannon The Owner/Occupier, 9 Victoria Way Drumcoo Dungannon Norman Adams ASM Chartered Accountants, 8 Park Road, Dungannon, Tyrone, Northern Ireland, BT71 7AP Norman Adams ASM Chartered Accountants, 8 Park Road, Dungannon, Tyrone, Northern Ireland, BT71 7AP	
Date of Last Neighbour Notification	23/02/2017

Date of EIA Determination	N/A
ES Requested	No
Planning History <p>Ref ID: M/1976/0437 Proposal: ERECTION OF NIES SUBSTATION Address: PARK ROAD, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1974/0190 Proposal: PUBLIC HOUSING DEVELOPMENT OF 34 DWELLINGS Address: PARK ROAD, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1975/0181 Proposal: ERECTION OF OFFICE BUILDING Address: PARK ROAD, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1986/0509 Proposal: EXTENSION TO OFFICE PREMISES Address: PARK ROAD, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/2011/0108/F Proposal: Demolition of part of existing rear out buildings and provision of extension to the rear of existing Bookmakers Office Address: 15-17 Perry Street, Dungannon, BT71 6AJ, Decision: Decision Date: 18.05.2011</p> <p>Ref ID: M/1994/0104 Proposal: Erection of satellite dish Address: 15 PERRY STREET DUNGANNON Decision: Decision Date:</p>	

Ref ID: M/2011/0107/DCA

Proposal: Demolition of part of the existing rear out buildings and provision of new extension to existing Bookmaker's office

Address: 15-17 Perry Street, Dungannon, BT71 6AJ,

Decision:

Decision Date: 18.05.2011

Ref ID: M/2011/0024/F

Proposal: Development of 11 no. town centre apartments

Address: 14 - 18 Park Road, Dungannon,

Decision:

Decision Date: 16.03.2011

Ref ID: M/1995/0488

Proposal: New Stores and Offices for Plumbing and Heating

Address: 10 PARK ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2016/0652/O

Proposal: Proposed Apartment Block

Address: 10-12 Park Road, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

- EH have no objections
- NIW have no concerns regarding capacity in Dungannon
- NIEA (Drainage and Water) have no objections and have recommended informatives
- NIEA (Land, Soil and Air) indicated in their response that former activities in the surrounding area may have cause the land to be contaminated. The applicant submitted a Preliminary Risk Assessment and NIEA are satisfied with its findings and have recommended conditions to be attached to any approval.
- Transport NI raised concerns regarding parking. The applicant has now indicated that internal parking will be provided. Parking is also a matter for the Council to decide upon.

Drawing Numbers and Title

Drawing No. 01
Type: Site Location
Status: Submitted

Drawing No. 02 revision 1
Type: Site Concept
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: LA09/2016/1065/F	Target Date:
Proposal: Development of 5 no 2 Storey Dwellings and Extension of Castle Place road and realignment of existing car parking	Location: Lands to the South of No's 9 and 14/16 Castle Place Castlecaulfield
Referral Route: Objections received.	
Recommendation: Approval	
Applicant Name and Address: Choice Housing 37-41 May Street Belfast BT1 4DN	Agent Name and Address: Knox and Clayton 2a Wallace Lisburn BT27 4AA
Executive Summary: I consider the issues raised to have been satisfactorily addressed and the loss of some of the existing open space, albeit not designated, will not in my view cause significant detrimental impact. A need for social housing in the local Castlecaulfield area has been identified and confirmed by NIHE. The proposal satisfies other policy requirements and I recommend permission is granted subject to conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
	TNI	No objection – subject to conditions
	Environmental Health	Recommendation to consult NI Water.
	NI Water	No objection – subject to conditions
	HED	Request for archaeological evaluation results – to be included as negative condition of any permission granted.
	Rivers Agency	No valid concerns raised.

Representations:

Letters of Support	None Received
Letters of Objection	15
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

16 letters of objection to the proposal were received, 15 of which were duplicated and signed by various objectors.

The representations highlight that while the housing estate was originally built by the housing executive, it is now predominantly privately owned. They claim if the social housing proposal were to go ahead, this will adversely impact the quality of life and adversely impact property values. No evidence to support these claims have been received.

It is claimed that the proposal will destroy the privacy of residents in Castle Place and Castle Grove. It is considered that the siting of the proposal along with separation distances afforded to existing development is sufficient to avoid any unacceptable adverse impact in relation to residential amenity including privacy.

Concerns are raised in relation to site traffic which is claimed will result in noise, dust pollution and danger to children from vehicles particularly given the site is located in an existing cul-de-sac. It is the responsibility of the developer to provide adequate measures to ensure site safety during the construction period if permission were to be granted. Environmental Health were consulted, responding with a recommendation for consultation with NI Water in relation to sewage capacity. EH raised no other concerns in relation to the proposal. Transport NI were consulted in relation to traffic and road safety. They are satisfied with the proposal subject to conditions which require safe access and roads arrangements to be implemented prior to the commencement of any development.

NI Water were consulted in relation to network capacity in this area and directed to letters of objection received which raised concerns in relation to blockage and overflow of sewage in the area of the proposed development. Confirmation was sought on whether there is sufficient capacity within the existing sewage network between the development site and the Waste Water Treatment Works to serve the proposed development. NI Water responded stating:

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 obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced. Waste Water Treatment facilities (at Castlecaulfield) are presently available to serve the proposal.

NI Water continued recommending the following standard conditions:

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW. All services within the development should be laid underground.

REASON: In the interests of visual amenity.

Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

REASON: In the interest of public health.

Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

REASON: To safeguard the site and adjacent land against flooding and standing water. Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must

comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

I consider the conditions proposed to be sufficient to adequately address any concerns in relations to sewage disposal.

Rivers Agency were consulted and responded highlighting the need for a drainage assessment, under PPS15, if the planning authority deems that hard surfacing will be increased by more than 1000 square metres. The amount of hard surfacing proposed was confirmed by the agent to be 895sqm. A drainage assessment was therefore not required.

Objections also state that Castle Place is the only green space in the village apart from the council playing fields and includes a mature woodland where the presence of wildlife is enjoyed by the residents. The area in question is maintained as grass and planted with semi-mature trees. The proposal will involve the removal of several trees, however the significant remainder will be unaffected. Open Space is addressed in further detail in the latter part of this report under PPS8: Open Space, Sport and Recreation.

It is claimed that Castlecaulfield and the proposed site is unsuitable for social housing due to limited bus services and no major schools - particularly in relation to the number of dwellings being proposed. It is suggested by the objectors that money would be better spent on sites closer to Dungannon or derelict properties readily available. Consultation with NIHE has confirmed that a case of need for social housing has been identified for Castlecaulfield local housing area.

Characteristics of the Site and Area

The application site is located in the village of Castlecaulfield on lands to the south of no. 9, 14 and 16 castle Place. It is a parcel of land which is accessible via an existing roadway through Castle Place, an existing housing development made up of two storey terraced houses. The area is grassed and planted with trees. The topography of the land falls steadily to the north west toward Castle Grove. The site boundaries are defined to the north west and south east by hedgerows, while the boundary to the south west is undefined. The area is largely characterised by residential development with agricultural land immediately south.

Description of Proposal

The proposal is a social housing development for 5 no. two storey dwellings on lands to the south of Castle Place. The proposal includes a terrace of 3 no. 2 bedroom dwellings and 2 semi-detached 3 bedroom properties. The dwellings are arranged in a line facing a south westerly direction with parking provision to the front and private gardens to the rear. An extension of the existing road which serves Castle Place is proposed along with realignment of existing car parking.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- The Strategic Planning Policy Statement (SPPS)
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and The Built Heritage
- PPS 7: Quality Residential Environments
- PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas
- PPS 8: Open Space, Sport and Outdoor Recreation

The Dungannon and South Tyrone Area Plan identifies the site within the settlement limits of Castlecaulfield which gives favourable consideration to development subject to plan policies.

There are no other designations on the application site. 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.

PPS 7: Quality Residential Environments

Policy QD 1 Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

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

The area is characterised by residential development which includes terraced and semi-detached dwellings. The proposed is for 5 no. dwellings which are separated into a clock of two and three properties. Their design is in keeping with other development in the vicinity and the dwellings step up following the existing topography of the land.

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

The site is in area of an archaeological site and monument, TYR054:001: CASTLE CAULFIELD. C17th HOUSE & BAWN and TYR054:007: Enclosure. HED were consulted and an Archaeological Evaluation was requested. Upon consultation with the information requested, HED responded stating:

“Historic Environment Division: Historic Monuments (HED: HM) has reviewed the submitted archaeological programme of works. We agree with the archaeological evaluation strategy proposed and are content for this to proceed to archaeological licensing.

HED: HM will require the results of this evaluation from the developer to permit an informed and reasonable planning decision to be taken as per Policy BH 3 of PPS 6. If this additional information is not submitted as requested the proposal could prove contrary to policy.”

The agent subsequently requested that the Archaeological Evaluation Strategy which includes test trench digging, be included on any approval as a negative condition given the applicant, Choice housing do not currently own the land. It is considered that such a condition would be reasonable in this instance to ensure archaeological and built heritage is protected.

The proposal is on a site which is currently grassed and planted with trees. The aforementioned policy request that landscape features are protected where appropriate. The trees in question are not protected by a tree preservation order. The site plan provided includes the planting of new trees to the rear of the properties. I recommend the landscaping proposed is conditioned in the event permission is granted.

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

The proposal includes the provision of private amenity space to the rear of the properties and public areas to the front. Trees are proposed to the rear along the north western boundary to aid integration of the proposal.

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

The proposal is for 5 no. houses to the south of an existing housing development. Considering the size of the proposal, new neighbourhood facilities are not considered necessary.

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

The proposal includes the extension of the existing road which serves Castle Place. Transport NI were consulted and are satisfied with the proposal subject to conditions.

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

Parking provision is also considered under PPS 3. Existing car parking which is currently unmarked will be reconfigured to provide a total of 9 spaces. 10 further spaces will be provided, 2 assigned within the curtilage of each dwelling thus satisfying the requirements set out in Creating Places. Further car parking facilities are available throughout Castle Place at the time of site visit were largely unoccupied.

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

The design of the dwelling is typical of other dwellings in the vicinity. The proposal has a simple rectangular form, pitched roof and materials finishes which include coloured render to walls, uPVC windows, concrete roof tiles and PVC rainwater goods.

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

The design and layout is in keeping with adjacent land uses. The separation distances between the proposed dwelling and the closest development to the rear in Castle Grove is 16m (wall to wall). Ground level of the site is higher than that at castle grove however existing hedgerow boundaries and proposed trees along with separation distances will in my view prevent any overlooking on residential development. The separation distance is also suffice in my opinion to prevent overshadowing or loss of light.

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

(ii) There are no concerns in relation to crime associated with the proposal.

Open Space

The SPPS states, "There will be a policy presumption against the loss of open space to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact."

PPS 8: Open Space, Sport and Outdoor Recreation

The proposal is sited on land which is not designated as open space. However, PPS 8 defines Open Space as all open space of public value including natural and semi-natural urban green spaces. Annex A illustrates spaces which are of public value, including amenity green space (most commonly, but not exclusively in housing areas) – including informal recreation spaces, communal green spaces in and around housing, and village green.

While Policy OS 1 outlines a presumption against the loss of open space, a paper "Joint Protocol between Planning Service and NIHE" is also a material consideration. This protocol considers

the implications of PPS 8 for future proposal by the executive or its partner agencies to develop areas of open space.

It acknowledges there may be other cases under the current policy where the need for social and/or affordable housing could outweigh the loss of an area of open space. Such proposals would however need to be assessed on their individual merits in order to consider whether the benefits of the development proposed would outweigh the policy presumption against loss of open space. It states that in all exception cases the following information will be required;

- the need for the development proposed; NIHE have confirmed there is a need for the proposed development.
- other options considered and why these have been ruled out; A supporting statement notes that the site is a large area of undeveloped land within the settlement limits of Castlecaufield, however there is no land designated specifically for residential use. It notes the majority of this land is currently used for agricultural use and is not readily available on the open market to purchase for residential development at a financially viable cost. These options were not considered a viable option of development. The site being considered is under the ownership of the NIHE and is the most cost effective and practical location to develop social housing to meet the need.
- the development history of the site, in particular whether all or part of the site was previously developed or was proposed for development as part of the original development scheme; There is no development history on the site.
- the amount and type of open space affected; The application site is centrally located within the open space. The overall existing open space is 6155m², the application site is 2790m² (which includes 330m² of adopted car parking not within the open space). The existing open space is made of maintained grass area with semi-mature trees. A breakdown of the land use is provided as follows;
 Overall existing Open Space = 6155m²
 Open Space outside site boundary = 3695m²
 Development Area = 1134m²
 Open space remaining after development 4829m² = 78.5%
- the level of open space remaining and whether this would be satisfactory to accommodate the needs of both those remaining properties and the new properties proposed; While it is acknowledged that some of the open space remaining after development is made up of parking and the extended access roadway, it is evident that a large portion of open space will remain.
- The views of the local community, including those of the local Council, on the merits of the proposal. A supporting statement notes a pre-application community consultation was carried out with local residents. The meeting was attended by approximately 16 residents. A number of concerns were raised but none in relation to open space. The concerns noted have been addressed in the preceding section of this report. The agent notes that support was offered by a local MLA. It is notable that no letters of support have been received and loss of open space has been raised in letter of representation.
- an assessment of the community benefits, mitigation measures or other planning gains; A case of need has been confirmed for the proposed development. The agent also notes the development will create jobs directly and indirectly in relation to construction and future maintenance.
- the impact on the proposal on the character of the area, local amenity, wildlife and biodiversity; The agent note that the site is maintained grassland which has a low ecological value for wildlife. While a number of semi-mature trees will be removed, the proposal does not involve the removal of any hedgerows / mature landscaped boundaries which would offer a high ecological value to local wildlife. They note existing trees will be surveyed for nesting prior to removal. There are a significant number of trees remaining in the area surrounding the site to ensure the development will not have a significant impact on biodiversity.

The character of the area is made of a mixture of residential development, agricultural land and the grassed area. I do not consider the proposal will cause unacceptable adverse impact to the character of the area. I consider that the loss of open space caused by the proposal, which covers an area of 1134m², with 4829m² remaining will have no significant detrimental impact.

PPS 6: Planning, Archaeology and The Built Heritage

The application site is in proximity to archaeological site and monuments:

TYR054:001

TYR054:007

Historic Environment Division were consulted and responded with the following response; "Historic Environment Division: Historic Monuments (HED: HM) has reviewed the submitted archaeological programme of works. We agree with the archaeological evaluation strategy proposed and are content for this to proceed to archaeological licensing. HED: HM will require the results of this evaluation from the developer to permit an informed and reasonable planning decision to be taken as per Policy BH 3 of PPS 6."

It has been requested that the above requirement is included as a negative condition within any permission granted as the land is not currently owned by the applicant. I consider this condition to be reasonable and recommend the submission of this report / results of the evaluation be submitted to and agreed to the satisfaction of HED prior to the commencement of any development.

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.

2. Prior to the commencement of the development hereby approved, a report detailing the results of the archaeological evaluation will be submitted in writing to the Council for consideration and satisfactory agreement by Historic Environment Division.

Reason: To safeguard archaeological heritage.

3. All services within the development should be laid underground.

REASON: In the interests of visual amenity.

4. Prior to the occupation of the development hereby permitted, the onsite works shall be completed in accordance with the drainage details submitted to and approved by the relevant authority.

REASON: In the interest of public health.

5. Prior to the occupation of the development hereby permitted, surface water drainage works on-site and off-site shall be submitted, approved and constructed by developer and the relevant authority.

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

Private Streets Determination

6. The vehicular access, including visibility splays, shall be provided in accordance with Drawing No 04 Rev 2 bearing the date stamp 30th March 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.

7. The access gradients to the dwellings 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.

8. 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.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Mid Ulster District Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 04 Rev 2 bearing the date stamp 30th March 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.

No other development hereby permitted shall be occupied until the road works indicated on Drawing No 04 Rev 2 bearing the date stamp 30th March 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.

Signature(s)

Date:

ANNEX	
Date Valid	2nd August 2016
Date First Advertised	18th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) Ynr Brimage 1 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL David Hamilton 10 Castle Place, Castlecaulfield, Tyrone, Northern Ireland, BT70 3PL Eileen Bell and Vincent Bell 11 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL Carol Anne Greenaway 118 Bush Road, Dungannon, Tyrone, Northern Ireland, BT71 6QG Jim and Jennifer Kerr 12 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL The Owner/Occupier, 14 Castle Place Lisnamonaghan Castlecaulfield The Owner/Occupier, 16 Castle Place Lisnamonaghan Castlecaulfield The Owner/Occupier, 18 Castle Place Lisnamonaghan Castlecaulfield Mr William And Mrs Hazel Truesdale 18 Castle Place, Castlecaulfield, Tyrone, Northern Ireland, BT70 3PL The Owner/Occupier, 2 Castle Place Lisnamonaghan Castlecaulfield The Owner/Occupier, 2 Castle Place, Castlecaulfield, Tyrone, Northern Ireland, BT70 3PL The Owner/Occupier, 27 Castle Grove Lisnamonaghan Castlecaulfield The Owner/Occupier, 28 Castle Grove Lisnamonaghan Castlecaulfield Judith Kelly 28 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL The Owner/Occupier, 29 Castle Grove Lisnamonaghan Castlecaulfield John Shannon 31 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL The Owner/Occupier, 4 Castle Place Lisnamonaghan Castlecaulfield Oliver Kerr 4 Castle Place, Castlecaulfield, Tyrone, Northern Ireland, BT70 3PL H.E Stinson and E.P Stinson	

5 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL
Heather Colbert

5 Castle Place, Castlecaulfield, Tyrone, Northern Ireland, BT70 3PL
J Millan

7 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL
Vanderson De Toledo

8 Castle Grove, Castlecaulfield, Tyrone, Northern Ireland, BT70 3NL
The Owner/Occupier,

9 Castle Place Lisnamonaghan Castlecaulfield
David Lockhart

9 Castle Place, Castlecaulfield, Tyrone, Northern Ireland, BT70 3PL
Joe Hamilton

No Address Provided

Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: M/2012/0624/PREAPP
Proposal: Social housing development
Address: Lands at Castle Grove/Castle Place, Castlecaulfield,
Decision: EOLI
Decision Date:

Ref ID: M/1974/0419
Proposal: ERECTION OF PRIVATE HOUSING
Address: LISNAMONAGHAN, CASTLECAULFIELD
Decision:
Decision Date:

Ref ID: M/1989/0291
Proposal: Residential Development
Address: REAR OF CASTLE PLACE CASTLE GROVE CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1975/0409
Proposal: PUBLIC AUTHORITY DWELLINGS - 14 NO (PHASE 1)
Address: CASTLECAULFIELD
Decision:

<p>Decision Date:</p> <p>Ref ID: LA09/2016/1065/F</p> <p>Proposal: Development of 5 no 2 Storey Dwellings and Extension of Castle Place road and realignment of existing car parking</p> <p>Address: Lands to the South of No's 9 and 14/16 Castle Place, Castlecaulfield,</p> <p>Decision:</p> <p>Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>As discussed above.</p>
<p>Drawing Numbers and Title</p> <p>Drawing No. 01rev1</p> <p>Type:</p> <p>Status: Submitted</p> <p>Drawing No. 02rev1</p> <p>Type:</p> <p>Status: Submitted</p> <p>Drawing No. 03</p> <p>Type:</p> <p>Status: Submitted</p> <p>Drawing No. 04rev2</p> <p>Type:</p> <p>Status: Submitted</p> <p>Drawing No. 05</p> <p>Type:</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1259/F	Target Date:
Proposal: Variation of Condition No's 3 and 4 of Planning Approval I/2000/0565/F	Location: Adjacent to 46 Cookstown Road Moneymore
Referral Route: 4 objections received.	
Recommendation: Approval	
Applicant Name and Address: Railway Hill Adventures Ltd 48 Cookstown Road Moneymore BT45 7QF	Agent Name and Address: Railway Hill Adventures Ltd 48 Cookstown Road Moneymore BT45 7QF
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	4	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Approval recommended however restricting the nos. of karts to 12.		
Characteristics of the Site and Area		
<p>The proposal site is a long established karting site at 48 Cookstown Road, Moneymore. This is a predominantly rural location, however it is adjacent to the A29 Moneymore dual carriageway which is heavily trafficked. The kart track sits at a substantially lower level than the dual carriageway and is surrounded on the north west, north east and south east boundaries by earth bunds landscape with trees. The ground rises up to the south west and is partially bounded by mature trees.</p>		
Description of Proposal		
Variation of conditions 3 & 4 of I/2000/0565/F		
Planning Assessment of Policy and Other Material Considerations		
<p>Site History - Approval was granted for I/2000/0565/F on 16th May 2001 on the same site for 'use of land for cart track'. This proposal is to vary conditions 3 _ 4 from this approval, which read:</p> <p>3. The development hereby permitted shall be used only by karts hired out by the operator as listed here under and for no other purpose or no other types of kart;</p> <ul style="list-style-type: none"> (1) Single 5.5 hp Honda G.X. 160 (4 stroke) (2) Single 6.0 hp Commer S60 (4 stoke) (3) Twin 5.5 hp Honda G.X. 160 (4 stoke) (4) Single 13 hp Honda G.X 390 (4 Stoke) (5) Such other Kart as may be determined by the Department, in writing, as falling within a similar category/type of Kart. <p>Reason: To safeguard the living conditions of residents in adjoining and nearby properties.</p> <p>(Under I/2004/0081/F an additional cart was added to this approval - (5) Rotax Leisure Kart 125cc (2 stroke))</p> <p>4. No more than 4 karts shall be permitted to use the track at any one time.</p> <p>Reason: To safeguard the living conditions of residents in adjoining and nearby properties.</p>		

This proposal is to vary these conditions and the applicant wishes to increase the number of karts that can be run on the track at any one time from four to fourteen. In the applicants submission in support of this proposal it has been stated that as karting technology has advanced since the planning permission was granted in 2001 and 2004 now more technologically advanced karts are available which would actually be quieter and produce less noise, therefore there will be no greater harm than that which is already approved.

In line with legislation this proposal was advertised in several local press publications during September 2016. In addition several local neighbours were notified directly of the proposal, those being Nos 19, 21, 21a, 21b, 23, 24 Moneyhaw Road, No 2 Coltrim Lane, Nos 30 _ 46 Cookstown Road and Loughinsholin Lodge, Moneyhaw Road, on 12.10.2016. Several objections have been received following these notifications.

An objection was received from Mr Peter Simpson of 21b Moneyhaw Road dated 26.09.2016, the main points raised within this are:

1. The proposed variation of conditions would cause a detrimental impact upon local residential amenity and on the character of the surrounding area due to noise.
2. The area of tranquillity will not be protected from increased noise nuisance.
3. Noise signature and increased occurrence of noise
4. Lack of information submitted with application
5. Previous complaints about existing noise levels and hours of operation - complaints referred to enforcement and Environmental Health will be dealt with independently. It should be noted that Environmental Health have commented that additional fencing should be erected on top of the grass bunds to offer further protection to nearby residents.
6. Mitigation and planning conditions - the objector comments that should approval be granted several points should be included or addressed:
 - a reduction in operation hours should be applied however this is not possible for this application as it only relates to the variation of two specific conditions.
 - the erection of adequate noise barriers - Environmental Healths comments of 14.02.2016 refer to the inclusion of additional noise barriers
 - consideration of best practical means to reduce noise - see Environmental Health response dated 14.02.2016
 - continuous noise monitoring which would prove beneficial to alleviate any concerns from residents on potential breach of planning conditions - this point would be outside the remit of this application
 - the compilation of a noise management plan so that any complaints can be efficiently and effectively dealt with - this point would be outside the remit of this application.

An objection was received from Rev. Dr. Adrian Stringer of 24 Cookstown Road dated 26.09.2016. The main points raised within this are:

- increased noise nuisance from proposed variation of conditions.

An objection was received from Mr _ Mrs McIlvor of 21a Moneyhaw Road dated 27.09.2016. The main points raised within their correspondence are:

- the proposal would cause a detrimental impact upon the objectors residential amenity and a change of character to the surrounding area due to noise.
- reference to the noise nuisance that is occurring at present and how this affects the objectors home life - Environmental Health considered all the objections when assessing this proposed

variation of conditions and has advised that additional sound proofing be implemented. The objector refers to the limiting of operating hours at the site however this is not under the remit of this application.

The objector refers to the lack of a noise impact assessment being presented from the applicant, however Environmental Health have confirmed that upon consideration of the supporting statement submitted by the applicant Environmental Health felt it more beneficial for them to carry out a noise assessment themselves since the karts are already on the site, this was confirmed by Conor Breslin of the department through the consultation response dated 14.02.2017 and a phone call on 20.02.2017 at 17.10. Following this assessment the department felt the information submitted was accurate and offered no objection to the variation of the conditions.

An objection was received from Mr Brian Simpson of 21 Moneyhaw Road dated 22.09.2016. The main points raised are:

- a noise impact assessment has not been included with the proposal and no consideration has been given to the noise impact on surrounding properties/neighbours - as previously mentioned Environmental Health have taken note of all the objections submitted and have carried out their own noise assessment which following its completion offered no objections to the variation of conditions.
- a more effective noise barrier is required - Environmental Health have addressed this point and have advised additional buffering is included.
- comments that it is not necessarily the noise of the karts but rather the number of carts on the track that would cause additional hardship for the objector. - Environmental health have assessed the potential noise and have advised that the levels are acceptable. The karts although are proposed to increase in numbers the different model is claimed to create less noise nuisance, a point that Environmental Health agree with.
- the area of tranquility will not be protected from increased noise nuisance - the go cart track has a long established approved use, Environmental Health have assessed the noise levels and feel that there will be a reduction in noise levels by the introduction of the new karts, Bizkart NG1 Honda GX270 wet clutch engine fitted with a 'super silent exhaust system'.

Having considered all the points raised by the objectors and advice from the Environmental Health department and the findings of their noise assessment I feel the variation of the conditions should be granted. Environmental Health have recommended that instead of the proposed 14 karts that 12 karts would be more acceptable. I feel this would be an acceptable compromise.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval recommended

Reasons for Refusal:

1. The development hereby permitted shall be used only by karts hired out by the operator or by karts being tested by the operator as listed here under and for no other purpose or no other types of kart;

(1) Single 5.5 hp Honda G.X. 160 (4 stroke)

(2) Single 6.0 hp Commer S60 (4 stroke)

- (3) Twin 5.5 hp Honda G.X. 160 (4 stroke)
- (4) Single 13 hp Honda G.X. 390 (4 stroke)
- (5) Rotax Leisure Kart 125cc (2 stroke)
- (6) Such other Kart as may be determined by the Department, in writing, as falling within a similar category/type of Kart.
- (7) Bizkart NG1 Honda GX270 wet clutch engine fitted with a super silent exhaust system.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

2. No more than 12 Bizkart NG1 Honda GX270 wet clutch engine with super silent exhaust system carts shall operate on the track at any one time. If any of the other types of carts as stated above are in operation on the track then the total number of carts operable at any one time is reduced to no more than four.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

Signature(s)

Date:

ANNEX	
Date Valid	8th September 2016
Date First Advertised	22nd September 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Moneyhaw Road Crossnarea Moneymore The Owner/Occupier, 2 Coltrim Lane, Moneymore The Owner/Occupier, 21 Moneyhaw Road, Moneymore Brian Simpson 21 Moneyhaw Road, Moneymore, BT45 7QJ Mclvor 21A, Moneyhaw Road, Moneymore, Londonderry, Northern Ireland, BT45 7QJ The Owner/Occupier, 21B Moneyhaw Road, Moneymore Peter Simpson 21B, Moneyhaw Road, Moneymore, Londonderry, Northern Ireland, BT45 7QJ The Owner/Occupier, 21a Moneyhaw Road, Moneymore The Owner/Occupier, 23 Moneyhaw Road, Moneymore The Owner/Occupier, 24 Cookstown Road, Moneymore Adrian N Stringer 24, Cookstown Road, Moneymore, Londonderry, Northern Ireland, BT45 7QF The Owner/Occupier, 30 Cookstown Road, Moneymore The Owner/Occupier, 46 Cookstown Road, Moneymore The Owner/Occupier, Loughinsholin Lodge, Moneyhaw Road, Moneymore	
Date of Last Neighbour Notification	12th October 2016
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2016/1259/F

Proposal: Variation of Condition No's 3 and 4 of Planning Approval I/2000/0565/F

Address: Adjacent to 46 Cookstown Road, Moneymore,

Decision:

Decision Date:

Ref ID: I/2003/0884/F

Proposal: Conservatory Extension

Address: 50 Cookstown Road

Decision:

Decision Date: 12.12.2003

Ref ID: I/1978/0441

Proposal: IMPROVEMENTS TO DWELLING

Address: COLTRIM, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2002/0208/F

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

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

Decision:

Decision Date: 23.12.2002

Ref ID: I/2001/0619/F

Proposal: Office and Store

Address: Adjacent to 46 Cookstown Road Moneymore

Decision:

Decision Date: 13.01.2004

Ref ID: I/2000/0565/F

Proposal: Use of land for cart track

Address: Adjacent to 46 Cookstown Road Moneymore

Decision:

Decision Date: 18.06.2001

Ref ID: I/1999/0490/O

Proposal: Dwelling house

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 14.04.2000

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

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

Ref ID: I/2004/0081/F
 Proposal: Amendment to previous condition 03 on Planning Permission I/2000/0565 for the approval of 2No Karts (Rotax Leisure Kart) as tested and evaluated in accordance with guidelines agreed with statutory bodies
 Address: Adjacent to no. 46 Cookstown Road, Moneymore
 Decision:
 Decision Date: 01.07.2004

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

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

Summary of Consultee Responses

Drawing Numbers and Title

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: LA09/2016/1326/F	Target Date:
Proposal: 2 no Apartments	Location: 84 Orritor Road Cookstown
Referral Route:	Objections Received
Recommendation:	Approval
Applicant Name and Address: Bell Contracts 7 Sandholes Road Cookstown BT80 9AR	Agent Name and Address: Whittaker & Watt Architects 379 Antrim Road Glengormley BT36 5EB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Representations received from two objectors;

1. No 82 Orritor Road Cookstown;

Concerns raised:

Out of character, inappropriate and incompatible with surroundings, traffic implications at already busy junction.

2. 239 Shore Road Magherafelt, owner of no 90 Orritor Road.

Concerns raised:

Not in keeping with surroundings, negative impact on property prices.

In support of the application the applicant has included a planning consultant's letter which advocates approval for the proposal.

Consultation with Transportni has been carried out and they have responded with no objections.

Characteristics of the Site and Area

The site is located within the limit of development for Cookstown as defined within the Cookstown Area Plan 2010. Access to the site is proposed from Forthglen estate road. The site at present is a vacant plot which is located to the front of a housing development (Forthglen). The level of the site is on or about that of the adjoining Orritor Road and Forthglen estate road. The southern and western boundaries are defined by boarded fencing and separate the plot from residential use on the opposite side of same. Temporary site fencing panels define the remaining boundaries. The area is residential in land use, with a two storey detached dwelling to the west, a pair of semi-detached dwellings to the south. The semidetached dwellings are part of Forthglen estate which is an estate of semidetached two storey and one and a half type dwellings. Further east on the opposite side of Forthglen estate road a line of some 14 detached dwellings defining the southern side of Orritor Road with a similar pattern defining the northern side of same. On the opposite side of the Orritor Road, from the proposed development are agricultural lands, which are outside the limit of development and designated as phase 2 housing lands.

Description of Proposal

Proposed 2no apartments with settlement limits.

Planning Assessment of Policy and Other Material Considerations

The site is located within the limit of development for Cookstown as defined by the Cookstown Area Plan 2010 (CAP).

Relevant Site Histories:

Most recent history on site is I/2014/0409/F: Planning permission refused on 3/6/15 for a pair of 2storey semi-detached dwellings: reasons for refusal were;

- The proposal is contrary to Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments in that it has not been demonstrated that the development would

create a quality and sustainable residential environment and fails to meet the requirements of criteria (a), (c), (f) and (g) of Policy QD1.

- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking and turning of vehicles which would be attracted to the site.

Previously I/2007/0113/F: Planning permission granted on 9th May 2007 for a proposed dwelling and garage on same site. Permission expired.

Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Addendum to Planning Policy Statement 7: Safeguarding the Character of established Residential Areas applies.

Policy LC1: Protecting Local Character, Environmental Quality and Residential Amenity advises that the density, pattern of development and size of unit should be considered in addition to all the criteria set out in Policy QD1 of PPS 7.

It is my opinion that the proposal does respect the surrounding context presented by the existing development along both sides of Orritor Road. As the proposed development is for apartments there is sufficient private open space within the proposal and provision has been made for parking and turning.

TNI have been consulted and have responded with no objections and suggested conditions. It was the opinion of the group that the car parking and turning area would not have a significant negative impact on the amenity of adjoining residential property.

The design of this apartment development ensures that there are no window openings along the Western boundary avoiding overlooking. There is however, an upper floor kitchen window which is set some 10 metres from the neighbouring boundary and approx. 20 metres from the neighbouring property to the south. In my opinion this distance is just sufficient that it wouldnt impact significantly on the amenity of those properties beyond the boundary.

Other Policy and Material Considerations:

The detail of the proposal is a single two storey building with separate apartments on ground and first floors. The external finish being red facing brick with dark grey concrete tiles.

The siting of the building respects the building line of the adjacent two storey dwelling which results in the footprint of the dwelling being, at closest within 3.5 metres of the back of the Orritor Road footpath, thus making the building quite obvious on the site.

Elevations are presented to both Orritor and Forthglen estate roads, and after the most recent amendments these elevations do in my opinion provide a suitable design for this kind of corner site, this was discussed at group and consensus agreed.

Comment received in the form of objections indicate character, traffic and land values as matters of concern. I would disagree that the proposal is not in keeping with the character of the immediate area in that the site is surrounded by other two storey detached and semi detached dwellings, furthermore there are some apartment developments (i.e at no.65 and 67 Forthglen) to the south of the site. With regards the traffic concerns TNI have been consulted and have responded with no concerns to the amended plans received.

In respect of land values the owner of no 90 Orritor Road (adjacent two storey dwelling to west of site, which is currently for sale) has stated, by phone that prospective buyers have raised concerns in respect of this proposal, no substantial evidence was presented to support the objector's claim that the proposal has a detrimental effect on property values within the locality.

Recommendation Approve.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Discussed at group, amended design changes more appropriate and in keeping with character of the area.

Conditions

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

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

2.The vehicular access, including visibility splays of 2.0 x 45m in both directions, and Forward Sight Distance of 45m shall be provided in accordance with Drg No 05 dated 25/01/2017, 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.

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

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

4.The access gradient(s) shall not exceed 8% (1 in 12.5) over the first 5 m 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.

5.Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed and shall be sited so that when open they do not project over the footway, verge, or carriageway.

REASON: To ensure waiting vehicles do not encroach onto the carriageway.

6.No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no 05 bearing date stamp 25/01/2017 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.

7. All planting comprised in drawing number 02B, bearing date stamp 03/07/2017 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.

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. TNI 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 on any other land owned or managed by the Department of Regional Development for which separate permissions and arrangements are required.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- The developer should note that this planning approval does not give consent to discharge water into a DRD Transport NI drainage system.

Notwithstanding the terms and conditions of the Councils 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 of Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transport NI Section Engineer whose address is Molesworth Place, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

Signature(s)

Date:

ANNEX	
Date Valid	22nd September 2016
Date First Advertised	6th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) Seamus Doyle 239 Shore Road, Magherafelt, Ballyronan, Londonderry, Northern Ireland, BT45 6LH The Owner/Occupier, 74 Forth Glen Maloon Cookstown The Owner/Occupier, 75 Forth Glen Maloon Cookstown The Owner/Occupier, 82 Orritor Road Maloon Cookstown The Owner/Occupier, 82 Orritor Road, Cookstown, Tyrone, Northern Ireland, BT80 8BN The Owner/Occupier, 86 Orritor Road Maloon Cookstown The Owner/Occupier, 90 Orritor Road Cookstown Co Tyrone The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1326/F Proposal: 2 no Apartments Address: 84 Orritor Road, Cookstown, Decision: Decision Date: Ref ID: I/2014/0409/F Proposal: Proposed pair of 2 Storey Semi-Detached Dwellings Address: 84 Orritor Road, Cookstown, Decision: PR Decision Date: 05.06.2015	

Ref ID: I/1993/0366

Proposal: 12 No Dwellings

Address: FORTH GLEN HOUSING DEVELOPMENT ORRITOR ROAD, COOKSTOWN.

Decision:

Decision Date:

Ref ID: I/1984/0157

Proposal: HOUSING DEVELOPMENT AND PUMPING STATION

Address: ORRITOR ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1984/015701

Proposal: HOUSING DEVELOPMENT AND PUMPING STATION

Address: ORRITOR ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/0148

Proposal: 8 No Dwellings

Address: FORTH GLEN HOUSING DEVELOPMENT ORRITOR ROAD COOKSTOWN
SITES 40, 41, 42, 43, 44, 45, 46A, 46B

Decision:

Decision Date:

Ref ID: I/1993/0349

Proposal: Extension to dwelling including domestic garage

Address: 52 FORTHGLEN ORRITOR ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1998/0356

Proposal: Housing Development of 9 dwellings

Address: SITES 1,3,4,5,6,7,8,9 & 10 FORTHGLEN PHASE TWO ORRITOR ROAD
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1995/0158

Proposal: Erection of 14 No dwellings

Address: FORTHGLEN (PHASE 2) ORRITOR ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/0325
Proposal: DWELLING AND GARAGE
Address: ORRITOR ROAD, HALOON, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1999/0293
Proposal: Construction of dwelling and garage
Address: Adjacent to 86 Orritor Road Cookstown
Decision:
Decision Date: 18.11.2000

Ref ID: LA09/2016/0342/PAD
Proposal: Two apartments
Address: 84 Orritor Road, Cookstown,
Decision:
Decision Date:

Ref ID: I/2007/0113/F
Proposal: Proposed dwelling & garage
Address: Adjacent to 86 Orritor Road, Cookstown
Decision:
Decision Date: 16.05.2007

Ref ID: I/1993/6066
Proposal: Site Layout (Roads) Forthglen Housing Development Orritor Road Cookstown
Address: Forthglen Housing Development Orritor Road Cookstown
Decision:
Decision Date:

Summary of Consultee Responses

TNI and NIW have been consulted and have responded with no objections and suggested conditions.

Drawing Numbers and Title

Drawing No. 05
Type: Site Location Plan
Status: Submitted

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

Drawing No. 03B
Type: Proposed Elevations
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1346/F	Target Date: 06.01.2017
Proposal: Dwelling to be replaced by building containing 5 no self contained apartments	Location: 1 Westland Road South Cookstown
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Westland Property Enterprises Ltd 1 Westland Road South Cookstown	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	1

Summary of Issues

See main body of assessment.

Description of proposal

This is a full planning application for the replacement of a dwelling with a building containing 5no self contained apartments.

Characteristics of Site and Area

The site incorporates the entire curtilage of No. 1 Westland Road South, and is located adjacent and SW to the junction of Westland Road South and Tullagh Road. Currently on site there is a sizable 2 storey derelict dwelling with access onto Westland Road South. The remaining roadside boundary is defined by tree lined hedgerows, post and wire fencing, and red brick pillars and wing walls at the access. The site has spacious grounds and is relatively flat. The front elevation of the dwelling is NE facing.

The site is at a busy road junction and the area is defined mostly by residential development with some education and council facilities nearby. Fair Hill Recreational Grounds are less than 1/4 mile away, and Cookstown Town Centre is within 5 min walking distance. The area has a mix of housing types of various densities. Most have in curtilage parking and well defined curtilage boundaries.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010- the site is located within the development limits of Cookstown on white land with no zonings.

Relevant Planning History

I/2007/0655/F- 2 No Proposed units comprising of Block A - 8No. 1 Bed Apartments, Block B - 6No. 1 Bed Apartments (14 apartments in total) with associated parking, accesses and amenity area. Permission granted 24.04.2009. This permission incorporated No 1 and 3 Westland Road South, Cookstown.

Representations:

During the processing of this application comment has been received from the owner of adjacent property at no 3 Westland Road South

Consultation with Transportni, Northern Ireland Water and Northern Ireland Environment Agency has raised no concerns subject to conditions and informatives.

Planning Assessment of Policy and other Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland (SPPS) does not significantly change policy for assessing housing and apartment developments within settlement limits, which is currently PPS7. Creating Places design guide, DCAN 8 Housing in existing Urban Areas is also applicable, as is DCAN 15 Parking Standards and PPS3 Access, Movement and Parking.

This site was granted for the same design of apartment block, access point and parking layout under I/2007/0655/F when the prevailing planning policy was also PPS7. The only difference is that in 2010 an addendum to PPS7 was introduced as additional policy- 'Safeguarding the Character of Established Residential Areas'. It could be argued that Policy QD1 of PPS7 provided ample policy in this respect however will be considered none the less. In my view as the character was found to be acceptable under PPS7 in 2009, the addendum does little to change this opinion. Annex A of the addendum does provide minimum spaces required for apartments and the proposed development comfortably meets these requirements.

This proposal only relates to site No. 1 Westland Road South, while the 2007 proposal related to sites No. 01 and 03. No 3. Under this proposal site No. 3 is not included and the owner of the property has now objected to this proposal. Under the 2007 permission, site 1 could have been developed without developing site No. 3 as both were self contained curtilages with separate access points and parking arrangements. While 2007 proposal is now time expired, in my view, given that what is currently proposed is exactly the same as what was previously approved without the existing dwelling on No. 3 being demolished, and that planning policy has remained the same, I am of the view that the impacts to visual and residential amenity and character of the area will be no different to what was previously approved as the same scheme is proposed. The proposed development backs onto the front elevation of No. 3 with no first or second storey windows looking directly into the rear of No. 3 thus will experience no impacts of overlooking. There are windows on the gable wall of the first and second floor of the proposed development. These windows belong to bedroom and living areas which have the potential to cause overlooking concerns however due to the orientation of the property, these will be overlooking mostly areas of roadway, and private amenity will not be detrimentally impacted.

The new apartment block is set over 20m from No 3 and other properties and will not have a detrimental impact by over dominance or overshadowing. It was considered that the massing, scale, design and orientation of the development was considered acceptable in the 2007 proposal and this opinion has not changed.

In terms of parking concern and road safety issues, Transport NI have no concern with this proposal subject to conditions. Any parking of vehicles is proposed at the road junction and not along any shared property boundary therefore impacts on existing private amenity from the opening and closing of car doors and the starting and stopping of car engines will be limited and will not be detrimental.

No features of archaeology or built heritage have been negatively impacted upon. While provision of shared amenity space is limited, it is no different to what was granted under I/2007/0655/F. Plus the proposal is within comfortable walking distance of shared surrounding recreational facilities and Cookstown Town Centre, therefore the reduction in amenity space is acceptable in this instance. The development supports a movement pattern that is appropriate for the size and scale of this proposal. The site is adjacent to Safe Routes to School Network, and, Sustrans Cycle Network which are located to the north of the site. Adequate and appropriate provision is made for parking and pedestrian movement.

The proposal is not located adjacent to or hydrologically connected to any N2K sites or sites of local importance and any loss of trees will be compensated by new planting therefore impacts on biodiversity and the local environment will be very limited and acceptable in this case. NIEA raise no objections to this proposal.

The site is located within the limit of development for the settlement of Cookstown as defined within the Cookstown Area Plan 2010 (CAP). Plan Policy SETT 1 sets out the criteria to be met for a favourable consideration within settlement limits. In my opinion the proposal is sensitive for the settlement in terms of design, materials, scale and form especially when compared with previous permission on site, it respects the constraints and opportunities that the site presents and no conservation interest has been identified. In addition the proposal would not be detrimental on the amenities of any existing development within the area. Access and parking arrangements have been declared acceptable by consultees and the proposal would not prejudice the comprehensive development of adjacent lands.

Other Policy and Material Considerations:

The content of the objection received from no 3 Westland Road South is as follows;

Loss of private amenity for surrounding dwellings.

Proposal scale and massing excessive

Building and private amenity space unacceptable.

Inappropriate density for area.

Extensive use of hard surfacing for parking provision uncharacteristic of area.

Intensification of use of existing access at busy junction.

No internal facilities for bin stores, drying area or individual amenity space.

Unacceptable turning space within development.

Encroachment on front private amenity space by upper floor windows.

Adverse impact on character of neighbourhood by way of increased density.

Not in keeping with character of area and negative impact due to increased noise and disturbance associated with the site.

In my opinion this proposal can be accommodated on this site without resulting in a loss to neighbouring amenity or producing a detrimental impact on highway safety for the reasons set out above in my main consideration.

The site is not subject to flooding. There are no contamination or human health concerns to consider. Northern Ireland Water indicate that adequate Waste Water Treatment facilities are presently available to serve this proposal.

Neighbour Notification Checked	Yes
Summary of Recommendation: That planning permission is granted subject to the following conditions.	
Conditions 1.As required by Section 61 of the Planning Act (Northern Ireland) Order 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit. 2.Prior to the occupation of any apartments hereby approved, the developer shall construct, layout and plant all landscaped areas including areas of open space, including all peripheral planting, as indicated on the approved plans, Drawing No.07 received 25th January 2017. All hard and soft landscaping 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. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner and to assist in the provision of a quality residential environment. 3.No apartment 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 condition No.02, unless otherwise agreed in writing. Reason: To ensure that the open space provided is managed and maintained, in perpetuity. 4.Areas of designated open space as referred to in Condition No.02 shall be managed and maintained in accordance with the provisions of the 'Management and Maintenance Agreement' to be agreed by Council (as referred to in condition No. 03) unless otherwise agreed in writing by Council. Reason: To ensure that open space provided, is managed and maintained. 5. Prior to the occupation of any of the of the apartments hereby approved, the boundary treatments defining the curtilage shall be constructed as detailed on Drawing No.06 rev1 which was date stamp received 25th January 2017. Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment and in the interest of private amenity. 6.If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Department, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Department gives its written consent to any variation. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.	

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

Reason: In the interests of visual amenity.

8.The vehicular access, including visibility splays of 2.4 x 90m in both directions, and Forward Sight Distance of 90m shall be provided in accordance with Drawing No 06 Rev1 date received 25/01/2017, 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.

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

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

10.The access gradient(s) shall not exceed 8% (1 in 12.5) over the first 5 m 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.

11.No apartment hereby permitted shall be occupied until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No(s) 06 Rev 1 bearing date stamp 25/01/2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

12.Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed and shall be sited so that when open they do not project over the footway, verge, or carriageway.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

Signature(s)

Date:

ANNEX	
Date Valid	23rd September 2016
Date First Advertised	13th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Tullagh Road, Tullagh, Cookstown, Tyrone, BT80 8DF, The Owner/Occupier, 2 Tullagh Road Tullagh Cookstown James Holder 3 Westland Road South, Cookstown, Tyrone, Northern Ireland, BT80 8DG The Owner/Occupier, 3 Westland Road South, Tullagh, Cookstown, Tyrone, BT80 8DG, The Owner/Occupier, 92 Fairhill Road Cookstown Co Tyrone	
Date of Last Neighbour Notification	5th October 2016
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date: 06/06/2017	Item Number:
Application ID: LA09/2016/1609/F	Target Date: 28/02/2017
Proposal: Amended design to approval M/2015/0166/F, including additional ground floor area for an off-licence within the shop and a second storey over part of the scheme to provide staff facilities and offices. Additional control booth for fuel pumps. Right turn lane, access/egress, fuel pumps, canopy to pump area, totems etc to be as approval M/2015/0166/F	Location: Centra 18-20 Augher Road Clogher
Referral Route: Objections received so application no longer delegated	
Recommendation: Approve	
Applicant Name and Address: McDade Retail Ltd 18-20 Augher Road Clogher BT76 0AD	Agent Name and Address: Keys & Monaghan Architects Ltd 12 Main Street Irvinestown BT94 1GJ
Executive Summary: Proposal complies with all relevant policies. Objections considered but do not merit refusal of application. Approve subject to conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI	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

There have been 2 objections to this proposal.

1: From No. 47 Primrose Hill, Clogher

Issues Raised

- Impact on their privacy from the introduction of a second floor - Will be considered in my report.
- Request that the boundary fencing be extended - Amended layout submitted showing this.

- Impact on residential amenity from noise, pollution, dust and littering - Environmental Health have been consulted and requested submission of improved boundary treatment adjacent to no. 47 Primrose Hill. This was submitted and EH have no further objections to this proposal.
- Part of the development encroaches on third party land - P2 Certificate has been completed and notice served. This is therefore a civil matter between the applicant and the third party land owners.

2: From No. 14 Ferndale, Clogher

Issues Raised

- Unacceptable Noise coming from large fans - Fans are existing and do not form part of this application.
- Impact on privacy from staff using the rear of the building for smoking - This is outside the remit of this application
- Crates blowing into their property - This is outside the remit of this application.
- Impact on privacy from the introduction of a second storey - The proposed second storey is to the opposite side of the building and will not impact on privacy of No. 14 Ferndale.
- Devalue their property - This is not a material planning consideration

Characteristics of the Site and Area

The application site is a 0.51 hectare parcel of land which takes in an existing Centra Store and filling station and associated car parking. It is located at 18-20 Augher Road, Clogher. It is within the development limits of Clogher as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). Access to the site comes directly off the A4, a Protected Route. The site is relatively level with the existing store measuring 18m x 28m. The roadside boundary with the Main Road is open and undefined except for a footpath. The Western boundary of the site is defined by a high concrete wall. A mix of closed board wooden fence and a leylandi hedge defines the remaining site boundaries.

This area of Clogher is characterised by a mix of uses. There is a Church at the opposite side of the road from the application site. To the rear and to the NE of the site are residential developments. To the SW of the site is a derelict factory. This area is not subject to any specific designations contained in the DSTAP.

Description of Proposal

This is a full application for an amended design to a previous approval. It includes additional ground floor area for an off-licence within the shop and a second storey over part of the scheme to provide staff facilities and offices and an additional control booth for fuel pumps. The right turn lane, access/egress, fuel pumps, canopy to pump area, totems etc will be as approval M/2015/0166/F.

Planning Assessment of Policy and Other Material Considerations

Planning History

The earliest planning history on the system is M/1990/0398/F by BP for re-imaging. There have been several applications in the intervening 27 years for minor extensions and alterations to the shop. The most recent and relevant application is M/2015/0166/F for an extension and alterations

to shop, new fuel pumps, canopy and totems. Formation of right hand turning lane and new access/egress arrangements, extension to car park. This was approved by Mid Ulster District Council on the 08/02/2016.

- Dungannon and South Tyrone Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- Planning Strategy for Rural NI
- Parking Standards

Dungannon and South Tyrone Area Plan 2010

The site is within the development limits of Clogher and is subject to no designations. There is no reference in the plan to this type of development within Clogher however there is a presumption in favour of development within defined settlements, therefore I am satisfied that the proposal is in keeping with the plan.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded Planning Policy Statement 5 (Retailing and Town Centres). This proposal can be deemed retail in nature with some ancillary development and as such the SPPS policy criteria for Town Centres and Retailing is a material consideration.

The SPPS states that policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for Town Centres and retailing (ie) Town Centres first, meet local need and be of a scale, nature and design appropriate to the character of the settlement. No Retail Impact Assessment is required to be submitted by the applicant as the proposed floor space extension is less than 1000m, however retail impact still needs to be assessed. Given that most of the proposed additional floorspace will facilitate ancillary and service areas, I do not feel that the additional 40m² of retail floorspace (off-licence) will have a detrimental impact on neighbouring town centres or retail provision within the village of Clogher. Clogher itself is a small village with no designated Town Centre. In such circumstances and as the immediate area surrounding the site is characterised by a mix of uses I am satisfied that the proposal is acceptable in this location. The proposed works are minor in nature and will further facilitate local need that is already being accommodated by the existing shop. I have no concerns with the scale, nature and design of the proposed extension. It is in keeping with the design approved under M/2015/0166/F and does not detract from the character of the area. The introduction of a first floor to provide staff facilities and offices does involve and increase in building height from 8m to 9.5m as well as the introduction of two new window openings along the side elevation of the building fronting onto the rear garden of number 47 Primrose Hill. Given the separation distance involved between this elevation and the boundary in question (approx. 20m) I am of the opinion that impact on residential amenity would be minimal and would not merit the refusal of this application.

PPS 3 - Access, Movement and Parking

Transport NI were consulted with this application. They requested submission of the detail for the right hand turning lane and new access/egress arrangements that were previously approved under M/2015/0166/F. This has been submitted and TNI have no objections to the proposal from a road safety perspective.

Planning Strategy for Rural NI

DES 2 (Townscape). I do not consider that the proposal will have any detrimental impact on the townscape of the village given that the site is somewhat separate from the main street, where the

Area of Townscape Character is designated. The proposed amendments are in keeping with the design approved under M/2015/0166/F

IC 15 (Roadside Service Facilities) states that the upgrade of existing filling stations will normally be accepted unless increased trade would create or exacerbate a road traffic hazard. Transport NI have been consulted and have raised no concerns in this regard.

Parking Standards

This document advises that there should be provision of 1 space per pump position, plus 1 waiting space per pump position (not impeding entry). This proposal meets this requirement. With regards to the proposed retail floor space there should be 1 space provided per every 14m² of GFA proposed. 29 spaces were provided under M/2015/0166/F. This proposal introduces an additional 6 spaces. It is proposed to introduce 511m² of retail floor space under this application. That equates to requirement of 37 spaces. Whilst there is an under provision of 2 spaces for the retail element I am content that these can be accommodated at the pumps. I therefore have no concerns regarding parking provision.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to conditions

Conditions/Reasons for Refusal:

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, shall be provided in accordance with Drawing No 06 bearing the date stamp 30th March 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.

3. The gradient(s) 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. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Mid Ulster District Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 06 bearing the date stamp 30th March 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.

5. The visibility splays of 2.4 metres by 105.0 metres to the south west direction and 2.4 metres by 120.0 metres to the north east direction at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No 06 bearing the date stamp 30th March 2017, prior to the commencement of any other works or other development.

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

6. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 06 bearing the date stamp 30th March 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

7. The parking facilities detailed in Condition No (RS-C-28) above shall be open for use during all hours of business.

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

8. No other development hereby permitted shall be occupied until the road works including provision of the ghost island as indicated on Drawing No 06 bearing the date stamp 30th March 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.

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

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

10. The development hereby permitted shall not become operational until a Stage 3 Safety Audit, for the road improvements including right

turning lane on the A4 Augher Road has been completed, submitted to DFI Transportni and any recommendations identified thereafter implemented.

Reason: To provide a quality assurance that the proposed road improvements have embraced all safety features.

11. Prior to the commencement of any works a 2.4m high barrier shall be erected along the site's boundary labelled Boundary Detail A and Boundary Detail B as shown on drawing no. 02 revision 1, bearing date stamp 27th February 2017. The barrier shall be constructed of solid timber panelling (Close lapped with no gaps)

Reason: To protect the amenity of residents.

Informatives

1. Your attention is drawn to the attached responses from EH and Transport NI

Signature(s)

Date:

ANNEX	
Date Valid	15th November 2016
Date First Advertised	1st December 2016
Date Last Advertised	1st December 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Augher Road Clogher Tenements Clogher The Owner/Occupier, 13 Ferndale Clogher Tenements Clogher The Owner/Occupier, 14 Ferndale Clogher Tenements Clogher Kyle Alexander 14, Ferndale, Clogher, Tyrone, Northern Ireland, BT76 0AS The Owner/Occupier, 15 Augher Road Mullaghtinny Clogher The Owner/Occupier, 22 Augher Road Clogher Tenements Clogher The Owner/Occupier, 24 Augher Road, Clogher The Owner/Occupier, 41 Primrose Hill Clogher Tenements Clogher The Owner/Occupier, 42 Primrose Hill Clogher Tenements Clogher The Owner/Occupier, 43 Primrose Hill Clogher Tenements Clogher The Owner/Occupier, 44 Primrose Hill Clogher Tenements Clogher The Owner/Occupier, 45 Primrose Hill Clogher Tenements Clogher The Owner/Occupier, 46 Primrose Hill Clogher Tenements Clogher The Owner/Occupier, 47 Primrose Hill Clogher Tenements Clogher K Millar 47, Primrose Hill, Clogher, Tyrone, Northern Ireland, BT76 0AF The Owner/Occupier, 48 Primrose Hill Clogher Tenements Clogher The Owner/Occupier, Parochial House 25 Augher Road Clogher Tenements	
Date of Last Neighbour Notification	18th January 2017

Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2016/1609/F Proposal: Amended design to approval M/2015/0166/F, including additional ground floor area for an off-licence within the shop and a second storey over part of the scheme to provide staff facilities and offices. Additional control booth for fuel pumps. Right turn lane, access/egress, fuel pumps, canopy to pump area, totems etc to be as approval M/2015/0166/F Address: Centra, 18-20 Augher Road, Clogher, Decision: Decision Date:</p> <p>Ref ID: M/2015/0166/F Proposal: Extension and alterations to shop, new fuel pumps, canopy and totems. Formation of right hand turning lane and new access/egress arrangements, extension to car park Address: Centra, 18-20 Augher Road,Clogher ,BT76 0AD, Decision: PG Decision Date: 08.02.2016</p> <p>Ref ID: M/2009/0148/F Proposal: Demolition of existing dwelling to replace with detached dwelling at 24 Augher Road, Clogher. Address: 24 Augher Road, Clogher Decision: Decision Date: 09.07.2009</p> <p>Ref ID: M/2014/0142/F Proposal: Retention of mobile office and existing machinery sales and storage yard. Address: 13a Augher Road, Clogher Demesne, Clogher, Decision: PG Decision Date: 09.07.2014</p> <p>Ref ID: M/1984/0599A Proposal: PRIVATE HOUSING DEVELOPMENT - PHASE 1 Address: CLOGHER TENEMENTS AND CROSSOWEN, CLOGHER Decision: Decision Date:</p> <p>Ref ID: M/1984/0599 Proposal: PRIVATE HOUSING DEVELOPMENT Address: CLOGHER TENEMENTS, CLOGHER</p>	

Decision:
Decision Date:

Ref ID: M/1989/0461
Proposal: Replacement dwelling
Address: 38 AUGHER ROAD CLOGHER
Decision:
Decision Date:

Ref ID: M/1996/0444
Proposal: Private Housing Development
Address: CLOGHER TENEMENTS, CLOGHER
Decision:
Decision Date: 14.03.1997

Ref ID: M/1993/0033
Proposal: Private Housing Development
Address: CLOGHER TENEMENTS CLOGHER
Decision:
Decision Date:

Ref ID: M/1992/6047
Proposal: Private Housing Development Clogher Tenements Clogher
Address: Clogher Tenements Clogher
Decision:
Decision Date:

Ref ID: M/2004/0847/F
Proposal: Proposed Garage & Car Port
Address: 13 Ferndale, Clogher
Decision:
Decision Date: 20.07.2004

Ref ID: M/2005/2227/F
Proposal: Proposed demolition of existing dwelling and erection of 3no townhouses
Address: 20 Augher Road, Clogher
Decision:
Decision Date: 25.07.2006

Ref ID: M/1975/028601
Proposal: ERECTION OF SUBSIDY BUNGALOW
Address: CLOGHER TENNANTS, AUGHER ROAD, CLOGHER
Decision:
Decision Date:

Ref ID: M/1975/0286

Proposal: ERECTION OF SUBSIDY BUNGALOW

Address: CLOGHER TENEMENTS AUGHER ROAD, CLOGHER

Decision:

Decision Date:

Ref ID: M/1980/0479

Proposal: HOUSING DEVELOPMENT

Address: OFF AUGHER ROAD, CLOGHER, CO TYRONE

Decision:

Decision Date:

Ref ID: M/1985/0546

Proposal: MEDICAL CENTRE

Address: AUGHER ROAD, CLOGHER

Decision:

Decision Date:

Ref ID: M/2007/0730/F

Proposal: erection of enlarged two storey replacement surgery with integral self-contained office unit and attached 2 no. two storey non-food retail units, new curtilage vehicle parking arrangement using existing access onto Rosies Lane.

Address: 13 Augher Road with its junction with Rosies Lane, Clogher

Decision:

Decision Date: 21.01.2008

Ref ID: M/1976/027801

Proposal: ERECTION OF NEW CHURCH WITH GRAVEYARD AND CAR PARKING

Address: CLOGHER, COUNTY TYRONE

Decision:

Decision Date:

Ref ID: M/1976/0278

Proposal: NEW CHURCH AND CAR PARK

Address: CLOGHER, COUNTY TYRONE

Decision:

Decision Date:

Ref ID: M/2001/0716/F

Proposal: Removal of existing slate & trocal roofing material; Existing church roof configuration revised and copper clad.

Address: Saint Patricks Church Augher Road Clogher

Decision:

Decision Date: 30.08.2001

Ref ID: M/1994/6128

Proposal: Housing Development Clogher

Address: Clogher

Decision:

Decision Date:

Ref ID: M/2007/1018/F

Proposal: Demolition of existing dwelling and erection of two and a half storey building comprising 10 apartments

Address: 14 Augher Road, Clogher

Decision:

Decision Date: 18.11.2008

Ref ID: M/1990/0398

Proposal: BP Re-Imaging Level 1

Address: AUGHER ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/2005/0359/F

Proposal: Demolition of an existing dwelling and erection of a proposed retail unit - Video Store

Address: 20 Augher Road, Clogher

Decision:

Decision Date: 17.09.2005

Ref ID: M/2004/0294/F

Proposal: Re-development of existing filling station & supermarket to provide new filling station/supermarket & associated site works & demolition

Address: 18 Augher Road, Clogher

Decision:

Decision Date: 15.06.2004

Ref ID: M/1996/0755

Proposal: Alterations to shop and Forecourt (Filling Station)

Address: MAXOL FILLING STATION 18 AUGHER ROAD CLOGHER

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health have no objections in terms of Noise, Odours or Dust. They have advised conditions in relation to boundary treatments.

Transport NI have no objections in terms of Road Safety, subject to conditions being attached to any approval.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location

Status: Submitted

Drawing No. 02 revision 1

Type: Site Layout

Status: Submitted

Drawing No. 03 revision 1

Type: Floor Plans

Status: Submitted

Drawing No. 04 revision 1

Type: Elevations

Status: Submitted

Drawing No. 04 revision 1

Type: Elevations

Status: Submitted

Drawing No. 05

Type: Details

Status: Submitted

Drawing No. 06

Type: Roads

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: LA09/2016/1684/O	Target Date:
Proposal: Expansion of existing care home facility to provide 4no individual care units and a new dwelling and garage in connection with the existing business enterprise	Location: Lands immediately SW of 19 Rocktown Lane Knockloughrim
Referral Route: Refusal recommended – proposal contrary to CTY 1 & CTY 7 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Mr C Maynes 12 West Clare Court Lisacclare Road Coalisland BT71 5BF	Agent Name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
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
<p>Characteristics of the Site and Area</p> <p>The proposal site is currently a large agricultural roadside field with the existing 'Mountview Retreat' to the rear of the site. The site gently rises up in level from the roadside. There is an existing access lane which also has another lane running parallel serving a detached property SE of the proposal site. The site is bounded on the western boundary by a wooden post fence, on the northern and southern by a modest agricultural hedge and on the eastern by hedging and mature trees. The surrounding pattern of development on Rocktown Lane is one of detached rural roadside dwellings and associated agricultural buildings.</p>	
<p>Description of Proposal</p> <p>Outline application for 'Expansion of existing car home facility to provide 4 No. individual care units and a new dwelling and garage in connection with the existing business enterprise'.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>I have assessed this proposal under the following:</p> <p>SPSS Planning Policy Statement 1 - General Policies Planning Policy Statement 21 - Sustainable development in the countryside DCAN 9 - Residential and Nursing Homes</p> <p>Neighbours: Owners/occupiers of neighbouring properties are Nos. 16, 17 _ 19 Rocktown Lane were notified of this proposal on 25.01.2017, no objections or representations have been received to date.</p> <p>Consultations - Environmental Health were asked to comment and responded on 26.01.2017 with no objections Transportni were asked to comment and responded on 01.02.2017 requesting a TAF be submitted, this was received and Transportni reconsulted, they responded again on 04.04.2017 with no objections subject to conditions. HED (Historic Monuments Section) were asked to comment and responded on 01.02.2017 with no objections NI Water were asked to comment and responded on 25.01.2017 with no objections</p> <p>In line with legislation the proposal was advertised in several local press publications during December 2016, no representations have been received to date.</p> <p>Residential and nursing homes fall within Class 11 of the Planning (use classes) order 1973 which covers the following: 'use as a home or institution providing for the boarding, care and maintenance of children, old people, or persons under disability, a convalescent home, a nursing home, or a hospital'</p>	

This proposal has been submitted as a unique family owned and run residential care facility for individuals with learning disability and mental health support needs. In line with policy extensive extensions to modest buildings would normally not be permitted and it must be demonstrated for an exception to be considered that there are overriding reasons why the development is essential and could not be located in a settlement.

This proposal has two elements to it and it is my opinion that they should be considered separately within this report. Firstly to consider is the proposal to provide 4 no. individual care units. At present there is a detached single storey building, historically this was a private dwelling but over time was used for nursing/residential purposes that gradually extended into the entire unit. The proposal is now to provide 4 separate dwelling units west of the existing building within the large agricultural field. It is proposed that these properties would have vehicle access off the existing access and have a sensory garden between them and the existing property with a small path linking the old with the new. As this is an outline application no house types have been indicated at this stage. The concept site plan submitted shows extensive planting and the retention of all existing boundaries, the parking shown has been broken up and presented individually for each unit and a buffer planting strip has been shown between the 4 units and the proposed single dwelling.

The appearance of the proposed units is of a small housing development within the countryside, although a small pedestrian link has been shown between the existing building and the proposed new units, this is very minor. Within the submitted evidence it has been stated that the proposed 4 units are to provide a second tier care provision to their existing residents and/or new residents, providing nursing care whilst still set in a domestic scale. It is unclear as to how 4 independent units would provide this nursing care unit or dementia unit and seems to be conflicting information as to whether residents would be living independently or with live in assistance. Although the applicant has stated that the setting is independent and there is the existing unit I do not feel enough evidence has been supplied as to why this proposal needs to be located within the rural countryside rather than within an existing settlement. A revised design with an extension connected to the existing building could still provide dignified normal home-like accommodation at a nursing care standard. Within the submitted P1 form it has been stated that there is an expected increase of 4 staff/employees on a daily basis and 2 others e.g. visitors, customers etc. this seems at odds with 4 units being proposed each with 3/4 bedrooms and with the level of car parking supplied at each unit. It is my opinion that this proposal would change the existing character of the locality and landscape.

The second part of the proposal is for a new dwelling and garage in connection with the existing business enterprise. The proposed dwelling is sited within the most westerly portion of the existing agricultural field, the site is proposed to be accessed directly off the Rocktown Lane with a new access proposed. No visible linkage or connection has been shown between the proposed dwelling and the existing enterprise or the proposed extension to the enterprise.

According to CTY 7 of PPS21 planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firms' employees to live at the site of their work. Where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. Mr Maynes, the applicant, has supplied information stating that he is the manager of the enterprise and currently resides in Coalisland and is legally responsible for the estate, staff and residents of Mountview, 24 hours a day and 7 days a week. Mr Maynes states that he has been regularly called out to attend to Mountview and to help the staff during the night time, call outs have varied from estate problems, such as power supply or waste issue, to a resident problem, such as illness and falls, however in the submitted statement it has been mentioned that the travel time of 45 minutes from Mr Maynes current home to Mountview has raised concerns with both Mr Maynes and the staff and that the proposed siting would be more desirable as it would be within walking distance and Mr Maynes would be able to deal first hand with any critical

matters such as a fire, flood and critical illness of a resident. The supporting statement submitted states that approval of this proposal would not intensify the loss of rural character that has already occurred along this section of the Rocktown Lane. I strongly disagree with this statement and feel that approval of this proposal would greatly harm and alter the landscape and character of this area of Rocktown Lane. It has not been demonstrated why the need is so great for the manager to reside adjacent to the premises, I do not see any justification as to why the manager could not reside in one of the nearby settlements but rather only a desire for a dwelling in association with the business for ease rather than necessity.

In line with CTY 13 of PPS 21 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. However a new building would be unacceptable where:

- it is a prominent feature in the landscape; or
- 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
- it relies primarily on the use of new landscaping for integration; or
- ancillary works do not integrate with their surroundings; or
- the design of the building is inappropriate for the site and its locality;
- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm

The proposal site is not a prominent site and there would not be long distant views of the site from any neighbouring public view points. The site is currently a large agricultural field that is bounded on the western side by a wooden fence and then on the northern and southern sides by a post and wire fence and by a modest agricultural hedge which provides no integration whatsoever. Along the rear/ eastern boundary there is a modest agricultural hedge and several mature trees and then the existing residential building. It is my professional opinion that this site does not provide a suitable degree of enclosure and would rely primarily on the use of new landscaping for integration. As this proposal is an outline application no proposed design has been submitted at this stage, however it should be noted that the existing property is a single storey property of a traditionally rural design.

In line with CTY 14 of PPS21 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 where:

- 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; or
- it does not respect the traditional pattern of settlement exhibited in that area; or
- it creates or adds to a ribbon of development; or
- the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

Due to the undulating nature of the surrounding landscape and the minimal public interest for this proposal site I do not foresee it being unduly prominent. However with the proposal as submitted I would have concerns that a suburban style build-up of development would be created when viewed with existing and approved buildings and the traditional pattern of settlement exhibited in the area isn't being respected. The introduction of additional hard standing parking areas for all the proposed units would also damage the rural character of the surrounding area.

In conclusion upon consideration of all the points discussed above it is my professional opinion that this proposal would not adhere to policy and a refusal should be recommended.

Neighbour Notification Checked	Yes
Summary of Recommendation: Refusal recommended	
Reasons for Refusal: 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work and the proposal is contrary to Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling house is not located beside, (or within), the boundaries of the business enterprise and does not integrate with the buildings on the site.	
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, 16 Rocktown Lane Rocktown Knockcloghrim The Owner/Occupier, 17 Rocktown Lane, Rocktown, Knockcloghrim, Magherafelt, Londonderry, BT45 8QF The Owner/Occupier, 19 Rocktown Lane Rocktown Knockcloghrim	
Date of Last Neighbour Notification	25th January 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1684/O Proposal: Expansion of existing care home facility to provide 4no individual care units and a new dwelling and garage in connection with the existing business enterprise Address: Lands immediately SW of 19 Rocktown Lane, Knockloughrim, Decision: Decision Date: Ref ID: H/1986/0149 Proposal: CHANGE OF USE PART OF DWELLING TO PRIVATE RESIDENTIAL HOME Address: 19 ROCKTOWN LANE, KNOCKLOUGHRIM, MAGHERAFELT Decision: Decision Date:	
Summary of Consultee Responses Environmental Health were asked to comment and responded on 26.01.2017 with no objections Transportni were asked to comment and responded on 01.02.2017 requesting a TAF be submitted, this was received and Transportni reconsulted, they responded again on 04.04.2017 with no objections subject to conditions. HED (Historic Monuments Section) were asked to comment and responded on 01.02.2017 with no objections	

NI Water were asked to comment and responded on 25.01.2017 with no objections

Drawing Numbers and Title

Drawing No. 01
Type: Technical Specification
Status: Approved

Drawing No. 02
Type: Site Appraisal or Analysis
Status: Approved

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: LA09/2016/1747/O	Target Date:
Proposal: House on a farm	Location: Adjacent to 37 Gorestown Road Dungannon
Referral Route: Recommendation to approve as an exception to policy.	
Recommendation:	Approve
Applicant Name and Address: Mr Samuel Wylie 37 Gorestown Road Dungannon BT71 7EX	Agent Name and Address: McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE
Executive Summary: The proposed development does not meet with all the criteria specified for a dwelling in the countryside, however it is considered as an exception to policy and recommendation is to approve.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	TNI	Approve with conditions
Statutory	DEARA	Established business, no recent claims

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 raised

Characteristics of the Site and Area

The site is part of a larger agricultural field that sits above Gorestown Road, which is in the rural area to the south of Dungannon. On the north boundary, separated from the site by a post and rail fence, is a large 2 storey dwelling with walls that are a mix of pink painted smooth render and natural stone, and roofs that are a mix of thatch and slate. The dwelling has a large 2 storey rear return with a carport under it, it also has a large retaining wall to the rear and a thatched roofed BBQ area at the north west corner of the yard. To the south boundary, separated from the site by a thick low cut hedge, is an a-line gable fronted bungalow which is sited in the corner of a larger agricultural field. Further south is a string of 3 houses with a number of outbuildings around them. On the opposite side of the road from the site is Gorestown Lough Fishery, and an unoccupied road side dwelling is to the south of it.

Description of Proposal

This is an application of a site for a dwelling on a farm.

Planning Assessment of Policy and Other Material Considerations

The relevant policies for consideration in this application are contained in:
Dungannon South Tyrone Area Plan 2010, which identifies the land as being in the rural area;
Strategic Planning Policy Statement for NI, only where there is a change to or clarification of existing regional policy;
Planning Policy Statement 3 – Access, Movement & Parking;
Planning Policy Statement 21 – Sustainable Development in the Countryside.

This application for a dwelling has been presented as a dwelling on a farm, the site is beside the applicants dwelling and associated buildings and it is not practicable to access off an existing lane as the existing dwelling directly accesses onto Gorestown Road. A check of the holding does not identify any other sites that have been sold off and DEARA have confirmed there is a farm business that has been established for over 6 years. The DEARA response indicates no claims have been submitted in 2015 and 2016 and it has been clarified that due to ill health the applicant does not currently farm the land and therefore while this is on a currently active farm, it is not the applicant who is farming it. Members should note that if Mr Wylie's children were to farm the land under Mr Wylie's farm business, this dwelling would, in my opinion, meet the policy for a dwelling on a farm.

Personal information has also been submitted in relation to Mr Wylie's health. This information does not demonstrate that a dwelling at this location is a necessary response to the specific medical conditions, that undue hardship would occur if a dwelling was not granted and other alternatives have not been considered and discounted.

The site is between the applicant house and an adjoining neighbouring dwelling, members are reminded that to be considered as an infill opportunity the site must be in a substantially built up frontage and this is a line of 3 buildings, with a gap in the middle that could accommodate up to 2 dwellings. I do not consider there are the required number of buildings, to constitute an infill opportunity and a dwelling on this site would, in my opinion, create ribbon development along this part of Gorestown Road. That said, I would ask members to note there is an infill opportunity

on the other side of the dwelling to the south and were this to be built on then the current site would meet the criteria for an infill development.

The site, when viewed from the north east, is seen with 3 existing dwellings and, from the roadway in front of the site it is visually linked with a ribbon of buildings to the south. It is bounded on the north and south by existing dwellings. The dwelling to the north is the applicants and the dwelling to the south does not have any windows facing the site which limits the possibility of overlooking. Opposite the site is Gorestown fishery, which this Council has accepted is a tourist destination and as such granted permission for mobile holiday chalets, which I consider constitutes a focal point. Members should note these chalets are still within time to be erected, however they are not currently on site and as such limited weight can be apportioned to these in the determination of this application. If the chalets were in situ, I consider the proposal would meet with the criteria for a dwelling in a cluster.

Members can see that the proposal does not meet with all the criteria set out in the individual policies. However, it is also apparent the site is located within an area where there is a lot of development and a suitable dwelling on this site would not have a significant detrimental impact on the appearance or character of the surrounding area. The applicant's son manufactures the holiday chalets that have been approved on the site across the road and indeed on the day off my inspection one of them was in the yard of the applications fathers' house. As the manufacturer of the chalets, it is entirely possible the applicant will erect these cabins in line with the extant permission and this application would meet the criteria for a dwelling in a cluster.

Thus given that most of the criteria as set out in Planning Policy CTY2a of PPS21 has been met, I am content to recommend this application is approved.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal does not meet with all the criteria contained within the exceptions for a dwelling in the countryside.

Conditions:

- 1) Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

- 4) 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 the Council.

Reason: To ensure the dwelling integrates into the landform.

- 5) The proposed dwelling shall have a ridge height of not more than 6.5m above finished floor level.

Reason: To ensure that the development is not prominent in the landscape.

- 6) Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.0mx 45.0m in both directions and any forward sight distance, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

- 7) During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Department at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in red on the approved plan date stamped 12 DEC 2016. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

Signature(s)

Date:

ANNEX	
Date Valid	12th December 2016
Date First Advertised	5th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 37 Gorestown Road, Ballymackilduff, Dungannon, Tyrone, BT71 7EU, The Owner/Occupier, 39 Gorestown Road Ballymackilduff Dungannon The Owner/Occupier, 41 Gorestown Road Ballymackilduff Dungannon	
Date of Last Neighbour Notification	21st December 2016
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2016/1747/O Proposal: House on a farm Address: Adjacent to 37 Gorestown Road, Dungannon, Decision: Decision Date: Ref ID: M/2007/1259/RM Proposal: Proposed dwelling and domestic garage Address: 100m North north West of 41 Gorestown Road, Moy Decision: Decision Date: 23.05.2008 Ref ID: M/2004/1258/O Proposal: Proposed Dwelling and Domestic Garage Address: 100m North North West of 41 Gorestown Road, Moy Decision: Decision Date: 10.12.2004	

Ref ID: M/2005/0714/O

Proposal: Proposed dwelling and domestic garage

Address: 50m North West of 41 Gorestown Road, Moy, Dungannon

Decision:

Decision Date: 30.11.2005

Ref ID: M/1991/0012

Proposal: Erection of dwelling

Address: 37 GORESTOWN ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/063001

Proposal: REPLACEMENT DWELLING AND PRIVATE GARAGE

Address: 41 BALLYMACKILDUFF, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0630

Proposal: REPLACEMENT DWELLING AND PRIVATE GARAGE

Address: 41 BALLYMACKILDUFF, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

TNI recommend approval with conditions relating to the provision of a safe access
DEARA advise the farm business is established, no claim received in 2015 or 2016

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: LA09/2016/1789/O	Target Date: 05/04/2017
Proposal: Dwelling	Location: Adjacent to 69 Coole Road Aughamullan Coalisland Dungannon
Referral Route: Refusal	
Recommendation:	Refusal
Applicant Name and Address: Patricia Dorman 69 Coole Road Aughamullan Coalisland BT71 5DP	Agent Name and Address: Daly O'Neill & Associates 23 William Street Portadown Craigavon BT62 3NX
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Objection

None Received

Description of proposal

This is an outline planning application for a dwelling in the countryside.

Characteristics of Site and Area

The site is located approx. 3.5km east of Coalisland, and is a roadside frontage plot adjacent and SW to No. 69 Coole Road and shares its NE boundary with this property. The NE boundary is in part defined by a 2m high verticle timber fence, part by post and wire fence which encloses a paddock belonging to No. 69. The site is relatively flat and is currently an agricultural field, the remaining boundaries defined by hawthorn hedgerow boundaries.

The area is defined by dispersed roadside frontage development and some farm holdings. Land in the area is used mostly for agricultural grazing. There is quite a build up of development in the area with housing located nearby along Coole Road to the North and SW of the site.

Planning Assessment of Policy and Other Material Considerations

Development Plan

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

Relevant site history

LA09/2016/0962/O- Approx 30m sw of the subject site permission was sought for an infill dwelling. It was considered at this time that the gap between the line of development was such that more than 2 dwellings could be accommodated, therefore did not meet the policy criteria of CTY8 for infill dwellings, and a recommendation to refuse was proposed. The proposal was withdrawn before being presented to the planning committee.

Key Policy Consideration:

Strategic Planning Policy Statement- Open countryside with no zonings or constraints, the policy provisions of SPPS and PPS21 apply.

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside. Policy CTY8 provides opportunity for the development of a gap site and CTY 6 can allow a dwelling for personal and domestic circumstances where genuine hardship and site specific reasons can be demonstrated and no other options are feasible.

In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site does fall within a gap of 3 or more buildings. There is a row of roadside frontage dwellings located to the SW of the site, these are No.47, 53a, and 49 Coole Road. Adjacent and NE of the site, is No. 69 Coole Road.

It is my opinion that this gap between No 47 and 69 is too large to fit up to 2 no. dwellings, given the average size of the existing plots. In my view the gap is sufficient to fit up to 3 no. dwellings. This was the opinion expressed by the Planning Authority under LA09/2016/0962/O before it was withdrawn.

The applicant has provided a case of personal need for a dwelling on this site. The details of this case are sensitive and can be discussed in closed session by Committee Members. In my view, while I sympathise with the applicant, there is insufficient evidence to show that genuine hardship will be caused by not allowing a dwelling on this specific site. The applicants current address and care needs/package are not clear. Other options have not been explored such as an extension to the existing home or conversion of the existing building within the curtilage of No. 69. The current outhouse/ancillary building does look like it has the potential to be converted which may meet the applicants needs.

Development in the countryside is also required to integrate under the provisions of policy CTY13. The proposed site is relatively low lying and will benefit from existing vegetation along the site boundaries. Given that single storey dwellings exist on both sides of the gap site, a 5.5m ridge dwelling will satisfactorily integrate into this area.

The addition of one more dwelling will extend an existing ribbon of development along Coole Road. The proposal is contrary to CTY8 of PPS21.

A dwelling on the site will add to an existing ribbon of development and will add to an existing build up of development in this area of countryside and will further erode rural character. The proposal is contrary to CTY14 of PPS21.

Other Policy and Material Considerations

Transport NI have no objections to this proposal subject to 2m by 33m to the NE and 2m by 45m to the SW.

Environmental Health have no objections to this proposal.

The site is not subject to flooding and there are no land contamination issues to consider.

I am satisfied that there will not be any significant impact on the amenities of adjacent dwellings, should permission be granted.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission be refused for the following reasons.

Refusal Reasons

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

2. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused;
- it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

3. 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 ribbon development along Coole Road and would therefore adversely affect the visual amenity and character of the countryside, and, does not represent a gap site.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the building would, if permitted result in a suburban style build-up of development when viewed with existing development;
- the building would, if permitted create or add to a ribbon of development;

and would therefore further erode the rural character of the countryside.

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, 45 Coole Road,Aughamullan,Dungannon,Tyrone,BT71 5DP, The Owner/Occupier, 63 Coole Road,Aughamullan,Dungannon,Tyrone,BT71 5DP, The Owner/Occupier, 69 Coole Road Aughamullan Dungannon	
Date of Last Neighbour Notification	9th January 2017



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0050/F	Target Date:
Proposal: Restoration and extension to B Listed Church, including minor internal alterations to reinstate original configuration/access	Location: St Patrick's Church 98 Loup Road Moneymore
Referral Route: Recommended Approval: Conflict with the opinion expressed by HED.	
Recommendation:	Approve
Applicant Name and Address: Rev Fr M McArdle Parochial House 10 Springhill Road Moneymore BT45 7NG	Agent Name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI – Enniskillen	Advice
Non Statutory	Environmental Health Mid Ulster	Substantive Response Received
Non Statutory	NI Water – Single Units West	No Objection
Non Statutory	Historic Environment Division	Substantive Response Received
Non Statutory	Historic Environment Division	Substantive Response Received

Representations:

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

Summary of Issues

Summary of Issues

The decision conflicts with the opinion expressed by Historic Environment Division: Historic Buildings

Characteristics of the Site and Area

The site is located within the settlement limit of The Loup, it also within an area of Townscape Character as defined by the Cookstown Area Plan 2010. The site is the St. Patrick's Church. The Church is a detached building that is situated between a housing development to the west and a school to the east. Within the surrounding area consists of a mixture of uses inclusive of a school, residential estates, detached dwellings and some retail properties.

Relevant planning history

I/2013/0193/F – Conversion and repair of Church building, including external pointing and internal alterations – St. Patrick's Church. 98 Loup Road. Permission Granted 04.09.2013

I/2013/0195/LBC – Conversion and repair of Church building, including external pointing and internal alterations – St. Patrick's Church. 98 Loup Road. Permission Granted 04.09.2013

Representations

No representations were received in connection with this application

Description of Proposal

This is a full application for the restoration and extension to the B listed church, inclusive of minor internal alterations to reinstate the original configuration/access. The new extension helps to reinstate the original access door that has come into disrepair and unusable. In addition it has proposed separate vestry's which are located to the rear of the church as per the requirements for the protection of children and Vatican 4 in relation to engagement with the congregation. Furthermore there is now a proposed disabled WC and store also located to the rear with the old vestry in NE corner to be able to be used for storage.

Planning Assessment of Policy and Other Material Considerations

The application has been assessed under the following policy documents:

The Regional Development Strategy

Cookstown Area Plan 2010

PPS 6: Planning, Archaeology and the Built Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

Consent will be granted to proposals for the extension or alteration of a listed building where all the following criteria are met:

- The essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- The works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- The architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Historic Environment Division: Historic Buildings (HED:HB) were consulted and with regards to the above policy consider the proposal to fail for the following reasons. In terms of the response HED addressed the application in two sections.

Extension

- The proposed extension fails to respect the listed building, in terms of form, massing and alignment. The essential character of the building and its setting is not retained by the proposed extension to the principle façade as it is highly prominent and competes with the West elevation of the church.
- HED:HB would recommend that alternate solutions are explored, and queries if
 - a) The accommodation can be formed wholly or partially 'in shell' or
 - b) If the extension can be located in a less visible and prominent location so as not to detract from the listed building and its setting and
 - c) If the proposed accommodation can be separated (ie. No link) and moved to align with the west boundary of the site.
- HED:HB welcomes the proposal to reinstate the existing main entrance on the west façade, but it is not understood from the documentation provided, the user needs for the additional accommodation. However it would seem that when the west entrance is reinstated, that the porch could be utilised perhaps reducing the size of any proposed extension (see a above).
- Asked for details of steps to the north side.

Internal works

HED:HB is mindful of ecclesiastical exemption from the requirement for LBC, and therefore there comments are intended as advisory:

- The building condition report noted in detail the repairs to be carried out internally and externally – repair and maintenance works are welcomed by HED:HB. HED:HB advise the use of a conservation plan to forward plan maintenance, repair and management of the church fabric.
- HED:HB would emphasise that all internal and external fabric should be repaired and re-used where appropriate to preserve and protect the fabric of the listed building. A conservation led approach urges repair where feasible and 'like for like' replacement elsewhere to maintain built character.
- HED:HB note the use of water repellents and sealers and advise caution that breathability of fabric can be reduced by such applications, and thus cause faster degradation of eg. Stone surfaces.
- The building appears to suffer from considerable moisture/condensation due to cement renders and dry lining internally. HD:HB welcome and advise the removal of these items to allow the building to behave traditionally. The M&E treatment including adequate heating and ventilation is also vital to improve the buildings internal environment.

The agents proceeded a statement and photomontages to further explain the need for the proposal and displayed how in which the application resulted to this stage. HED:HB were then consulted once more and responded with the same view that it failed under Policy BH 8 of PPS 6. HED:HB acknowledged the additional information however stated it failed to justify why the extension is required in the inappropriate location on the principal façade. They also reviewed the design and access statement and consider that all options satisfy the brief and would support these options being carried forward. Finally they acknowledged the efforts to provide a skeletal structure for representation purposes but due to poor quality of images, that they support the argument that an extension on this façade is not sympathetic to the church.

PSRNI

PSU1: Community Needs

The proposed extension, restoration and alterations is to an existing B listed Church to enable reinstating the original configuration/access. The extension will result in the improvement of a public facility that benefits all members of the community, as it restores the original access and improves the processional route for funerals. The extension is located in the only available position due to neighbouring buildings and the existing graves and it is modest in size and will become ancillary to the main use of the building. The materials used for the extension have attempted to reflect the existing Church I am content that it will not detract away from the Church.

Plan Policy COM 1: Community Uses

Planning Permission will be granted for community uses within settlement limits provided this would not prejudice comprehensive development, particularly on zoned sites and when all criteria are met. On this basis I am content that there are detrimental effect on residential amenity from the proposed extension. As mentioned the site is located within the area of townscape character however as the extension has attempted to reflect the existing Church and I am of the opinion have done so successfully therefore I have no concerns with conservation interests. As mentioned the existing Church is a B listed building and I have made note of HED concerns with the extension however on balance and discussions with the principal planner we feel that the proposed extension is capable of being in keeping with the size and character of the settlement and its surroundings. Finally we feel there are satisfactory access, parking and sewage disposal arrangements existing and proposed.

PPS 3: Access, Movement and Parking

Transport NI were consulted however they requested amendments in terms of splays etc. however as there is no change to the access and the fact the access has been existing for an excess of 150 years that it was felt these were not necessary.

Consultations were also sent out to Environmental Health and NI Water, both in which confirmed no objections subject to conditions and informatives.

On the basis of the information provided and per discussions with the principal planner, I am of the opinion of recommending approval for this application. Whilst I acknowledge the concerns and comments made by HED:HB and Transport NI, it is felt that the need for this proposal helps to alleviate the concerns expressed. It is felt that the agent has provided sufficient evidence to justify the location and size of the extension. The skeletal structure and accompanying photomontages express a view that the extension may not have an adverse impact as previously expressed by HED. Therefore on balance of the above I am content to recommend approval for this application.

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

Approval

Conditions/Reasons for Refusal:**Conditions**

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

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

Informatives

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

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

Signature(s)

Date:

ANNEX	
Date Valid	13th January 2017
Date First Advertised	2nd February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 100 Loup Road Ballymulligan Moneymore The Owner/Occupier, 5 Nenagh Road, Loup, Moneymore, Co Derry	
Date of Last Neighbour Notification	25th January 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0050/F Proposal: Restoration and extension to B Listed Church, including minor internal alterations to reinstate original configuration/access Address: St Patrick's Church, 98 Loup Road, Moneymore, Decision: Decision Date: Ref ID: I/2006/0077/F Proposal: Change of house types on site Nos.2,3 & 4 Address: Land on Loup Road, The Loup approximately 20m West of R.C Church Decision: Decision Date: 19.02.2007 Ref ID: I/2004/0137/F Proposal: 5 No. dwellings and garages Address: Land on Loup Road, The Loup approximately 150 metres West of R.C. Church Decision: Decision Date: 22.02.2005 Ref ID: I/2010/0015/F Proposal: Article 28 application to remove condition 5 of planning application I/2004/0137/F	

Address: Land on Loup Road, The Loup approximately 150 metres West of R.C. Church
Decision:
Decision Date: 15.02.2010

Ref ID: I/2004/0138/F
Proposal: 9 no. dwellings and garages
Address: Land at Dunronan Road, The Loup, approximately 80 Metres North of R.C. Church.
Decision:
Decision Date: 11.11.2005

Ref ID: I/2006/0712/F
Proposal: Proposed housing development consisting of dwellings, town houses, apartments and garages (44 units).
Address: Lands adjacent to RC Church on Loup Road, Moneymore
Decision:
Decision Date:

Ref ID: I/1977/0322
Proposal: EXTENSION TO YOUTH CLUB
Address: LOUP, MONEYMORE
Decision:
Decision Date:

Ref ID: I/1975/0418
Proposal: ERECTION OF YOUTH CLUB
Address: LOUP, MAGHERAFELT
Decision:
Decision Date:

Ref ID: I/2003/0011/F
Proposal: Creation of doorway to rear of building and canopy over new doorway, provision of wooden playhouse at rear of building
Address: 100 Loup Road, Moneymore
Decision:
Decision Date: 24.02.2003

Ref ID: I/1994/6102
Proposal: 2 No. Sites Loup, Magherafelt
Address: Loup, Magherafelt
Decision:
Decision Date:

Ref ID: I/1995/0288

Proposal: Site for dwelling

Address: 80M NORTH OF 98 LOUP ROAD LOUP MAGHERAFELT

Decision:

Decision Date:

Ref ID: I/2013/0195/LBC

Proposal: Conservation and repair of church building, including external pointing and internal alterations

Address: St Patrick's Church, 98 Loup Road, Moneymore, Magherafelt,

Decision: CG

Decision Date: 04.09.2013

Ref ID: I/2013/0193/F

Proposal: Conversion and repair of Church building, including external pointing and internal alterations

Address: St Patricks Church, 98, Loup Road, Moneymore,

Decision: PG

Decision Date: 04.09.2013

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Drawing No.

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 09

Type: Proposed Plans

Status: Submitted

Drawing No. 07

Type: Proposed Plans

Status: Submitted

Drawing No. 06

Type: Proposed Plans

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: Site Layout or Block Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0086/F	Target Date: 04/05/2017
Proposal: Extension to machine hire and repair business to provide yard for storage of agricultural machinery	Location: Opposite 17 Moveagh Road Cookstown
Referral Route: Objections, Refusal	
Recommendation:	Refusal
Applicant Name and Address: Mc Cord Machinery 17 Moveagh Road Cookstown	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

See main body of assessment

Description of proposal

This is a full planning application for the extension to existing yard/machinery hire business for the storage of agricultural machinery. This proposal will involve the change of use of the land from agricultural to machinery hire yard.

Characteristics of Site and Area

The site is a roadside frontage plot located adjacent and south on No. 18 Moveagh Road with Cookstown located approx. 2.8km to the NE. Opposite the site is McCord Machinery Hire, an agricultural and garden equipment sales and servicing business. Further south is Kestral Hydraulic Ltd, an engineering business.

The site slopes down hill from north to south. The southern boundary follows an existing watercourse and is defined by a mature tree lined hedgerow. The SW boundary is defined by a mature tree lined hedgerow. The roadside and NW boundaries are defined by a 1 m high ranch style timber d rail fence. The site is currently in agricultural use and there is an agricultural field gate to the NE which provides access to the site.

The immediate area has a mix of uses including residential, industrial, commercial, servicing of vehicles and agricultural.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010- The site is located unzoned land in the countryside. SPPS and PPS21 apply.

Relevant Planning History

It is recognised from a Planning History Search that the business is established (I/1978/0447- replacement farm machinery workshop, I/1983/0394 - Showroom and Store).

I/2014/0152/F- Proposed fabrication shed for the maintenance of agricultural machinery, permission granted on 07/10/2014. Under this proposal it was also recognised that the existing enterprise/business on site is established.

Relevant policy and consideration

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has not made a substantive change to policy for controlling industrial development in the countryside.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Industry and Business uses in the countryside that are in accordance with policies contained within PPS4- Planning and Economic Development.

As the proposal is for the expansion of an established business in the countryside, policy PED 3 - Expansion of an Established Economic Development Use in the Countryside applies. PED 3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of enterprise. In exceptional circumstances a major expansion will be granted where it is demonstrated that;

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

The proposal will almost double the size of the business in terms of land coverage, on the opposite side of the road to the existing business. The P1 form states that no new employment will be created by this proposal therefore no economic benefits of employment will be created by this proposed extension. In my view this proposal will equate to a major expansion of a business in the countryside given the impact of turning a visible roadside frontage plot into a large storage area for agricultural machinery. This will have a detrimental impact to the existing character and visual appearance of this rural area. In my view policy PED3 is not met.

In addition, Under Policy PED 9 - General Criteria for Economic Development, a proposal for economic development use will be required to meet all the following criteria:

(a) *It is compatible with the surrounding land uses;*

In this case, the site is located to the domestic front lawn of No. 18 Moveagh Road, which have objected to this proposal on amenity and character grounds. In my view, to expand this business to the opposite side of the road from the existing business will have a detrimental impact on the residential and rural character of this side of Moveagh Road.

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

A letter of objection has been received which raise concern about detrimental impacts on residential amenity from this proposed extension. Environmental Health have also commented on this proposal and require a Noise Impact Assessment to be carried out. In my view, moving the business to this side of the road, so close to the boundary of No. 18 has the potential to cause nuisance by moving and parking of vehicles and customers visiting the site. No impacts are experienced on this side of the road at present and in my view residential amenity will experience a detrimental impact should machinery be stored on this site.

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

NIEA and SES were consulted on this proposal as I had concern about the proximity of the watercourse running along the southern boundary of this site, and considering levels within the site are being amended. NIEA and SES have no concerns on this proposal, and I am content that there will be no detrimental impacts on the environment.

The site is not close to any built heritage features.

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

There are no identified flood risk areas in the immediate vicinity.

(e) *It does not create a noise nuisance;*

This is covered in part (b). In my view, my extending the business to this side of Moveagh road, the business has the potential to cause a noise nuisance to no. 18. Plus Environmental Health require a noise assessment to be carried out to demonstrate that no negative impacts of noise will be experienced at the nearest sensitive receptors.

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

No trade effluent or emissions are anticipated as indicated in the P1 Form.

(g) *The existing road network can safely handle any extra vehicular traffic the proposal will generate;*

Transport NI have been consulted on this proposal and have no objections subject to visibility splays of 2.4m x 70m in both directions.

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

Transport NI have been consulted on this proposal and have no objections subject to visibility splays of 2.4m x 70m in both directions.

(i) *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 and provides adequate and convenient access to public transport;*

No additional staff or visitors are expected as stated on the P1 Form. Existing transport links and access to the site are considered acceptable due to the size, scale and location of the proposal.

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

It is proposed to protect existing natural screening of the site. New planting of trees is also proposed therefore biodiversity will be protected and enhanced.

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

The proposed landscape buffer to screen the area of outdoor storage as indicated on drawing No. 02 date received 19th Jun 2017. is insufficient to provide proper screening. In my view further screening and a buffer of at least 5m should be shown in detail, so as to provide meaningful screening.

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

Insufficient information has been provided to show boundary details, which I assume will be security fencing similar to the existing business and consists of 2.5m high palisade security fencing. This will also have a detrimental impact on the rural character and amenity of this area of countryside.

(m) *There are satisfactory measures to assist integration into the landscape*
In my view the exposed roadside nature of this site is unsuitable for the outdoor storage and display of large agricultural machinery, and will add further visual clutter to this area of countryside.

Other Considerations

The site is not contaminated and will not pose any risk to human health through development of land.

Most of the 3rd party objector concerns have been addressed above. The impact of the proposal on existing medical conditions has also been raised. In my view there is inconclusive evidence to show a direct link between the approval of this proposal and medical conditions.

CTY 13 and 14 of PPS21 are not considered in this instance as they relate to buildings in the countryside and no buildings are proposed under this permission.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused for the following reasons.

Reasons for Refusal:

1.The proposal is contrary to PPS21 policy CTY1 and subsequently PPS4 Policy PED3 in that it is a major increase in the site area of the enterprise and will have a detrimental impact on the character and appearance of this local area, and, will not integrate as part of the overall development.

2.The proposal is contrary to PPS4 Planning and Economic Development policy PED 9 in that;
-it is not compatible with the adjacent residential landuse;
-it has not been demonstrated that it will not harm the amenities of nearby residents;
-it has not been demonstrated that it will not cause noise nuisance;
-the proposal will not be adequately screened from public view;
-there is insufficient landscaping to assist with integration.

Signature(s)

Date:

ANNEX	
Date Valid	19th January 2017
Date First Advertised	2nd February 2017
Date Last Advertised	16th February 2017
Details of Neighbour Notification (all addresses) Brendan Johns 13, Sperrin View, Omagh, Tyrone, Northern Ireland, BT78 5BJ The Owner/Occupier, 15 Moveagh Road Gortacar (Doris) Cookstown The Owner/Occupier, 17 Moveagh Road Gortacar (Doris) Cookstown The Owner/Occupier, 17A Moveagh Road Gortacar (Doris) Cookstown The Owner/Occupier, 18 Moveagh Road Gortacar (Doris) Cookstown The Owner/Occupier, 19 Moveagh Road Gortacar (Doris) Cookstown	
Date of Last Neighbour Notification	1st February 2017
Date of EIA Determination	
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0229/F	Target Date: 01.06.2017
Proposal: Proposed 3 no. town houses	Location: Adjacent to no 37 Coolmount Drive Cookstown
Referral Route: Objections (Petition), Refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Malcolm Thom Millburn Conc 231 Orritor Road Cookstown BT80 9NB	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

See main body of assessment.

Description of proposal

This is a full planning application for 3 no. town houses that are 1 1/2 storey.

Characteristics of Site and Area

The site is located within a newly constructed housing development that was granted permission under I/2003/1029/F and then later under I/2013/0227/F and is sited beside No. 37 Coolmount Drive which is located within the limits of development of Cookstown to the north of the Town. The site is relatively flat and has permission for 1 x detached dwelling on a proposed corner plot. The site is currently green field with part of new turning head to the northern boundary of the site and a 1m high wooden post and wire fence behind a grass verge. The SW boundary is shared with No. 37 Coolmount Drive and is defined by a 1m vertical timber fence line to the northern

half, rising to 2m to the southern half so as to add extra privacy to the rear of No. 37. The remaining boundaries are not defined.

Cookstown Town Centre is approx. 1.5km from the site and access to the site is gained from Coolreaghs Road. Coolmount is defined by detached and semi-detached properties with in curtilage parking provided along the side of properties and garages to the rear. There is an approximate separation between blocks of semis of around 7 metres. New dwellings are to the north and west of the site. No development has occurred to the immediate east or south as yet. All new dwellings are occupied. There are a number of planning approvals in the immediate vicinity for housing over the years. Recently to the south of the site permission was granted for 6 no. semi-detached dwellings I/2013/0227/F.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Cookstown Area Plan 2010: The site is located within the development limits of Cookstown, to the north of the settlement. Land is zoned for phase 1 housing- identified as H02 in the area plan which is back land development located to the rear of housing along Coolreaghs Road and Claggan Lane. Key site requirements are contained in the plan.

Relevant Planning History

There is a range of planning history on and surrounding the site.

I/2003/1029/F which granted permission for 7 no. dwellings on 7th June 2006, including a detached dwelling on the subject site.

Key planning Policy

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

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

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

The proposal is for 3 no. 1 1/2 storey town houses, as opposed to 1 no. dwelling which has been granted on this site. The plot sizes are much narrower than the existing approved and built development to the north and west of the site. There is no room for cars to park along the sides of properties as is the case with existing properties. The parking provision looks insufficient for the provision of 2 no. in curtilage parking spaces, and the access to the eastern property (no. 43 on plan No. 01 received 16th February 2017) may have trouble in providing a forward sight splay as it is on a proposed corner/junction with future housing. The rear garden areas of these properties are below 50 m², which is sub-standard to guidance contained within Creating Places which advise a private rear amenity of at least 70m². Distance to the rear boundary fence line of proposed properties No.s 41 and 43 measure approx. 5.5m and 4m respectively. This is also below standards contained within Creating Places, which suggest a min distance of 10m to rear boundary fencing. This is not in keeping with existing and proposed properties which measure

between 8m -10m. In my view, this proposal does not respect the existing character of development in this area.

To the south of the site permission was granted in 2005 for 6 no. town houses (terraced). This permission included on-street parking, similar plot sizes to what was previously granted and built in the area. Ample rear amenity space was provided and separation to rear boundary was acceptable. While terraced housing/town houses would be acceptable in principle, given the constraints of the site the existing proposal results in a development that is not of a quality residential environment and is incongruous for this site and locality.

A petition of objection for this proposed development has been received from residents of Coolmount Drive which raise concern that the proposal is out of character with the rest of the development in Coolmount. I agree with these concerns.

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

No archaeological or built heritage features identified on GIS search. Permission for housing exists on this site, and this proposal will not have any greater impact on the environment than the current proposal. NIW indicate that Waster Water Treatment facilities are presently available to serve the development. NIEA have no objections to the proposal in terms of impacts to the environment.

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

Public open space has been provided for in the residential development as a whole. My key concern is that the private open space/recreational amenity is substandard. As stated in (a) above, the proposed private rear amenity to this development is substandard to what is recommended in Creating Places, and to what currently exists in this area and is unacceptable. The little space that is available to the rear would also be open to overlooking unless high fences were provided which in itself would be detrimental to the character of the estate. Planning Objections have been raised about detrimental impacts on amenity due to proximity of these proposed dwellings. In terms of overlooking impacts, I share these concerns.

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

The proposal is for 3 No. dwellings. No additional facilities are required due to the size and scale of the proposal.

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

Transport NI require additional information to address road safety concerns. These have not been provided and I have not requested these amends. The site is connected to wider road network with proposed footway. Access to public transport is within walking distance. Objectors also raise concern that the proposal will increase the flow of traffic where there are young children which needs to be considered. Should the applicant/agent be able to demonstrate a safe and satisfactory access, proper sight splays and forward sight distance, and adequate parking then I have no concern in this respect. At present there is insufficient information to address these concerns.

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

It is likely that the proposed parking is sub-standard in that 2 no. parking spaces cannot be provided in-curtilage. Objectors also raise concern over parking and I share these concerns.

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

The form, materials and detailing are broadly similar to the surrounding existing and proposed properties.

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

The rear elevation of these properties will back onto the front garden area of proposed development to the south. There are no first floor windows to the rear elevation, only Velux roof lights. Given these factors there will be no issues of overlooking of proposed properties to the south. The proposed dwellings on sites No. 39, 41 and 43 will have first floor gable bedroom windows which will overlook existing and proposed private rear amenity space. This is unacceptable and will be detrimental to existing and proposed private amenity.

The proposed properties are staggered, with the front building line of No. 41 setback 3m from No. 39, and 43 setback 3m from 41. This in essence will create a large rear boundary wall to properties No 39 and 41 which will be overbearing and over dominant on these properties. Due to the orientation of the dwellings, it is unlikely there will be any negative impacts experienced by overshadowing.

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

No details have been given of boundary details and No. 43 has the appearance of being open on all sides to the public road/proposed development. This may require some extra details/information. An alleyway to the rear of these properties is proposed for bin access. This sometimes attracts anti-social behaviour or a point to congregate, but given the surveillance of surrounding properties (existing and proposed) this is unlikely to occur and is should not attract crime.

In terms of PPS 7 (Addendum) - Safeguarding the Character of Established Residential Area, the proposed housing density is layout is not in keeping with surrounding development, and is of a poor residential quality.

Other considerations

3rd Party Planning objection. A petition has been received by residents of Coolmount Drive which raise concern over this proposal. Most concerns have been addressed above. The objectors petition raises a point that the rest of the development won't be a completed site. This is out of the control of the Planning Authority as permission has been granted for the rest of the land in question. It is up to the developer if he would like to complete this development or not, as there are no planning reasons why a condition should be added for completion.

The site is not subject to flooding and there are no contamination or human health issues to consider.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission be refused for the following reasons.

Refusal Reasons

1.The proposal is contrary to the Single Planning Policy Statement and PPS7 Quality Residential Developments Policy QD1 parts;

- (a) as it will not respect the surrounding context and character of the area;
- (c) as inadequate private rear amenity space is proposed;
- (f) as inadequate provision is made for parking;
- (h) as it will result in overlooking of existing and proposed private residential amenity.

2. The proposal is contrary to PPS7 addendum 'Safeguarding the Character of Established Residential Areas' in that the proposal will result in a density significantly higher than that found in the established residential area, and, the pattern of development is out of keeping with the overall character and environmental quality of the area.

3. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate a safe and satisfactory access to the site, and, adequate in curtilage car parking has not been provided.

Signature(s)

Date:

ANNEX	
Date Valid	16th February 2017
Date First Advertised	2nd March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, +2 Coolmount Drive, Monrush, Cookstown, Tyrone,, The Owner/Occupier, 37 Coolmount Drive Monrush Cookstown R&C Knipe 38 Coolmount Drive, Cookstown, Co Tyrone, BT80 8YF The Owner/Occupier, 38 Coolmount Drive, Monrush, Cookstown, Tyrone,, The Owner/Occupier, 40 Coolmount Drive, Monrush, Cookstown, Tyrone,,	
Date of Last Neighbour Notification	2nd March 2017
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0315/O	Target Date:
Proposal: Proposed new dwelling and garage	Location: 38m to the East of 90 Moneysharvan Road Maghera
Referral Route: Refusal recommended - Contrary to CTY 1, CTY 2a, CTY 8 of PPS 21 and PPS 3	
Recommendation:	Refuse
Applicant Name and Address: Mr and Mrs Malachy Scullion 149 Ardenlee Avenue Belfast BT6 0Ae	Agent Name and Address: Sean Walsh 27 Taylorstown Road Toomebridge BT41 3PU
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Refusal recommended - Contrary to CTY 1, CTY 2a, CTY 8 of PPS 21 and PPS 3.

Characteristics of the Site and Area

The site is located approximately 2.2km south of Swatragh, in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located at 38m to the East of 90 Moneysharvin Road, wherein the site gently rises from west to east. The entire site is bounded by post and wire fencing and a scattering of hedging along all boundaries with mature trees running along the eastern boundary. The immediate area is mixed with residential and agricultural with the wider area being predominately agricultural land uses.

Representations

There were two neighbour notifications sent however no representations were received for this application.

Description of Proposal

This is an outline application for a proposed dwelling and garage at a site located 38m to the east of 90 Moneysharvan road, Maghera.

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 8 – Ribbon Development

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. With regards to this application. Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

To start the site is located outside a farm however there is a farm directly north of the site. Taking into consideration the submitted concept plan which identifies the proposed location of the dwelling. From this there are a number of buildings surrounding the site inclusive of dwellings No. 90 Moneysharvan and No 38 Hillside Road. However there is another dwelling No. 40 Hillside Road to the north of No. 38 but it is not considered to be part of the cluster. From this and the fact the policy states that garages and outbuildings should be excluded I am of the opinion that the proposal fails the first criteria due to lack of buildings and dwellings required. Despite failing in the number of buildings required I am still content on balance that an argument can be seen as a visual entity, fulfilling the second criteria.

There was no identified focal points in the submitted plans however it appeared in the plans that there was a crossroads at the end of the Hillside Road located approximately 105m North West of the proposed site. However during the site visit it was confirmed that in fact it wasn't a crossroads rather that of a road end at Hillside road with a small laneway off the Moneysharvan road. There are no other identifiable focal points noted in the area and from this the application fails this criterion.

The fourth criteria requires the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. In addition the policy states that the site is able to be absorbed into the existing cluster through rounding off. Even though I hold the belief that the site capable of providing a suitable level of enclosure and would round off the development, it has been shown that there is no existing cluster at the site.

The final criteria requires the development to not have an adverse impact on residential amenity. I am content that any development in this location would not adversely impact the amenity of No. 90 Moneysharvan road and No. 38 Hillside Road. Therefore I am satisfied this fulfils this criteria.

For the above reasons it is evident that the proposed development fails under policy CTY 2a and I would take the opinion of a refusal for this application.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. This application also fails under this policy as any development approved within the red line would be seen to add to the ribbon of development in that there are no available gap sites.

There were no arguments for a dwelling on the farm presented and there is no replacement opportunities on site and therefore not applicable in this case.

PPS 3 - Access, Movement and Parking

Transport NI were consulted and responded with the view for refusal on the basis that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, 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.

Consultations were also sent out to NI Water and Environmental Health, all of which have replied with no objection subject to conditions.

On balance of the policy I must recommend refusal for this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended - Contrary to CTY 1, CTY 2a, CTY 8 of PPS 21 and PPS 3.

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings and that the cluster is not associated with a focal point or is not located at a cross-roads.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Moneysharvan Road and does not represent a gap site.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, 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.

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, 40 Hillside Road Moneysharvan Upperlands The Owner/Occupier, 90 Moneysharvan Road Moneysharvan Maghera	
Date of Last Neighbour Notification	13th March 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0315/O Proposal: Proposed new dwelling and garage Address: 38m to the East of 90 Moneysharvan Road, Maghera, Decision: Decision Date: Ref ID: H/2004/1024/O Proposal: Site For Farm Workers dwelling. Address: Approx 150m South of 94 Moneysharvin Rd, Swatragh. Decision: Decision Date: Ref ID: H/2000/0463/F Proposal: Radio Base Station Address: 94 Moneysharvan Road, Swatragh Decision: Decision Date: 21.08.2000 Ref ID: H/1990/6110	

Proposal: SITE OF DWELLING MONEYSHARVAN ROAD MAGHERA
Address: MONEYSHARVAN ROAD
Decision:
Decision Date:

Ref ID: H/1996/0476
Proposal: ALTS TO DWELLING
Address: 90 MONEYSHARVIN ROAD SWATRAGH
Decision:
Decision Date:

Ref ID: H/1975/0333
Proposal: ALTERATIONS AND ADDITIONS TO HOUSE (AMENDED)
Address: MONEYSARVIN, SWATRAGH
Decision:
Decision Date:

Ref ID: H/1977/0158
Proposal: HV O/H LINE BM 1399
Address: MONEYSHARVAN, 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. 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:

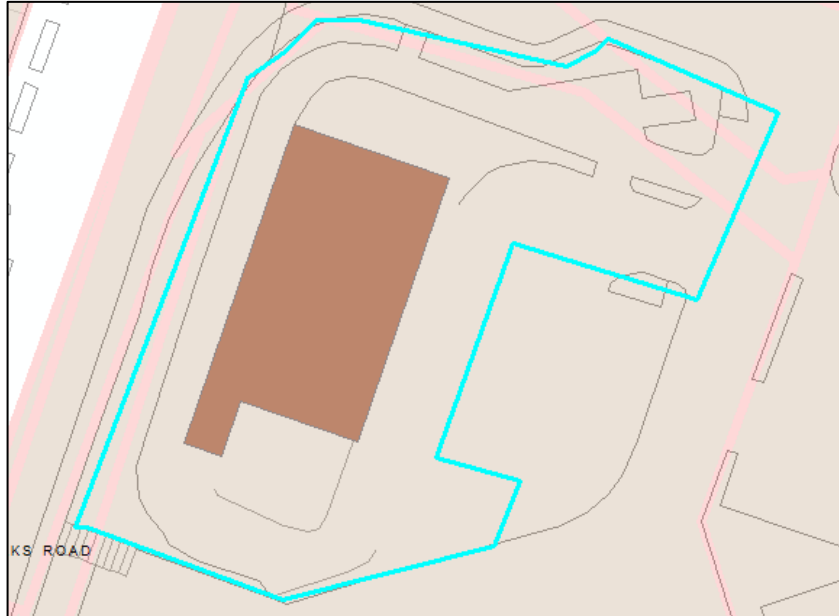


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 06/06/2017	Item Number:
Application ID: LA09/2017/0328/F	Target Date: 19/06/2017
Proposal: Refurbishment of the restaurant to include alterations to elevations, with the construction of extensions totalling 17.5sqm. incorporating onfiruration of the back house with the removal of an 8.9 sqm freezer/chiller.Further alterations include new drive thur booths , new entrance doors to be installed with the addition of aluminium cladding to elevations, including works to site	Location: McDonald's Restaurant The Oaks Centre Oaks Road Dungannon
Referral Route: This application is being presented to Committee as 11 objections have been received in respect to the proposal.	
Recommendation:	Approve
Applicant Name and Address: Mc Donald's Restaurants Ltd 11-59 High Road East Finchley London N28AW	Agent Name and Address: Mrs Sarah Carpenter The Granary 37 Walnut Tree Lane Sudbury Suffock CO101BD
Executive Summary: The proposed development is deemed to accord with prevailing planning policy and concerns raised by objectors have been satisfactorily addressed. 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
Non Statutory	Environmental Health	No objection
Non Statutory	Geological Survey NI	No comment necessary

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	No Petitions Received

Summary of Issues

The Council's Environmental Health Department and Geological Survey NI were consulted on this proposal and responded accordingly. 11 objections have been received in total and all other material considerations have been addressed within the determination of the application.

Characteristics of the Site and Area

The application site is located within the grounds of the Oaks Centre, Oaks Road, Dungannon, Co. Tyrone. The site is within the settlement limits of Dungannon and within an area zoned as District Shopping Centre, as defined in the Dungannon and South Tyrone Area Plan 2010.

The common land use around the wider site area includes retail and residential uses. The site itself is located at the entrance to the shopping complex and abuts the Oaks Road, to the west. The site is currently in use as a McDonalds Restaurant with associated car parking.

In terms of elevation the site area is relatively flat with very little in terms of a discernible variation in elevation. From a wider perspective the ground rises towards the south west on approach to Dungannon town centre. There is a high degree of vegetation surrounding the site, particularly at its south western boundary. The Oaks Road is tree lined at this location on both sides of the road and this creates an element of distinctive character.

Description of Proposal

The applicant seeks to refurbish the existing restaurant and carry out works which include alterations to elevations, with the construction of extensions totalling 17.5sqm and incorporating reconfiguration of the back house with the removal of an 8.9sqm freezer/chiller. Further alterations include new drive through booths, new entrance doors to be installed with the addition of aluminium cladding to elevations with associated site works.

The proposal incorporates a minor extension to the rear of the premises for the provision of a small office and an extended freezer/chiller area. Also at the rear of the property the proposal seeks to extend the size of an existing store. This extension is also minor and equates to an increase of 0.1sqm of floor area. In terms of height the proposed extensions do not exceed the height of the existing building.

A small extension is also proposed on the western side elevation of the property. This extension adds an area of 4.1sqm of floor space and does not exceed the height of the existing building. The proposed side extension does not add to the existing width of the building and it is in line with the existing retail booth on this side elevation.

Additional proposed works include the provision of replacement pay booths on the western side elevation of the property including a grey aluminium overclad to walls, a new sliding door to the front of the property and works to refurbish the internal layout of the restaurant.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon and South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access Movement and Parking.
4. DOE – Parking Standards.

Planning History

There is no planning history which is pertinent in 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, 11 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 (Retailing and Town Centres), and PPS 9. The policy provision within PPS 3 has been retained under transitional arrangements.

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

This proposal relates to proposed alterations to an existing premises. With this in mind the proposal is not proposing to introduce a new use into this area. Further to this it is noted that the proposal does not involve an intensification of the existing use and therefore the location of the proposal outside of the town centre is acceptable.

The alterations proposed under this scheme are of a modest nature and do not extend the already established length, width or ridge height of the existing structure. The works proposed are subordinate in scale. The proposed works to the rear of the property are not visible from public view, owing to an existing 2.5m high corral fence which surrounds the rear of the property. The extensions proposed to the chiller/freezer area, the small store and the additional office space will not add to the existing visual impact associated with this operational restaurant. The proposed works to the western side elevation of the property are also of a subordinate nature. The expansion of retail floor space does not extend any wider than the location of the existing pay booth on this side elevation and this restricts the overall level of impact associated with same.

The proposed works to the front door opening and internal layout changes are also of a small scale nature. The proposed alterations to the front door will not create any dimensional changes when compared with the existing and this, along with any internal changes to the restaurant would constitute permitted development if they were being assessed in isolation.

The proposal is sited within an area of abandoned mines and it was deemed necessary to consult with Geological Survey of NI in order to ensure that the proposed works did not have an impact on the geological integrity of the surrounding ground area. Geological Survey NI responded highlighting that there was no comment necessary on the application and as such I am content that the proposal will not have a detrimental impact in this regard.

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

Dungannon and South Tyrone Area Plan 2010

The site is situated within land zoned as District Shopping Centre under plan policy RSO 4. The plan highlights that development proposals will be determined in accordance with the provisions of prevailing regional planning policy. The plan also highlights that development in this area should be controlled in such a way so as to ensure any future development does not have an adverse impact on the vitality and viability of Dungannon town centre. The proposed scheme does not significantly or detrimentally alter the existing building, nor does it increase the existing ridge height. This decreases the overall impact of the development proposal in this area in terms of character.

The application relates to the extension and alteration to an existing restaurant premises in this area and it therefore does not propose to introduce a new use. In addition the application relates to a modest extension to the premises which will not result in any intensification of the existing use. On this basis I am content that the proposal will not impact upon the vitality and viability of Dungannon town centre.

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.

Representations

11 objections were received on this application. 10 of these objections simply highlighted that they were objecting to the proposal without actually outlining or clarifying a justifiable planning basis for objection. They have raised no issues for special consideration.

1 of the objections relayed concerns around noise pollution from vehicles visiting the restaurant, access to other amenities on the retail site, and traffic disruption. This objection letter also contained a comment which has been redacted. Said comment was deemed to be a defamatory remark related to the restaurant and not a material planning concern.

The Council's Environmental Health Department (EHD) were consulted on this application as the competent authority for assessing the application in terms of amenity concerns and have responded highlighting that they have no objection to the proposal. EHD highlighted that they had no objection to the proposal on the basis that there was no intensification of the existing use of the site.

I agree with the comments made by EHD in that the proposal does not involve an intensification of the site. The number of vehicles visiting the site will remain the same and the proposal includes the use of an existing unaltered access to the public road. Because there is no intensification of use I consider that there will be no impact on the ability of vehicles or pedestrians to access the site or any of the surrounding businesses or amenities.

It is noted that the proposed site is situated some 30m from the nearest residential property which is located across the Oaks Road and to the west of the application site. The proposed extension does not bring the application property any closer to the closest residential property and the subordinate nature of the works proposed will mean that the proposal will not have a detrimental impact on the amenity of nearby residential properties.

Having considered the aforementioned letter of objection in conjunction with the information submitted with the application and the comments made by EHD, I am content that the proposal will not give rise to any concerns relating to noise pollution from vehicles visiting the restaurant, access to other amenities on the retail site, or traffic disruption.

Conclusion

Members are advised that the proposal is in keeping with prevailing policy and for the reasoning outlined above, approval is recommended.

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.The materials to be used in the construction of the external surfaces of the extension hereby permitted, shall be as annotated on Drawing No. 04, date stamped 06/03/2017.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the character of the surrounding area.

Informatives

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

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

3.This determination relates to Planning Control only and is not to be construed as binding the Department in respect of any application required, or consent, agreement or approval obtained for or in connection with a Conservation Area Grant, an International Fund for Ireland Grant or an Urban Development Grant, and the Department reserves the right to seek such revised plans as it may deem appropriate in respect of such applications. You are also advised that Planning approval may be required in respect of any such revised plans as the Department may specify.

Signature(s)

Date:

ANNEX	
Date Valid	6th March 2017
Date First Advertised	23rd March 2017
Date Last Advertised	23rd March 2017
Details of Neighbour Notification (all addresses) Terry Morgan 4 Altmore Drive, Dungannon, Tyrone, Northern Ireland, BT71 4AE The Owner/Occupier, 45B Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 47 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 49 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 51 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AR, The Owner/Occupier, 64 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, Claire & Shane Donaghy 66 Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS The Owner/Occupier, 66 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 68 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 70 Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS The Owner/Occupier, 70 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, Ann Haughey 72 Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS The Owner/Occupier, 72 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 74 Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS The Owner/Occupier, 74 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 76 Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS The Owner/Occupier, 76 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 78 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, The Owner/Occupier, 80 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS, Martina Marshall 82 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS	

The Owner/Occupier,
 82 Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4AS,
 The Owner/Occupier,
 86, Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS
 The Owner/Occupier,
 88, Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS
 Sheila Kelly
 90 Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS
 Donald McKeown
 92 Oaks Road, Dungannon, Tyrone, Northern Ireland, BT71 4AS
 The Owner/Occupier,
 UNIT 1, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 10, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 11, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 12, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 13, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 14, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 15, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 16 The Oaks Centre Oaks Road
 The Owner/Occupier,
 UNIT 2, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 3, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 4, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 5, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 6, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 7, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 8, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,
 The Owner/Occupier,
 UNIT 9, The Oaks Centre, Oaks Road, Drumcoo, Dungannon, Tyrone, BT71 4NA,

Date of Last Neighbour Notification	16th March 2017
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: LA09/2017/0326/A

Proposal: The installation of 1 new freestanding sign

Address: Mc Donald's Restaurants Ltd , The Oaks Centre, Oaks Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2017/0328/F

Proposal: Refurbishment of the restaurant to include alterations to elevations, with the construction of extensions totalling 17.5sqm. incorporating onfiruration of the back house with the removal of an 8.9 sqm freezer/chiller.Further alterations include new drive thur booths , new entrance doors to be installed with the addition of aluminium cladding to elevations, including works to site

Address: McDonald's Restaurant, The Oaks Centre, Oaks Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2007/0613/Q

Proposal: Dungannon Town Centre Health Check Planning Search

Address: Dungannon Town Centre

Decision:

Decision Date:

Ref ID: M/2011/0324/F

Proposal: Amendments to previously approved scheme M/2008/0576/F to reconfigure approved retail floorspace and relocate approved children's activity centre

Address: Oaks Retail Park, Oaks Road, Dungannon,

Decision:

Decision Date: 11.10.2011

Ref ID: M/2011/0710/F

Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 3 to M/2011/0324/F to permit the sale of non bulky items from Unit 3

Address: Oaks Retail Park, Oaks Road, Dungannon,

Decision: PG

Decision Date: 19.09.2012

Ref ID: M/2011/0689/F

Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 2 attached to M/2011/0324/F - amended description.

Address: Oaks Retail Park, Oaks Road, Dungannon,

Decision:

Decision Date: 22.02.2012

Ref ID: M/1974/0320
Proposal: PUBLIC AUTHORITY HOUSING
Address: OAKS ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/0277
Proposal: Cineplex
Address: OAKS RETAIL PARK OAKS ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1980/0372
Proposal: SUPERMARKET
Address: OAKS ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1989/0108
Proposal: Car Wash
Address: OAKS CENTRE CAR PARK OAKS ROAD,DUNGANNON
Decision:
Decision Date:

Ref ID: M/1980/037201
Proposal: SUPERMARKET
Address: OAKS ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1984/0228
Proposal: ALTERATIONS AND EXTENSION TO SUPERMARKET TO PROVIDE
STORAGE SPACE
Address: OAKS ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2008/0051/F
Proposal: Amendment to previously approved planning application ref: M/2007/0471
minor amendment to provide external door
Address: Unit 1, Oaks Shopping Centre, Oaks Road, Dungannon
Decision:
Decision Date: 21.04.2008

Ref ID: M/1997/0818

Proposal: Demolition, internal alterations and extension to shopping centre to facilitate new entrance, re-organisation of units and re-location of toilet facilities

Address: OAKS CENTRE, OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0081

Proposal: Illuminated fascia sign

Address: THE OAKS POST OFFICE OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1980/0402

Proposal: PUBLIC AUTHORITY HOUSING

Address: OAKS ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/0314

Proposal: Erection of car wash facility on existing car park

Address: OAKS CENTRE OAKS ROAD DUNGANNON.

Decision:

Decision Date:

Ref ID: M/2007/0471/F

Proposal: Change of use and extension of existing retail unit to provide fast food outlet

Address: Unit 1, Oaks Shopping Centre, Oaks Road, Dungannon

Decision:

Decision Date: 20.08.2007

Ref ID: M/2007/0409/F

Proposal: Existing creche to be change of use & Winecellar within foodstore relocated to Creche area. Additional space created through moving existing wine cellar to revert back to foodstore.

Address: Anchor unit Curley's Supermarket Th e Oaks Centre, Oaks Road, Dungannon, Co.Tyrone

Decision:

Decision Date: 23.05.2007

Ref ID: M/2008/0576/F

Proposal: Reconfiguration of approval retail warehousing approval under full planning permission M/2003/0940/F with addition of 381sqm gross retail floorspace and childrens activity centre, landscaping and ancillary works.

Address: Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 21.01.2010

Ref ID: M/2007/0488/F

Proposal: Provision of prefabricated stand alone ATM machine room complete with 3 No. ATM units

Address: Approximately 16m north-west of the existing main entrance to the Oaks Centre, Dungannon.

Decision:

Decision Date: 03.08.2007

Ref ID: M/2008/0796/F

Proposal: Proposed extension to units 5 & 6

Address: Units 5 & 6, Oaks Shopping Centre, Oaks Road, Dungannon

Decision:

Decision Date: 13.11.2008

Ref ID: M/2007/0743/A

Proposal: Erection of proposed restaurant signage - 3 no. projecting signs in total

Address: Unit 4, Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 27.12.2007

Ref ID: M/1995/0640B

Proposal: Extension and alteration to Oaks Centre to incorporate extension to supermarket, new carpark and entrance road

Address: OAKS CENTRE OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0640

Proposal: Extension to existing Supermarket and new DIY Store,

Address: RETAIL WAREHOUSE AND MULTIPLEX CINEMA OAKS CENTRE OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0041/A

Proposal: Advertising signs

Address: Lands at Oaks Centre, Dungannon

Decision:

Decision Date: 18.08.2000

Ref ID: M/2000/0042/F

Proposal: McDonalds drive thru/sit in restaurant and Alteration to Approved Layout for Shopping Centre to Provide Additional Car Parking

Address: Oaks Centre, Dungannon.

Decision:

Decision Date: 04.07.2000

Ref ID: M/1992/0702

Proposal: Change of use from office and toilet block to cafe

Address: OLD TYRONE CRYSTAL FACTORY OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0134

Proposal: CHANGE OF USE OF EXISTING FACTORY AND PROPOSED GAS SCRUBBER AND ACID PL

Address: DWEK'S FACTORY, OAKS ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2011/0220/A

Proposal: Relocation of Welcome Sign - Approved 11/02/11 - M/2011/0032/A

Address: McDonald's Restaurant Ltd, The Oaks Centre, Oaks Road, Dungannon BT71 4AR,

Decision:

Decision Date: 19.05.2011

Ref ID: M/2011/0032/A

Proposal: 1 x Height restrictor sign, 7 x Freestanding signs, 2 x Banner signs

Address: Mc Donald's Restaurant, The Oaks Centre, Oaks Road, Dungannon, BT71 4AR,

Decision:

Decision Date: 14.02.2011

Ref ID: M/2011/0040/F

Proposal: Refurbishment of restaurant and patio area including amendments to roof and removal of light beams. Removal of order booth and additional cladding. Installation of customer order display and canopy

Address: McDonalds Restaurant Ltd, The Oaks Centre, Oaks Road, Dungannon, Co Tyrone, BT71 4AR,

Decision:

Decision Date: 14.02.2011

Ref ID: M/2011/0031/A

Proposal: 8 No. Fascia Signs

Address: Mc Donald's Restaurant Ltd, The Oaks Centre, Oaks Road, Dungannon, BT71 4AR,

Decision:

Decision Date: 14.02.2011

Ref ID: M/2012/0527/F

Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 3 of M/2011/0324/F.

Address: Unit 3 Oaks Retail Park, Oaks Road, Dungannon,

Decision: PG

Decision Date: 03.12.2012

Ref ID: M/2007/0646/F

Proposal: Erection of restaurant

Address: Unit 4, Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 27.12.2007

Ref ID: M/2005/1356/O

Proposal: Provision of mixed residential development of 120 dwellings and realignment of existing road.

Address: Dungannon (Oaks Park) Stadium, Oaks Road, Dungannon

Decision:

Decision Date: 14.10.2011

Ref ID: M/1992/0535

Proposal: Change of use from Crystal factory to 3 No light industrial units plus a tyre and exhaust centre

Address: THE OLD TYRONE CRYSTAL FACTORY COALISLAND ROAD
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/6023

Proposal: Subdivision of Old Tyrone Crystal Factory Oaks Road Dungannon

Address: Oaks Road Dungannon

Decision:

Decision Date:

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: Site Layout

Status: Approved

Drawing No. 03

Type: Proposed Plans

Status: Approved

Drawing No. 04

Type: Proposed Elevations

Status: Approved

Drawing No. 05

Type: Site Block Plan

Status: Approved

Drawing No. 06

Type: Site Block Plan

Status: Approved

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: LA09/2017/0354/O	Target Date:
Proposal: Infill site for 2no dwellings and detached garages	Location: Land between No's 15 and 17 Quilly Road Moneymore
Referral Route: Refusal recommended - Contrary to policies CTY 1, 8, 13 and 14.	
Recommendation:	Refuse
Applicant Name and Address: Mr E & C McGuckin 17 Quilly Road Moneymore BT45 7SE	Agent Name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI – Enniskillen	Advice
Non Statutory	NI Water – Single Units West	No Objection
Non Statutory	Environmental Health – Mid Ulster	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

Contrary to policies CTY 1, 8, 13 and 14.

Characteristics of the Site and Area

The site is located approximately 3.1 km from Moneymore and is defined to be in the open countryside as per the Cookstown Area Plan 2010. The site is located in the front portion of a large agricultural field wherein the site has an undulating land form where the site falls from the roadside towards the east. The northern, southern and western boundaries are defined by post and wire fencing with scattering of hedging in the south western corner, whilst the eastern is undefined as mentioned the site is a portion of a larger field. To the north of the site sits a single storey detached dwelling with a garage to the rear and a detached modular building that doesn't appear to have any planning permission but has been there for more than five years from inspection. To the south sit another detached single storey dwelling with a small outbuilding to the front. The immediate locality is characterised by residential development, with the wider surrounding area is characterised by agricultural land and residential uses predominantly.

Representations

There were three notification letter were sent out however no representations were received on this application.

Description of Proposal

This is an outline application for a proposed infill site for 2No. dwellings and detached garages located between No 15 and 17 Quilly Road, Moneymore.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 21 Sustainable Development in the Countryside

The application is for two infill dwellings and garages. The site is located in the open countryside as defined by the Cookstown Area Plan 2010. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The identified site is quite large and from the supporting statement is reliant on the plot sizes of No 17 and the site recently approved across from No 15 which are quite large. However in terms of the average plot sizes along the Quilly

road it is felt that the proposed site would be capable of accommodating three dwellings which is contrary to policy. Due to this gap being too large the site cannot be deemed to be within a continuous built up frontage and is seen as a visual break. From this I must recommend refusal for this application as it is contrary to policy CTY 8.

CTY 13 states that the proposed development must still be able to visually integrate into the surrounding landscape and is of appropriate design. The site lacks long established boundaries and would be heavily reliant new landscaping to enclose the site to ensure integration and is contrary to policy.

Policy CTY 14 allows for a building in the countryside where it does cause a detrimental change to, or further erode the rural character of an area. As the site has been shown not be a gap site therefore it is seen that the proposed development would create a ribbon of development along the Quilly road which would result in a detrimental change to the character of the area.

There are no ecological or flooding concerns.

Consultations were also sent to Transport NI, NI Water and Environmental Health however all have returned with no objection subject to conditions and informatives.

The proposal has failed under CTY 1, 8, 13 and 14 of PPS 21 therefore I must recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal has failed under CTY 1, 8, 13 and 14 of PPS 21 therefore I must recommend refusal.

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 of ribbon development along Quilly Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and 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 buildings would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	10th March 2017
Date First Advertised	23rd March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14A Quilly Road Quilly Money more The Owner/Occupier, 15 Quilly Road Quilly Money more The Owner/Occupier, 17 Quilly Road Quilly Money more	
Date of Last Neighbour Notification	22nd March 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0354/O Proposal: Infill site for 2no dwellings and detached garages Address: Land between No's 15 and 17 Quilly Road, Money more, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0367/O	Target Date:
Proposal: Proposed Dwelling	Location: 51 Drum Road Cookstown
Referral Route: Objections received and contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr and Mrs Glackin 51 Drum Road Cookstown	Agent Name and Address: Darcon Architectural Services 5 Malabhui Road Carrickmore BT79 9JS
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	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

One representation was received in the form of an objection from no.126 Westland Road which looks directly onto the site.

Issues raised were;

- building line
- loss of privacy
- out of character
- noise pollution during construction.

Characteristics of the Site and Area

The site comprises a rectangular portion of the side and rear garden of number 51 Drum Road. The red line includes the access to the existing dwelling via a metal gate and brick pillars, the land is flat and all laid in grass. To the rear there are a number of small trees, to the south and east the site is enclosed by a red brick wall beginning at the gates to the front of the house at 1 metre high and stepping up to 2 metres high to the side and rear. The east boundary is undefined on the ground and runs parallel to the existing dwelling gable wall.

The site lies at the end of a row of large detached dwellings along Drum Road, it is on the inside of a junction with Westland Road, the adjoining dwelling is two storey with a mix of red brick and white render, the majority of dwellings within the wider vicinity are of the same size and design and all with relatively large gardens. The Glenavon hotel is located a short distance to the South West.

Description of Proposal

The proposal seeks outline permission for a dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles
 PPS 3 Access, Movement and Parking
 PPS 7 Quality Residential Environments
 PPS 7 (add) Safeguarding the character of Residential Environments
 SPPS

The Strategic Planning Statement which was published in September 2015 retained a number of existing policies, of which PPS 7 was one and is the relevant policy in this application proposal.

As this application seeks outline permission, it is the principle of development which is assessed. Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

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

The immediate surrounding area is mostly residential with a variety of single storey and two storey detached dwellings with community and local facilities available close by with a local convenience shop, playing fields and Hotel also.

The principle of residential development is generally acceptable within the development limit of Cookstown and this proposal respects the use of the surrounding area which is mainly residential. However I have concerns regarding the layout and scale of the proposal giving the

size of the site. The existing dwellings in this development measure approximately 12-15 metres wide, however, this site at the building line is under 15 metres wide boundary to boundary. I am of the opinion that another dwellings on this site would be an intensification of development and this proposal would constitute overdevelopment of the site as I do not think it is capable of accommodating two dwellings.

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

There are no archaeological features in the immediate vicinity of the site.

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

I am not convinced that if a proposed dwelling were allowed respecting the building line there is adequate space to provide the required amount of private rear amenity space.

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

Given the nature, scale and location of the development, there is no requirement for public open space to be provided as part of this application.

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

The location of this site within the town of Cookstown supports walking and cycling and there is convenient access to public transport.

f) adequate and appropriate provision is made for parking;

There appears to be adequate space for parking at the front of both dwellings.

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

the appropriateness of the design of the development will be determined at reserved matters stage as details are not required to be submitted at outline stage.

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

The submitted block plan shows the dwelling set slightly in front of the building line of the existing dwellings. This would mean that a portion of the proposed dwelling would be to the front of no.51 Drum Road and with the angle of that dwelling as it is, the proposed would obstruct the views from the front of number 51. I am not satisfied there would not be unacceptable adverse impacts on this neighbouring dwelling and for the proposed dwelling.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in Policy QD 1 of PPS 7, & all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;

The proposal would involve splitting the existing plot size in half, however, I do not feel this would have a significantly higher density of other plots sizes and I would not have concerns this would considerably alter the character of this established residential area.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

The pattern of development in the immediate area is detached dwellings on large plots and I consider that due to the size and shape of the plot, any dwelling would have an impact on the streetscape and the overall character and environmental quality of this established residential area.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The size of the house cannot be determined at outline stage.

TNI were consulted and responded with objections in principle on the follow reason;
The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, 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.

Refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having conducted a site visit and taking the planning history into account also, I do not feel this site has the capacity to accommodate a dwelling while respecting the building line in both directions and would also be out of keeping with the character of the existing street scene. I also have concerns regarding the impact on amenity of the neighbouring dwellings.

Refusal Reasons

1. The proposal is contrary to the Single Planning Policy Statement and PPS7 Quality Residential Developments Policy QD1 parts;
(a) as it will not respect the surrounding context, street scene and character of the area;
(h) as it will result in an unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

2.The proposal is contrary to PPS7 addendum 'Safeguarding the Character of Established Residential Areas' in that the pattern of development would not be in keeping with the overall character and environmental quality of the established residential area;

3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, 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.

Signature(s)

Date:

ANNEX	
Date Valid	13th March 2017
Date First Advertised	30th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Greenvale, Gortallowry, Cookstown, Tyrone, BT80 8QS, The Owner/Occupier, 123 Westland Road South, Gortallowry, Cookstown, Tyrone, BT80 8JN, The Owner/Occupier, 125 Westland Road South, Gortallowry, Cookstown, Tyrone, BT80 8JN, Dr John and Mrs Grainne McBride 126 Westland Road South, Cookstown, Tyrone, Northern Ireland, BT80 8JN The Owner/Occupier, 126 Westland Road South, Gortallowry, Cookstown, Tyrone, BT80 8JN, The Owner/Occupier, 42 Drum Road, Gortallowry, Cookstown, Tyrone, BT80 8JQ, The Owner/Occupier, 44 Drum Road, Gortallowry, Cookstown, Tyrone, BT80 8JQ, The Owner/Occupier, 46 Drum Road, Gortallowry, Cookstown, Tyrone, BT80 8JQ, The Owner/Occupier, 48 Drum Road, Gortallowry, Cookstown, Tyrone, BT80 8JQ, The Owner/Occupier, 49 Drum Road Gortallowry Cookstown The Owner/Occupier, 51 Drum Road, Gortallowry, Cookstown, Tyrone, BT80 8JQ,	
Date of Last Neighbour Notification	28th March 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0367/O Proposal: Proposed Dwelling Address: 51 Drum Road, Cookstown, Decision: Decision Date: Ref ID: I/2006/0772/O	

Proposal: Proposed 4no semi detached dwellings and garage
Address: 51 Drum Road, Cookstown
Decision:
Decsion Date: 09.01.2007

Summary of Consultee Responses

TNI were consulted and recommended refusal.

Drawing Numbers and Title

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

Drawing No. 02
Type: Site Appraisal or Analysis
Status: Submitted

Drawing No. 03
Type: Site Appraisal or Analysis
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: LA09/2017/0496/O	Target Date:
Proposal: Proposed dwelling (ridge height 7.0) and domestic garage/ store. based on planning policy CTY2a (CLUSTER)	Location: Approx 40m South East of 49 Mullaghboy Road Bellaghy
Referral Route: Contrary to CTY 1, CTY 2a, CTY 8 of PPS 21	
Recommendation:	Refuse
Applicant Name and Address: Mr Gavin Breslin 202 Margarita Plaza Adelaide Street Belfast BT2 8FF	Agent Name and Address: CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI – Enniskillen	Advice
Non Statutory	Environmental Health – Mid Ulster	Substantive Response
Non Statutory	NI Water – Single Units West	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

Contrary to CTY 1, CTY 2a, CTY 8 of PPS 21

Characteristics of the Site and Area

The site is located approximately 500 metres north west of Bellaghy in the open countryside, as defined by the Magherafelt. The site is identified as 40m South East of 49 Mullaghboy Road, Bellaghy and the site is contained within the north western corner of a larger agricultural field. The field rises towards the north western corner towards the site with a line of trees along the northern and western (roadside) boundaries. The southern and eastern boundaries remain

undefined due to the nature of the site. There are two dwellings directly north of the site with another 4 dwellings to west/north west. The immediate location is characterised by residential development with the wider surroundings being predominately agricultural uses.

Representations

There were five neighbour notifications sent out, however no representations were received

Description of Proposal

This is an outline application for a proposed dwelling with a ridge height of 7m with a domestic garage/store to be considered under Planning Policy CTY 2a (cluster).

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. With regards to this application. Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

The site is located outside a farm and the cluster does consist of four or more buildings which are made up of Nos. 46, 49, 50, 51 and 52 Mullaghboy road, fulfilling the first criteria of at least three buildings are dwellings. In addition I am content that the cluster does appear as a visual entity in the local landscape, from this I am content that the application has complied with the first two criterion of CTY 2a.

Within the application there is no reference of an associated focal point and during the site visit I did not notice any social or community building/facility and the site is not located at a cross-roads. Therefore on this basis the proposal has failed with this criteria as there is no associated focal point.

The fourth criteria requires the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. From review of the plans and what was witnessed during the site visit I am of the opinion that the development is not bounded on two sides with other development in the cluster. I am of this belief that there is no development to the south or east of the site and there is part of an agricultural field that separates the site and No. 49 Mullaghboy road creating a visual break. From this the site is unable to provide a suitable degree of enclosure. As a result the application has failed under the criteria.

The requirement of the site to be able to be absorbed into the existing cluster through rounding off and consolidation. Even though it has been previously demonstrated that the site is not located within a cluster I am of the belief that development within this site would be capable of being absorbed into the surrounding development through rounding off and will not significantly alter the existing character. As this is not a cluster the proposed development must fail this criteria as a result.

The final criteria requires the development to not have an adverse impact on residential amenity. I am content that due the separation distances and existing vegetation that the proposed development is unlikely to have an adverse impact on residential amenity. The proposal is capable of complying with this criterion.

For the above reasons it is evident that the proposed development fails under policy CTY 2a and I would take the opinion of a refusal for this application.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Since the development has failed to demonstrate how it complies under CTY 2a it as a result also fails under CTY 8 as it would add to the ribbon of development along the Mullaghboy Road in that there are no available gap sites.

Other policy and material considerations

Three consultations were sent out to Transport NI, NI Water and Environmental Health, all of which have replied with no objection subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

To go to committee as a refusal.

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and/or is not located at a cross-roads and the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

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

Signature(s)

Date:

ANNEX	
Date Valid	5th April 2017
Date First Advertised	20th April 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 46 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 49 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 50 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 51 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 52 Mullaghboy Road Mullaghboy Portglenone	
Date of Last Neighbour Notification	13th April 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0496/O Proposal: Proposed dwelling (ridge height 7.0) and domestic garage/ store. based on planning policy CTY2a (CLUSTER) Address: Approx 40m South East of 49 Mullaghboy Road, Bellaghy, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 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: I/2013/0194/F	Target Date:
Proposal: Proposed 4no. semi-detached dwellings and 1 no. detached dwelling and widening of approved archway under I/2013/0193/F at Oldtown Street. (amended description)	Location: To the rear of 65-69 Oldtown Street Cookstown
Applicant Name and Address: Malcolm Thom 8 Drumearn Road Cookstown BT80 9JY	Agent name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: <p>The site is located within the settlement of Cookstown. The site incorporates three units within the street scene. Two of the units are vacant and some demolition has taken place. One unit was previously as shop with living accommodation and the other a residential unit. An arched entry linked the two properties. The site extends a significant distance to the rear as it includes the rear yards and gardens of the properties. The yards to the rear are accessed via a small archway. The yards are concreted and run a relatively short distance and beyond that there are a number of steeply rising, linear fields.</p> <p>The buildings at the entrance to the site are within an Area of Townscape Character and outside Town Centre Limits.</p>	

Description of Proposal

Full permission is sought for 5 no. dwellings (4 semi- detached and 1 detached) to the rear of 65 - 69 Oldtown Street, Cookstown.

Deferred Consideration:

The original proposal '4no semi- detached dwellings and 1 detached dwelling' was recommended for refusal by the DOE for the reasons stated below in June 2014;

The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations, Policy AMP 2, in that the proposed development would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.4m x 70m and forward sight distance of 70m from the proposed access cannot be provided.

The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

The proposal was subsequently deferred at this Council meeting for further consideration.

The proposal has not fundamentally changed since the deferral by the DOE. The Council would be in agreement that in terms of design and layout the proposal meets policy PPS7 -& Creating Places. Due the varying densities surrounding the site in the town, it would allow for this type of housing layout. The dwellings have been pulled out from the existing boundary and are facing the road boundary. The Design and finishes are acceptable for this area, with smooth plaster and red brick walls and black tiled roof. The amenity space, in form of rear gardens, is adequate for dwellings of this size. Cross sections have been provided. C-C going through the proposed site, shows approx 0.5m difference between existing and proposed ground levels. Phase 2 has been shown for indicative purposes on the plans but does not form part of this application.

An objection was received from Sandra Overend (previously MLA) on behalf of 3 Millburn Street in August 2013, relating to the proximity of the proposal to his boundary, privacy issues and drainage. Concern was also raised in that the residents currently avail of a dropped kerb arrangement to gain access to parking and with this proposal they would have to use another lowered kerb further down the street to gain access to their properties.

Amended plans were submitted to show boundary treatment between the proposal and No. 3 Millburn Road. A 1.8m fence has been proposed and this is considered sufficient in terms of privacy as the land relating to No.3 falls away and is at a lower level than the site. There will be no high level windows to cause any overlooking for neighbours.

The main issues with the original proposal related to Transport NI and the access arrangements and car parking, as stated in the refusal reasons above. Amended plans were forwarded in July 2015 showing the minimum height of the archway, at its lowest point as 4m and the agent provided PSD's. TNI have now provided conditions relating to the PSDs.

Neighbours were re-notified in August 2016 with these amendments and no further objections were received.

However further amended plans were received in Nov 2016, clarifying levels and minor design issues, and amended PSD's were received Jan 2017 and neighbours again re-notified in Feb 2017. An amended description to include the widening of previously approved archway at Oldtown

Street, and a further set of neighbour notification letters were sent on 12 April 2017. No further objections have been received and TNI provided conditions.

Approval is recommended 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.

2. The vehicular access, including visibility splays of 2.4 metres by 60 metres in both directions, and any forward sight distance shall be provided in accordance with drawing 06/09 date stamped 30/01/2017, prior to the commencement of any other development hereby permitted. The area within the visibility splay and any forward sight distance 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 access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m 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.

4. All hard and soft landscaping 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.

Reason: To ensure that the public open space and planting provision is provided in a timely manner for the benefit of the occupiers, to aid integration of the development into the local landscape as soon as possible, and, to provide a quality residential environment.

Private Street Determination

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Mid Ulster Council hereby attaches to the determination a requirement under Article 3 (4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C). It relates to Drawing No. 06/09 bearing the date stamp 30/01/17.

Informatives

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

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

3. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Roads Service's Street Lighting Consultancy, County Hall, Ballymena. The Applicant is advised to contact Roads Service 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.

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

5. 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.

6. 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 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 Molesworth Street, Cookstown A monetary deposit will be required to cover works on the public road.

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

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.

8. The development hereby permitted shall not commence until a Street Lighting Scheme has been submitted and approved by the Department Street Lighting Design.

9. The Private Streets (Construction) (amendment) Regs (NI) 2001 apply to this Private Streets Determination.

10. Noise from construction activities should:

not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and not be audible between 22.00 hours and 07.00 hours on Monday

to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other "quiet" activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.

11. The applicant has shown in details submitted with the application, that foul effluent drainage from the proposed dwelling will be treated and dispersed by the use of a septic tank treatment and disposal facility. The location to which this application refers may present problems to the efficient operation of a septic tank disposal facility due to the nature of the proposed site. The applicant should be requested to demonstrate that consent approval under the NI Water Order 1999 will be forthcoming in the event of the proposed development gaining planning approval.

An application for water consent should be submitted to the DOE - NIEA Water Management Unit, 23 Antrim Road, Lisburn, BT28 3AL

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Addendum to
Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 6 June 2017	Item Number:
Application ID: I/2014/0246/F I/2014/0074/F	Target Date:
Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard Proposed alteration of existing access and laneway	Location: 55 Knockanroe Road Cookstown
Referral Route: Applications attracting valid planning objections, where the officer's recommendation is to approve.	
Recommendation:	Approve
Applicant Name and Address: Reid Engineering Ltd	Agent Name and Address: Ross Planning 9a Clare Lane, Cookstown, Co Tyrone
Executive Summary: Members are advised these applications were deferred at the Committee Meeting on 4th April 2017. Attached is a report of the site visit that took place with members on the 25 th April 2017.	
Signature(s): M.Bowman	

Case Officer Report of Site Visit

Site Visit at 2pm on the 25th April 2017.

Planning Committee members in attendance:

Cllrs M Kearney, S McAleer, C Mallaghan, D McKinney, W Robinson, C Mallagan, M Glasgow, Quinn (observing on behalf of third parties)

Neighbours who attended C Fowley (No 53 Knockanroe Road) J Reid (No 55)

Les Ross (agent) Mr Reid (applicant)

Planning Official in attendance:

Head of Development Management, M Bowman

The above members and official met with Mr Reid and Les Ross from Ltd at the site of the engineering works at 55 Knockanroe Road.

Committee members were advised of the differences between the shed as built and that previously approved as well as being shown the various locations on the building where doors were to be closed and other amends to the building proposed to reduce noise impact as required by the suggested planning conditions. The location of the 2 main objectors properties were also identified from the open yard area. Some discussions took place and queries were clarified by Les Ross and myself regarding the precise nature of the proposed alterations to the existing building.

I asked members if they wished to witness the external cutting saw operation. The consensus was that as the saw appeared to be immune that this was not therefore necessary. Members noted that the saw was already partially enclosed. I pointed out that whilst this was the case that EHO were not of the view that this anything other than a form of shelter and in its current form did not represent adequate sound proofing.

Committee members were also advised of the approved storage CLUD use on this part of the existing site which could result in the operation of fork lifts and the movement of a considerable number of vehicles to and from the site without restriction as well as the fact that the CLUD confirmed the lawful use of that area identified by the CLUD as being for the 'storage and fabrication of structural steel and associated items'. The members were escorted around the site and the elements of the proposed scheme and their location were identified, including an inspection of the proposed new HGV access point being jointly considered under application I/2012/0074/F.

Mr Reid and Ross were thanked for their assistance and members left the site to visit Nos 53/55 Knockanroe Road.

Members called at No 53 where both Cara Fowley (owner) and J Reid were present inside. Members were invited into the dwelling to examine the impacts of the proposal from her property.

I invited members to examine the impact of the proposal/s from the rear garden of No 53. The 3 No. windows to be removed were identified and I explained how the larger 'as built' shed impacted on this space. C Fowley reinforced her objections in relation to loss of light, dominance and noise from this location. Members took note of the height of existing boundary hedging around the garden area as well as the presence of the garage. Members were invited into the garage to examine the impact of the shed on it.

Members entered No 53 where C Fowley was keen to let members observe the site from various rooms throughout the dwelling. In particular the 'middle' access to the site which I explained would be closed up as part of the planning proposal if approved.

Members moved to No 55 where J Reid walked us thorough the various rooms in the dwelling including the rear sun room. Her concerns relating to privacy, light pollution, noise and the impacts that this had been having on her son were highlighted. Julie explained that she had been forced to move to the 2st dwelling (not yet fully completed) at the end of the lane and pointed out this dwelling. It was also stated that No 55 had now to be rented 'free' to the present occupants due to the nuisance from Reid Engineering. I pointed out the position and extent of the acoustic wall proposed along the boundary with the site from No 55. Members thanked Julie for her assistance and exited the property.

The site visit ended at 3.10pm and members left the site.

The occupant of No 53 has copied in the Council to correspondence sent to Peter May the Dept. Permanent Secretary addressing concerns about perceived inconsistencies within the Planning Department at Mid Ulster District Council since its transition from the Department of Environment. The Minister's briefing notes which form part of this however quotes various comments made by the Department relating to a different and clearly unacceptable proposal (I/2013/0357 which was later withdrawn) and application I/2014/0074/F which originally proposed a large spray shed. Members should note that their decision on I/2014/0074/F relates now **only** to a new access.

Since the site visit members are also asked to note the following additional third party representations which have been received objecting to the proposed applications:

1. Correspondence from C Fowley (No 55) raising the following concerns:
 - i) That the CLUD on the yards should not permit an unfettered use of the existing access onto the public road given material changes within the site since it was issued in 2010.
 - ii) That sight lines of 2.4 x 70m should be provided should HGV be removed from this access

- iii) Given that third party lands are required for these splays what controls are going to be put in place to ensure such standards are met and when will they be required to be provided should permission be granted?

In response I would comment as follows:

The 2010 CLUD confirms the unrestricted use of that part of the yard, including the access point in question, identified by the CLUD for storage and fabrication of structural steel and associated items. This must be considered in the determination of any required improvements to this access and indeed whether previous decisions on the site since 2010 were correct in seeking such improvements.

The removal of all commercial traffic and HGVs from this access point will restrict vehicle movements here only to a limited number of staff. For this reason this is always going to result in less vehicles movements from this access than that which would have occurred at the time of the 2010 CLUD decision. I do not therefore feel that visibility improvements are necessary over those existing / proposed on plans. The matter also of third party consent is also therefore removed.

Also correspondence dated 10th April 2017 querying conditions and expressing concerns about the increased workshop area to which EHO were asked to comment. The following matters were specifically highlighted:

- i) Outdoor saw – residents are concerned that the Council are considering removing this requirement
- ii) That the 5db penalty for character of noise should be higher
- iii) There are no conditions relating to vehicular noise
- iv) That any further permitted increase in workshop floor space is having a significant detrimental impact on adjacent residents by reason of noise and disturbance.
- v) There is little evidence of any 'betterment' for adjacent residents.

EHO have been asked to comment on this points. As yet a reply is outstanding but I would intend to provide this to the Committee at its meeting.

A further letter from Mr Ryan (TLT Solicitors) instructed by C Fowley and J Reid received on the 18th May sets out the following points of objection:

- i) That the Council has made significant errors and omissions in its consideration of the proposal

- ii) That the differences between the as built shed and that approved are more than minimal, externally and when one considers the additional workshop floor space internally has increased
- iii) That the site area has increased beyond the CLUD by 0.36 acres.
- iv) That the recommendation ignores previous concerns by the Dept / Council on the scale and massing of the building and the involvement of enforcement requiring the buildings removal demonstrates its impact
- v) That the proposal does not comply with PPS4/ PED 4 or PED9.
- vi) That this is piecemeal development
- vii) That the objectors reserve the right to challenge any final decision.

I would offer the following response to the various issues raised in this letter as follows:

- i) Members have been made fully aware of the differences both in the physical dimensions and internal arrangement of the floor space. On the matter of curtilage increase, I have referred to the CLUD only being to establish the use and operations to that area identified by the CLUD. The physical increase in the building is within that CLUD area and for the purposes of clarification the additional area to the rear of No 53 is immune from Enforcement for the purposes of storage. My report to the Committee did also acknowledge that activity within the site had intensified.
- ii) Members were shown comparison plans which clearly demonstrated the physical differences between the approved and as built shed. To clarify, the total amount of approved workshop space in the original permission for the shed measured some 194sq.m – the plans before the committee for decision propose an increase in this workshop floor area to some 389 sq.m, representing an increase in production space by 196sq.m.
- iii) I acknowledge that the 2014 application before members seeks permission beyond the 2010 area. As indicated above however the additional area involves primarily an area of 'established' storage. The applications propose only a means of access though that area to the rear of the site previously determined as being unacceptable to the PAC. The objection regards the proposed expansion under this application as being 'major'. I do not accept this view and would refer to a recent JR Court Judgement for Patrick Heffron in which the judge reinforces that the 'interpretation of policy and weight to be given to various matters within the policy are for the decision maker' when considering a challenge relating to, amongst other matters, the interpretation of PED3 of PPS4..
- iv) Earlier individual case officer views are only that and do not represent the final decision or overall corporate view of the Dept at that time or the Council. Enforcement proceedings had to be initiated to 'stop the clock' on the u/a building as constructed. Mr Ryan states that it is difficult to understand that an opinion could change since Oct 2014, this appears however to have paid little regard to the degree to which various acoustic reports have been demonstrated that noise can be successfully mitigated against and of note is

that the earlier 22/10/14 case officers report appears to pay no regard to the 2010 CLUD establishing the use on part of the site.

- v) I have set out the reasoning within my report as to how I feel that Policy requirements of PPS4 are, on balance, satisfied by the proposal and means of mitigation proposed.
- vi) These application can be regarded as free-standing and are not dependant on the delivery of the 'masterplan' application still being considered by the Council. The Council has enough information at hand and is aware of the existing and potential impacts to be able to determine the application and introduce a means of control over the operations which to the most part operate without restriction on part of the site nearest residents. Any approval of these applications will not prejudice the Council's future decision on the masterplan application.
- vii) It is accepted that third parties reserve the right to challenge any planning decision made by the Council on the proposal.

It is my recommendation that the previous opinion to approve both applications as outlined in the earlier April 2017 Committee Reports, and considering the above, remains unchanged.

All suggested Planning Conditions are outlined on the attached reports.

Signature(s) M.Bowman

Date: 25th May 2017.



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 th April 2017	Item Number:
Application ID: I/2014/0074/F	Target Date:
Proposal: Proposed alteration of existing access and laneway	Location: To the rear of 51 Knockinroe Road Stewartstown Dungannon BT71 5LX
Referral Route: Objections received to application.	
Recommendation: APPROVAL	
Applicant Name and Address: Reid Engineering Ltd 55 Knockinroe Road Stewartstown Dungannon BT71 5LX	Agent Name and Address: Ross Planning 9a Clare Lane, Cookstown, Co Tyrone BT80 8RJ
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	TNI	No objections subject to conditions
Non Statutory	EHO	Initial concerns related to the larger scheme with spray shed. Noise limits and mitigation measures proposed in related application I/2014/0246
Non Statutory	Historic Buildings	Interim comments relating to setting of gate lodge

Representations:	
Letters of Support	181
Letters of Objection	26
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 site is located approximately 5km south east of Cookstown town centre close to the small settlement of Ardrea.</p> <p>On site is an established Reid engineering works, which appears to be primarily involved in the construction of structural steel frames. There are two buildings already built on site. One building is an office building that sits at the entrance to the business and overlooks the yard area. The other is the main engineering building, subject to a decision to retain it as built under a related application I/2014/0246/F. Storage of steel is currently provided within the yard.</p> <p>The access point and laneway into the yard area subject of this application is already in place. There are 2 other existing access points to the yard area.</p>	
Description of Proposal <p>Proposed alteration of existing access and laneway</p>	
Planning Assessment of Policy and Other Material Considerations <p>The key planning issues are as stated below and the following policies / advice have been included in this assessment:</p> <p>Shaping Our Future: Regional Development Strategy for Northern Ireland.</p> <p>Cookstown Area Plan 2010 – The site is located within the open countryside outside of a defined settlement limit.</p> <p>SPPS</p> <p>PPS 1 – General Principles</p> <p>PPS 3 – Access, Moving and Parking</p> <p>PPS 4 – Planning and Economic Development</p> <p>PPS 6.</p> <p>PPS 21 – Sustainable Development in the Countryside.</p> <p>CTY 1: Development in the Countryside</p> <p>CTY 13: Integration and Design of Buildings in the Countryside</p> <p>CTY 14: Rural Character</p> <p>DCAN 15 - Vehicular Access Standards.</p>	

The use on site has been established. Previous planning history of site is as follows:

I/2010/0091/LDE – storage and fabrication of structural steel and associated items. CLUD issued 7th April 2010.

I/2010/0253/F – proposed extension and alterations to existing engineering workshop / store and ancillary accommodation. Approved 29th November 2010.

I/2013/0110/F – proposed retention of offices for engineering works, Approved 5th July 2013.

I/2014/0246/F – application to retain the existing as built shed (recommended for approval)

LA09/2016/1015/F – Masterplan scheme to redevelop site and construct additional sheds (undetermined)

Given the planning histories on this site the principle of the engineering works has been accepted by the Council.

This application has been significantly amended having started out proposing a spray shed and repositioning of existing access. The spray shed element has been removed from the application leaving just a decision to make on the amended new access point to the site. The intention of Reid engineering is to approve accessibility for HGVs which it is proposed will use only this new access point if approved.

The SPPS at Par. 6.297 amongst other regional aims has an objective to promote road safety. Par. 6.303 advises that in assessing development proposals planning authorities must apply the Department's published guidance. Planning authorities should require the developer to submit a Transport Assessment. Such an assessment has been submitted to support this application.

Whilst the application is now only for the revised access point, Policy PED 3 of Planning Policy Statement 4 (Expansion of an Established Economic Development Use in the Countryside) is a relevant consideration.

Policy PED 3 states that:

The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Permitting vehicular traffic associated with the established business to use this access does to an extent allow this access itself to become the defined extent of the site area. That said the access lane follows the boundary of an adjacent dwelling, (a notable visual improvement over the original arrangement which proposed an extremely exaggerated sweeping access) it itself being located between the access laneway and the yard, thus reducing the visual impact of the area into which the access lane permits deliveries etc.

Policy CTY 14 of PPS21 deals with ancillary works associated with built development and how these can damage rural character. It is accepted that new accesses are often a visible feature of new buildings in the countryside and on occasion can be more obtrusive than the building itself. Access arrangements can often raise awareness of and draw attention to new development and when read in conjunction with other existing or approved accesses can have a combined impact damaging to the rural character of the area.

This proposal as part of the related 0246 application proposes to close the unauthorised middle access to the site and in addition to limit the upper access point to non HGV traffic. In addition plans show that the present access to an adjoining dwelling at No 51 is to be re-configured to

share access with the proposed laneway representing a further reduction in the number of access points at this stretch of Knockanroe Road. There are significant benefits for road safety and the convenience of road users by restricting this access point to HGV traffic taking these large vehicles away from a below standard and otherwise narrow access adjacent to No 55 which is also shared by neighbouring residents leading to conflict in the past with entering and exiting movements from here.

The provision of a new access and laneway can have the potential to impact on the existing rural character and also on residential amenity of adjoining properties. In considering the approach to the site, and notwithstanding the requirement by TNI to provide splays of 4.5 m x 70m in both directions, it is my view that the visual impact of the access arrangements are localised and relatively short given also the changes in topography as one travels along the public road.

TNI in their last response are content with splays shown on plans of 4.5m x 70m in both directions. In accepting this standard it is admitted that this also accepts a reduction of 9m over an x distance which should be 79m. This follows a site survey carried out by TNI between the 28/1/16 and 03/02/16.

Whilst this proposed access is in itself not economic development, given the access is to serve an established rural business, Policy PED 9 of PPS4 can be given some consideration I feel.

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

- (a) it is compatible with surrounding land uses;
- (b) it does not harm the amenities of nearby residents;
- (c) it does not adversely affect features of the natural or built heritage;
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- (e) it does not create a noise nuisance;
- (f) it is capable of dealing satisfactorily with any emission or effluent;
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- (h) adequate access arrangements, parking and manoeuvring areas are provided;
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (l) is designed to deter crime and promote personal safety; and
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

In the overall broad context I have recognised that this alternative access will lead to the safer movement of large HGV and other commercial traffic by requiring such vehicles to enter the premises only by this access point. I see the access as compatible with surrounding land uses on the basis that it is to serve an established business, while being mindful that the business is surrounded by private dwellings. Proposed soft landscaping is noted and can be secured by Condition which will help to assist integration into the landscape.

I note that Historic Buildings Unit had shown some concern in relation to the potential impacts of the access on the opposite listed gate lodge which presently appears to be in a poor state of repair. Their concerns in relation to earlier plans raised concerns about the number of existing

access points onto Knockanroe Road and how a one –way system would be desirable to reduce the scale of the proposed access on the gate lodge.

The latest site plan and access arrangements, whilst locating the access point to a location to the NE of the gate lodge, does offer the ability for the access to be provided with significantly less soil grading of that area between the new hedge line and splay than the original proposal. If a one-way system could not be provided (which it hasn't been) HBU appear to have been concerned primarily with the extent of any such grading works which would have required retaining walls. I note that drawing No 02/4 details sections which do not indicate any such requirements.

Proposed native species hedging can be secured to the rear of splays by a condition and the splays can be grassed. It is not foreseen that security fencing or any other means of enclosure are required nor are they proposed on plans. This was a further concern of HBU.

All in all the net result is that this proposal, when considered with application 0246 for the retention of the shed will see a reduction from the existing arrangement of 4 access points onto the public road to 2. The approval of this access will see the removal of the existing access which exits the site almost directly opposite the gate lodge, I see this as a further benefit which will lessen to potential for the proposed access arrangements to impact in a detrimental way on the listed gate lodge.

Objections

There have been a significant number of objections received in relation to this proposal. For the purposes of this report and the application as amended only for access I have limited by summary of these objections to those concerns raised on road safety / traffic movements and amenity.

Issues raised include:

- Means of access proposed to engineering works is contested.
- Roads/pedestrian safety concerns. Rural road network incapable of accommodating increased traffic levels.
- Sprawling development / piecemeal development
- Detrimental to visual amenity. Loss of rural character.
- The development would result in loss of privacy due to traffic.
- Unauthorised change of use of land to commercial/industrial.
- proposal is contrary to Policy CTY13 /SPPS in terms of visual integration / impact on rural character
- applicant has insufficient control of adjoining lands for access improvements

Consideration of issues:

- TNI has been consulted with regard the proposed works and in their response dated 8th July 2016 have no objections subject to conditions.
- I have addressed the visual impact and degree to which the site is perceived to be extended as a result of this application as not being detrimental to the extent that permission should be refused. Additional soft landscaping is proposed and the existing additional access to No 51 is also removed away from Knockanroe Road onto the access lane.
- Loss of privacy concerns have to be considered in this case to relate to that part of the

access lane which enters the site to the rear of No 51 and proceeds to towards No 57. The proposed 3m high acoustic barrier proposed along this boundary and along the boundary with No 53 will significantly reduce this impact and lessen any related vehicular noise.

- this permission will not granted permission for anything other than a means of access.
- the application certificate has been amended to serve appropriate notice on adjoining landowners. Negative conditions are to be included to require visibility splays within a reasonable period of time.

Letters of support.

These are in the form of numerous copies of the same letter and are written in relation to not just this application but others currently in the planning system for Reid Engineering.

These state that Reid Engineering is an important local business which has operated from the site from the 1980's. It has sustained employment for many local people both directly and through sub-contracts. The letters go on to state that the business makes a significant contribution to the local economy and immediate rural community. It is stated that that over the years the business has had to adapt to meet health and safety demands and customer needs which has required additional indoor space for the survival of the business. The letters conclude by stating that the application will not significantly change the character of the business activities on the site or the established rural character of the area and that planning policy supports the maintenance and expansion of established economic development uses in the countryside.

The number and wide ranging various locational sources of these letters in doubt questions the weight that can be afforded to these letters. However members can of course consider the economic arguments which are presented in support of the application.

Neighbour Notification Checked

Yes

Summary of Recommendation: on balance in considered the ability of this amended access arrangement to facilitate the safer movement of HGVs entering and existing this established business approval is recommended subject to the below conditions.

Conditions.

1. The vehicular access, including visibility splays of 4.5m x 70m in both directions, shall be in place in accordance with Drawing 02/4 bearing the date stamp 18/05/2016, within 60 days from the date of this permission and this access point will remain the sole access point for all HGVs and goods deliveries to Reid Engineering.

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

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

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

3. No other development hereby permitted shall be commenced until the road widening as indicated on Drawing No02/4 bearing the date stamp 18/05/2016 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.

4. Any gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

REASON: To ensure waiting vehicles do not encroach onto the carriageway.

5. The existing field gate shall be permanently closed up and repositioned at the 30m chainage mark as indicated on drawing No. 02/4 dated 18/05/2016 prior to the lawful commencement of use of the access hereby approved.

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

6. Only native species hedging shall be planted to the rear of proposed visibility splays and such planting shall take place during the first available planting season following the grant of this permission. All other planting to the edge of the access lane shall also take place during the same planting season and consist only of native species.

Reason: In the interests of visual amenity and to accord with the setting of the listed gate lodge opposite.

Signature(s)

Date:

ANNEX	
Date Valid	7th March 2014
Date First Advertised	19th March 2014
Date Last Advertised	18th May 2015
Details of Neighbour Notification (all addresses) S Henry 1 1A Ardcumber Road Coolkeeghan Alex Cooper 1 Hammond Mews,Money more Vivienne McCracken 1 Killycolp Close Loughry Cookstown Owner Occupier 1 Liscoole,Lissan Road,Cookstown,Co. Tyrone Gerard Taylor 1 Millbank,Drummullan,Money more Winston Harkness 1 Mountview Court Money more Londonderry Felma Blair 10 Cahoo Lane Cahoo Tullyhogue Hugh Wilson 10 Woodvale Road Ballymulligan Money more Garrett Laverty 101 Tamlaghtmore Road Killymenagh Stewartstown Gladys Patterson 103 Stewart Avenue Gortalowry Cookstown Kyle McCammon 104 Old Coagh Road Drumcraw Cookstown Role Formed Fabrications LTD 108 - 114 Money more Road,Magherfelt,BT45 6HJ Henry - Windell 108 - 114 Money more Road,Magherfelt,BT45 6HJ Joe Wilson 10A Woodvale Road Ballymulligan Money more The Owner/Occupier, 11 Killycolp Road Killycolp Tullyhogue The Owner/Occupier, 11 Lawford Street Money more Londonderry Owner Occupier 11 Lisbou road,Stewartstown,Dungannon,Co Tyrone Victor Bell 11A Carrydarragh Road Carrydarragh Money more Adrian Bell 11B Carrydarragh Road Carrydarragh Money more H Colgan 11B Desertlyn Road Ballymully Money more	

Elaine Reid
11C Desertlyn Road,Money more,BT45 7TY
Darrell Reid
11C Desertlyn Road,Money more,BT45 7TY
David Foster
12 Aghaveagh Road Kilsally Coagh
Robert McKinless
12 Milbank,Drummullan,Money more
Kathleen McKinless
12 Millbank,Drummullan,Money more,Co Tyrone
Melvin Lawson
12 Pinewood,Richill
Leslie Morton
12 Springvale Feenan Beg Money more
F Whinnery
13 Moorville Lisnahall Cookstown
David Simpson
14 Desertlyn Road Ballymully Money more
Noel Rafferty
14 Millbank Cottages Drummullan Money more
Eugene O'Neill
140 Killycolpy Road Aghacolumb Stewartstown
Robert Coloin
14A Hammond Street,Money more,Co Derry,BT45 7PS
Rhonda Simpson
15 Desertlyn Road Ballymully Money more
Carol Anderson
15 Knockanroe Road Tullyconnell Dungannon
Gordon Bruce
15 Littlebridge Road,Coagh
Gordon Bruce
15 Littlebridge Road,Coagh,Cookstown,Co. Tyrone
Audrey Kirkpatrick
15 Moorville Lisnahall Cookstown
George Neill
154 Dungannon Road Derrykeevan Portadown
Paul & Laura McAleece
16 Ballymoyle Road Ballymoyle Coagh
Emma McCrea
165 Coagh Road Drumbanaway Stewartstown
Mervyn Brodison
17 Agharan Road Stughan Dungannon
M McIvor
17 Cloneen Drive Money more Londonderry
Anne Bell
17 Ivybank Road Carrydarragh Money more
Linda Sands
17 Moorville Lisnahall Cookstown
Francis Foster
17 Tullyveagh Road Doorless Dungannon

Marina Abbott
17 Tullywiggan Cottages Tullywiggan Cookstown
Alan McCord
18 Moveagh Road Gortacar (Doris) Cookstown
Eamonn Moore
18 Westbury Gardens Gortalowry Cookstown
Mark Bell
19 Carrydarragh Road Ballymully Money more
Alan Hall
19 Drummullan Road Drummullan Money more
S Whyte
19 Grange Road Ardcumber Cookstown
Graeme Dallas
1A Drumad Lane Drumconvis Coagh
W J McKenzie
1B Hammond Street Money more Londonderry
Norman Brodison
2 Agharan Road Drumreagh Otr Dungannon
Christopher Rocks
2 Ardean Close Ardean Ardboe
Maurice Bell
2 Carrydarragh Road Magherascullion Money more
Sylvia Stewart
2 Dufless Road Dufless Cookstown
S D Clarke
2 Gortagilly Road Gortagilly Money more
Neville Forsythe
2 High Street, Money more, Co Londonderry
Lawson Creighton
2 Killycolp Road Gallanagh Tullyhogue
J Lawrence
2 Lawford Street Money more Londonderry
Wilkinson
2 Tullyveagh Road Drummond Dungannon
Meredith Kirkpatrick
20 Ballymaguire Road, Stewartstown, Co Tyrone
Harold Donnelly
20 Derrygonigan Road Killybearn Cookstown
Sydney Creighton
20 Drummond Road Ardvarnish Cookstown
The Owner/Occupier,
20 Dufless Road Dufless Cookstown
J McClenaghan
20 Knockanroe Road Knockanroe Dungannon
Elaine w
21 Bridger Street Money more Londonderry
Linda Ferguson
21 Carryview Urban Coagh
Thomas McWilliams
21 RockView Park, Money more, Co Londonderry

Maurice Murphy
21B Leck Road,Money more
Neal Whyte
22 Carryview Ubal Coagh
H Farr
23 Ballymaguire Road Liscausy Stewartstown
Adam Knox
23 Loup Road Doluskey Money more
Rhonda Henderson
23 Millrace Drive Money more Londonderry
Derek Brodise
23 Newmills Road Drumard Dungannon
Dolores McWilliams
23 Rock View,Money more,Co Londonderry
Ivan Stewart
24 Knockanroe Road Knockanroe Dungannon
Alan McCord
24 Rockdale Road Killyneedan Cookstown
Ivan Elliott
24 Sessiagh Road Ballymully Glebe Tullyhogue
The Owner/Occupier,
25 Ballinderry Bridge Road Coagh Londonderry
Newell
25 Ballymaguire Road Liscausy Stewartstown
Michael Wray
25 Deerfin Road Crebilly Ballymena
Colleen Lennox
25 Desertmartin Road Larrycormick Money more
Andy Mullan
25 Grange Road Ardcumber Cookstown
Lynne Morton
25 Lisboy Road Lisboy Cookstown
David Cahoon
25 Northland Drive Money more Londonderry
Geoffrey Jackson
26 Knockanroe Road Knockanroe Dungannon
Raymond Hewitt
26 Main Street Tullaghoge Tullyhogue
Richard Boyd
26 Turnabasan Road,Pomeroy,Dungannon
Chris Stewart
26 Windmill Heights Gortmerron Dungannon
G Reid
27 Ballymaguire Road Liscausy Stewartstown
Gavin Donaldson
27 Cloghog Road,Cookstown,Co. Tyrone
The Owner/Occupier,
27 Knockanroe Road Knockanroe Dungannon
Ivan Wright
27 Lisnahall Road Lisnahall Cookstown

June McGurk
27 Rock Park,Money more,Co Londonderry
J Newell
27 Tullywiggan Cottages Tullywiggan Cookstown
David Nelson
28 Drumconuis Road,Coagh,Co. Tyrone
Anne Nelson
28 Drumconvis Road Drumconvis Coagh
Trevor Nelson
28 Drumnomin e,Coagh,Co Tyrone
Valerie Murphy
28B Leck Road,Stewartstown,Dungannon,Co Tyrone,BT71 5LS
K Murphy
28B Leck Road,Stewartstown,Dungannon,Co Tyrone,BT71 5LS
Ian Ferguson
29 Ballyblagh Road,Stewartstown,Co. Tyrone
Chris McCloskey
29 Bridger Street Money more Londonderry
Joesph Graham
29 Garvaghy Crescent,Portglenone,Co Antrim
Joesph Graham
29 Garvaghy Crescent,Portglenone,Co Antrim
Silas Bell
290A Drum Road Drumshanbo Glebe Cookstown
Liam Muldoon
3 Drummullan,Money more,Co Derry
The Owner/Occupier,
3 Fortview,Portglenone
Ian Forsythe
3 Maghadone Road Ballygruby Money more
Brian Forsythe
3 Mahadone Road,Money more,Magherfelt,BT45 7SU
Derek A McCulla
3 Poplar Hill Road Grange Cookstown
Denver Willis
3 Tullyreavy Road,Pomeroy,Dungannon,Co Tyrone
Stephen Hunter
30 Drumrot Road Coltrim Money more
Valerie Stewart
30 Knockanroe Road Dufless Dungannon
Robert Henry
30 Montober road,Cookstown,Co Tyrone
Bryan Hewitt
31 Legmurn Road,Stewartstown,Co. Tyrone
Brian Brodison
31 Mineveigh Road Drumey Dungannon
Georgia Boyd
31 Windsor Terrace Coagh Tyrone
Garry Dallas
32 Aghaveagh Road Aghaveagh Coagh

Ferguson
32 Ballyblagh Road Ballyblagh Stewartstown
Owner Occupier
33 Ballymaguire Road Liscausy Stewartstown
J P H Bruce
33 Lindesayville Road Donaghrisk Tullyhogue
Jim Henry
33 Lough Fea Road Tatnagilta Cookstown
G Scott
33 Lower Grange Road Grange Cookstown
Caude Gillis
33 Tullyveagh Road Dufless Dungannon
J Blair
34 Ballymaguire Road, Stewartstown, Co. Tyrone
Grace McVitty
34 Leck Road Cratley Stewartstown
David Ferguson Cars
35 Ballyblagh Road Ballyblagh Stewartstown
Owner / Occupier
35 Lower Grange Road Grange Cookstown
Robert Ferguson
35 Windsor Terrace Coagh Tyrone
Francis Brodison
36 Agharan Road Woodhill Dungannon
Leslie McGuckin
36 Ruskey Road, Coagh, Cookstown
Alan Wilkinson
37 Sessiagh Road Tullyconnell Tullyhogue
Dorothy Bell
38 Northland Road Moneymore Londonderry
Norman Dallas
39A Tamlaghtmore Road, Stewartstown, Co Tyrone, BT71 5NZ
The Owner/Occupier,
4 Ballynargan Road Mullaghtironey Coagh
Thomas Stewart
4 Dufless Road Dufless Cookstown
J Brown
4 Lower Grange Road Drummond Cookstown
Arthur Rafferty
4 Millbank, Drummullan
Annie Rafferty
4 Millbank, Drummullan, Moneymore, Co Londonderry
C Nelyon
4 Moorville Lisnahall Cookstown
Zachary Wilson
4 Old Millgrange, Portstewart. BT55 7GD
Dermot Collon
40 Littlebridge Road Drummullan Coagh
Lisa Reid
41 Knockanroe Road Glebe (Artrea) Dungannon

Joe Murphy
41 Littlebridge Road, Moneymore
Edward Harkness
41 Lough Fea Road Tatnagilta Cookstown
Pat Quinn
41 Toomebridge, Toome
Robert Ryan
42 Derrycrin Road Derrycrin (Conyngham) Cookstown
James Wilkinson
42 Kilcronagh Road Ballygroogan Cookstown
Uel Henry
42 Knockinroe Road, Cookstown
Eamon McCann
43 Coagh Road Lisneight Stewartstown
Mark Nesbitt
44 Ballyneill Road Belagherty The Loup
Emma Louise McCracken
44 Drumreagh Crescent Drumreagh Otra Dungannon
Ryan Muldoon
44 Littlebridge Road, Drummullan, Moneymore, Co Londonderry
Raymond Bradford
44 Tullywiggan Road Tullywiggan Cookstown
William Kirkpatrick
47 Gortnaskea Road Drumbanaway Stewartstown
Dennis Kirkpatrick
47 Gortneskea Road, Stewartstown
Hamilton Contracts
47 Shivey Road Shivey The Rock
The Owner/Occupier,
48 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
Hugo Armstrong
48 Mawillian Road Ballynewy Moneymore
Ian Ferguson
48 Tullyveagh Road Tullyveagh Dungannon
James Ferguson
49 Ballynargin Road Enniskillen Coagh
Jason Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Gary Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Alan Young
49 Coagh Road Drumcraw Cookstown
David & Angie Dallas
5 Bridgend Tamlaght Coagh
Owner Occupier
5 Donaghendry Road Donaghendry Stewartstown
Terry Devlin
5 Drummullan Road Drummullan Moneymore
Nigel Lindsay
5 Dufless Road Dufless Cookstown

and Ina Kirkpatrick
 5 Moorville Lisnahall Cookstown
 A Toner
 5 Mullantain View Common Moss Stewartstown
 Stephen Forsythe
 5 Old Mill Court Moneymore Londonderry
 Gareth Lawson
 5 Tillywiggan Cottages, Cookstown, Co. Tyrone
 May Dallas
 5 Urbal Lane Mullaghtironey Coagh
 R G Collins
 50 Grange Road Grange Cookstown
 Raymond Sloan
 50 Knockanroe Road Glebe (Artrea) Dungannon
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 The Owner/Occupier,
 50 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Raymond Sloan
 50, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 William Ferguson
 51 Ballynargan Road Enniskillen Coagh
 Hazel Young
 51 Coagh Road Drumcraw Cookstown
 Richard & Nicola McKeown
 51 Knockanroe Road Tievenagh (Main Portion) Dungannon
 The Owner/Occupier,
 51 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Judith Ferguson
 51A Ballynargan Road, Stewartstown, Co Tyrone, BT71 5NF
 Nigel Hagan
 52 Main Street Coagh Tyrone
 The Owner/Occupier,
 52 Soarn Road Soarn Stewartstown
 Ian Dingby
 53 Annaghone Road, Cookstown, Co. Tyrone
 G Fowley
 53 Knockanroe Road Tievenagh (Main Portion) Dungannon
 The Owner/Occupier,
 53 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Simon McAleece
 53 Littlebridge Road Ballygonny More Coagh
 C Fowley and J Reid
 53 and 57 Knockanroe Road, Stewartstown
 Gerard & Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Gerard and Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX

The Owner/Occupier,
54 Littlebridge Road Ballygonny More Coagh
William James Wilson
54 Loup Road Ballygruby Moneymore
Conor Wilson
54 Loup Road, Moneymore, BT45 7SS
Rosemary Wilson
54 Loup Road,Moneymore
Adrian Marshall
54 Smith Street,Moneymore
Orla McGrath
54B Loup Road Ballygruby Moneymore
Robert Newell
55 Bridgend Tamlaght Coagh
Carol Reid
55 Knockanroe Road Tievenagh (Main Portion) Dungannon
Chris Slane
55 The Dales,Cookstown,Co. Tyrone
J. Reid and D. Reilly
57 / 59 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57 Knockanroe Road Tievenagh (Main Portion) Dungannon
Julie Reid
57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57 Knockanroe Road,Tievenagh (Main Portion),Dungannon,Tyrone,BT71 5LX,
Claire McFlynn
57 Loup Road,Moneymore,Co Tyrone
and Claire McFlynn
57 Loup road,Moneymore,Co Londonderry,BT45 7SS
Paddy Kennedy
57 Rathbeg Gortalowry Cookstown
Betty Anderson
57 Soarn Road Tullyconnell Stewartstown
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Richard Gates
57A Knockanroe Road,Stewartstown,Cookstown
Tina Gates
57A Knockanroe Road,Stewartstown,Cookstown
Lynsey Hammond
58 Ballyblagh Road Ballyveeny Stewartstown
Owner Occupier
58 Tullyveagh Road Tullyveagh Dungannon
The Owner/Occupier,
59 Knockanroe Road Tievenagh (Main Portion) Dungannon

John Glendinning
59 Loup Road Ballygruby Moneymore
Kieran Foster
6 Aghaveagh Road Kilsally Coagh
W.N Johnston
6 Ballynargan Road Mullaghtironey Coagh
James Boyd
6 Boveedy Road,Kilrea
Adrian Wilson
6 Circular Road Moneymore Londonderry
David Nealon
6 Cross Patrick Road,Drummullan,Moneymore,Co Londonderry
Alan Badger
6 Glenarny Road Drum Cookstown
N Wilson
6 Golf Terrace,Magherfelt,Co Londonderry,BT45 6ES
The Owner/Occupier,
6 Lower Grange Road Drummond Cookstown
Richard Wallace
6 Maghadone Lane Ballyeglish Moneymore
Pauline Coyle
6 Mullantain View Common Moss Stewartstown
The Owner/Occupier,
6 Tullyveagh Road Drummond Dungannon
SH Faulkner
60 Grange Road,Cookstown,Co Tyrone
Thomas Wilson
60 Grant Avenue,Randelstown,Co Londonderry
Edna Wilson
61 Loup Road Ballygruby Moneymore
James Wilson
64 Loup Road,Moneymore,Co Londonderry
The Owner/Occupier,
65 Knockanroe Road,Tullyveagh, Dungannon,Tyrone,BT71 5LX,
Joseph McKinless
66A Drumconvis Road Drumconvis Coagh
The Owner/Occupier,
67 Knockanroe Road Tullyveagh Dungannon
Paul Bruce
68 Lindesayville Road Drumraw Tullyhogue
The Owner/Occupier,
69 Knockanroe Road,Stewartstown
Valerie McAleece
69 Littlebridge Road Ballygonny More Coagh
Owner Occupier
7 Ballymaguire Road Tullyhurken Stewartstown
Mark Carson
7 Hammond Street Moneymore Londonderry
Clare Marshall
7 Old Mill Court,Moneymore,Co. Londonderry

Ryanne Davidson
7 The Crescent Coagh Tyrone
Rebecca Peeples
7 Woodvale Crescent Moneymore Londonderry
June Ferguson
73 Knockanroe Road Tullyraw Dungannon
June & Greg Ferguson
73, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5NA
Owner Occupier
75 Cooke Crescent, Cookstown, Co. Tyrone
Jonathan Ferguson
76 Killymoon Road Scotchtown Cookstown
H Lees
79 Knockanroe Road Tullyraw Dungannon
Darren Ferguson
8 Aghaveagh Road Kilsally Coagh
Chris O'Neill
8 Ballynakilly Road Annaghquin Cookstown
C Elliott
8 Bridger Street Moneymore Londonderry
Francy Wilson
8 Eglish Close Ballyrogully Moneymore
Trevor Knox
8 Magheradone Road, Moneymore
John A Hegarty
8 Magherafelt Road Moneymore Londonderry
Thomas Henry
8 Unagh Road Unagh Cookstown
Alexander Lees
83 Knockanroe Road Tullyweery Dungannon
Raymond Martin
86 Moneyhaw Road Drummullan Moneymore
The Owner/Occupier,
9 Balfad Drive, Coagh
Ryan Shirlow
9 Coolmount Drive Monrush Cookstown
Baiba Laila Neija
9 Drum Road Gortalowry Cookstown
Mary E Devlin
9 Drummullan Road Drummullan Moneymore
Mark Wilson
9 Fairlea Close Moneymore Londonderry
David Rea
9 Moneyhaw Road, Moneymore, Co Derry, BT45 7XJ
David Booth
90 Ballymaguire Road Mullaghglass Stewartstown
Reuben Bruce
90 Knockanroe Road Tullyraw Dungannon
The Owner/Occupier,
96 Knockanroe Road Tullyweery Dungannon

Ella McIvor
9A Springvale Feenan Beg Moneymore
Alan Buchan
A29 Garage Services,Dungannon Road,Cookstown,Co. Tyrone,BT80 9AE
David McReynolds
Ballynafea Road,Stewartstown
John McReynolds
Ballynafea Road,Stewartstown
Lee McReynolds
Ballynafea Road,Stewartstown
David McReynolds
Ballynafea Road,Stewartstown
Jack Lees
C/o Daphne McDonagh,15 Ballymaguire Road,Stewartstown,Tyrone,BT71 5NG
Jim Forsythe
Cookstown Road,Moneymore
Brendan Campbell
Drummullan
Deborah Nealon
Drummullan,Moneymore,Co Derry
S Devlin
Drummullan,Moneymore,Co Derry
Edele Campbell
Drummullan,Moneymore,Co. Londonderry
Norman Connor
Eastburn Drive,Ballymoney
Carla Fowley Julie Reid
Email Address
The Owner/Occupier,
Email Address
Karen Wilson
Eve Avenue,Ormeau Road,Belfast,Co Antrim
Stanley Elliott
Gowshill,Tullyhogue,Cookstown,Co. Tyrone,BT80 8sn
Z Fell
Grange Road,Cookstown,Co Tyrone
R Wylie
Grange Road,Cookstown,Co Tyrone
Fergus Ferguson
Gratley House,30 Soarn Road,Stewartstown,Co. Tyrone,BT71 5LT
C Ashfield
Henderson Court,Cookstown
Lorraine Bruce
Knockanroe Road,Stewartstown,Co. Tyrone,BT71 5NA
Derek Simpson
Mill Race,Moneymore,Co Londonderry
J Lees
Owner of Land @ Knockanroe,Stewartstown
Ryan Turkington
Turkington Engineering Ltd,Tullylagan Road,Cookstown,Co. Tyrone

Colin Turkington Turkington Livestock Systems, 14 Tullylagan Road, Sandholes, Cookstown, Co. Tyrone David Cahoon Tyrone Wholesale, Unit B, Rowan Tree, Pomeroy, BT70 3DS Carla Fowley Gerard and Carla Fowley Carla Fowley and Julie Reid Carla Fowley and Julie Reid	
Date of Last Neighbour Notification	9th June 2016
Date of EIA Determination	
ES Requested	Yes / No
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 th April 2017	Item Number:
Application ID: I/2014/0246/F	Target Date:
Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard.	Location: 55 Knockanroe Road Cookstown
Referral Route: objections received to application.	
Recommendation: APPROVAL.	
Applicant Name and Address: Reid Engineering Ltd 55 Knockanroe Road Cookstown	Agent Name and Address: Ross Planning 9a Clare Lane, Cookstown, Co Tyrone BT80 8RJ
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	No objections subject to conditions
Non-statutory	Environmental Health Mid Ulster Council	No objections subject to conditions.

Representations:

Letters of Support	181
Letters of Objection	40
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues The Planning Policy and Residential amenity implications of a larger shed now built than that approved in a previous permission. Road safety and traffic movements.	
Characteristics of the Site and Area <p>The site is located at no.55 Knockanroe Road, Ardtrea, Cookstown. Currently contained within the site is an established engineering works trading as Reid Engineering. The site is located on the Eastern side of the Knockanroe Road and accessed via an established laneway to the SE of no55 Knockanroe Road. At this entrance point there is a paired access- one which serves the Engineering works and office and the other serves dwellings nos 57, 57b and 59 Knockanroe Road. There is no defined boundary between the two accesses until the entrance to the yard of Engineering works- the remainder of the boundary is defined by a timber close board fence. Within the application site is a large shed/light industrial outbuilding located between and slightly to the rear of nos 55 and 53 Knockanroe Road. The shed is finished in a concrete block to lower walls with grey metal sheet cladding to upper portion and roof. The building has 2no large roller shutter door openings on the Northern and Eastern elevation- the building is fairly large in scale with a square footprint approx 20m x 20m and 8m in height. To the North of the site adjacent to the main entrance is a one and a half storey office building finished in smooth render with flat black slates to the roof. There is a concrete yard immediately to the North and East of the shed for the storage of raw materials- sheets of metal cladding and lengths of h-iron steel are being stored informally on the hardstanding while some has been stored on racks. Immediately to the West of the shed is a detached dwelling, garage and garden (no55 Knockanroe Rd). A further dwelling was approved to the rear of no 53 Knockanroe Rd- the foundations have been implemented with an access that runs along the Southern boundary of no 53. Building works on the dwelling have ceased and the land is currently being used for the storage of materials for the Engineering Works.</p>	
Description of Proposal <p>The proposal is for the retention of a shed used as an Engineering Workshop also including store, ancillary accommodation and storage yard.</p>	
Planning Assessment of Policy and Other Material Considerations SPPS PPS 1 General Principles PPS 3 Access, Movement and Parking PPS 4 Planning and Economic Development PPS 21 Sustainable Development in the Countryside Cookstown Area Plan 2010 DCAN 15 Vehicular Access Standards and all other relevant policy	
Planning history <p>I/2010/0091/LDE – Storage and fabrication of structural steel and associated items – approved 16th March 2010. I/2013/0110/F-Proposed retention of offices for Engineering Works- Approved</p>	

I/2010/0253/F-Proposed replacement engineering workshop/store and ancillary accommodation- Approved

I/2013/0357/F-Proposed Steel and Timber store- Ongoing

I/2014/0074/F-Proposed Spray Shed for Engineering Works and repositioning of access and laneway- Ongoing

LA09/2016/1015/F – Proposed reorganisation of the site (master plan application)

The proposal is for the retention of a work-shop building which was not built in accordance with plans approved under I/2010/0253/F. The height of the shed is similar to that previously approved however (300m higher) and the floor area has increased from approx 321m² to 455m². (an increase of 132m²).

Other variations from the approved plans include the introduction of a large opening to the eastern elevation, the provision of external steel rollers which allow lengths of steel to enter the shed at its northern corner, the introduction of 3 No windows to the rear elevation as opposed to the 2 windows approved to the front elevation, internal re-configuration to increase workshop floor space and relocate storage and canteen facilities into a side extension along the SE side of the shed.

A Certificate of Lawfulness (CLUD) on part of this application site I/2010/0091/LDE, granted prior to the later 2010/0253/F application to replace the earlier smaller shed which had operated within this part of the yard subject to the CLUD, provides for an unfettered use of the northern section of the yard and significantly its present access to the public road. This is an important aspect of the planning history on this site and allows the continued storage and fabrication of structural steel and associated items within the red line of the CLUD certificate. The access point at this end of the yard also falls within the CLUD area thus in my view permitting unrestricted use of it for any vehicle at a visibility standard existing at that time to the yard area identified by the CLUD boundary.

I note that a later planning permission for retention of offices I/2013/0110/F imposed an improved visibility standard to the CLUD access point, a condition which in my view was not necessary given the unrestricted CLUD relating to this access point.

An Enforcement PAC decision 2014/E0018 in relation to unauthorised material change of use of land for light industrial and storage use was dismissed on the 16th March 2015. This appeal related to an intention to extend the site into an area to the SW of this current application. The extent and distribution of noise from the premises was acknowledged by the PAC as having increased significantly with the unauthorised use of the appeal site. In addition emissions from paint spraying activities were not satisfactorily addressed. All in all the Commissioner concluded that the existing use of the appeal site was incompatible with adjacent residential land use and thus contrary to Policies with PPS4. Whilst this decision raised clear conflicts with adjoining residential land use, and indeed this matter remains to be more fully addressed in this report, it did nonetheless relate to lands beyond the current application site and the introduction of noise creating activities into areas close to adjoining dwellings. Observations by the Commissioner in relation to rural character and harm associated with the appeal site relate to the existing industrial use of the appeal site which it was also deemed could not be mitigated against by any planting scheme.

The Council are currently considering a wider 'masterplan' application for the business which includes additional buildings, an extended site and the proposed new access. No recommendation has as yet been formed on this application.

Policy Consideration

The SPPS outlines that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment. A regional strategic objective is to sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale. At Par 6.88 the SPPS does however acknowledge that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlement limits must be restricted. At Par. 6.91 the SPPS reminds us that all applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

PPS4

Following on from the above, PPS4 policy is the central consideration to this proposal. Policy PED2 permits proposals for economic development in the countryside in accordance with Policy PED3 (the expansion of an established economic development use) which is the policy most relevant to this application. There is no dispute by any party that the economic development use being undertaken within the application site is established.

In terms of Policy PED3 of PPS4 the expansion of an established economic development use in the countryside will be permitted were the proposal meets the following criteria;

-The scale and nature of the proposal does not harm the rural character or appearance of the local area.

When viewed from the Knockanroe Road the shed tends to dominate the vista as it has a ridge height well above the dwelling houses at no53 and 55 Knockanroe Rd. This is exacerbated by the fact that land to the rear of these properties is at a higher level. However a shed of a similar height was previously approved under I/2010/0253/F and the increase in floor space over the 2010 permission is only of some 132 sq.m including a small single storey side extension for a store and canteen area.

The overall height difference is only approx 300mm above that permitted in 2010 to highest part of the roof. I do not consider that the shed as built is to any perceivable degree significantly different in its appearance and consequent impact on the appearance of the rural area than that which would have resulted in the 2010 approved shed.

-There is no major increase in the site area of the enterprise.

Under this specific application there appears to be no increase in the curtilage of the Engineering Works.

- new buildings will be approved where these are in proportion to existing buildings and will integrate as part of the overall development

This application proposes the retention of a larger than originally approved shed – to that extent the principle of a new building is already agreed. The matter of integration is very much established by the previous 2010 approval which granted permission for a shed of some 139 sq.m smaller and only a small degree lower.

In terms of Policy PED9 of PPS4 which provides general criteria for Economic Development proposals will be required to meet the all of the following criteria;

(a) it is compatible with surrounding land uses;

This application seeks to regularise the previously approved shed on an established commercial yard. The 2010 CLUD establishes the use of the site and an albeit smaller shed. The 2010/0253/F permission granted establishes a larger shed than that which existed on site at the time of the CLUD decision. In principle this application must be considered acceptable.

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

This is a key consideration in relation to this application and is raised by third parties in relation to this application. An assessment of noise impact has been carried out to support this application. Environmental Health Department's (EHO) latest comments on this aspect are attached for your information. To summarise, a prediction of noise impact from the unit as a whole against BS4142 has been undertaken. This has predicted a difference between the typical background level and the specific source level of +23db for No 57 Knockanroe Road and +9db for No 53. It should be noted that a difference of around +10db above is likely to indicate a significant adverse impact. Whilst it is accepted by all parties that this larger constructed shed has a larger workshop floor area than the 2010 permission, EHO have asked that consideration be given to a suitably worded condition that ensures noise generated from the shed does not exceed that generated from the approved shed. In examining the 2010 application it appears to be the case that a noise level of 44db (with a 5db penalty for character of noise) was accepted by EHO based on a measure taken at No 53 (the closest property). In addition there were no objections received by the Department to that application from any residential property. Condition 8 on the EHO consultation reply to this current application in my view offers the same level of protection and would ensure noise levels do not exceed the 2010 approval acknowledged levels. Another option here would be to consider and condition a means of continuous internal noise measurement by the operator of the premises.

Environmental Health also importantly state that mitigation measures noted in the applicants noise report will result in an improvement on the current situation as presented within the report. These measures are listed in the attached EHO response and conditioned at the end of this report.

I note that the 2010/0253 approval for the replacement shed does not list any planning conditions relating to noise limits but did propose noise reducing finishes to the building. EHO have consistently made the point that the aim sound be to try and achieve an improvement on existing noise impacts being experienced at Nos 53 and 57. In simple terms members should note that the unrestricted CLUD on the site and yard and the 2010/0253 permission to replace the old shed both all must be weighed up when considering how an existing noisy operation, which it is accepted is causing a significant adverse impact, can be improved upon to create some betterment for neighbouring residents.

In considering all arguments made in support and against the analysis of noise impact, and light of EHO's view that the proposed mitigation measures will result in an improvement over current levels of noise being experienced by No 53 and 57, I conclude that this application will not harm amenities of nearby residents to any greater a degree than present operations do.

Neighbouring amenity concerns also relate to visual impact and dominance of the existing building and other ancillary works such as the 3m high acoustic wall. I have considered this very carefully and am mindful of the 2010/0253 shed approval which would have resulted in a building of proportions not exceptionally larger or taller than what has been constructed on site. Any impact is particularly critical on No 53 given its location and its rear amenity space. Again the additional floor area added beyond that approved in the 2010 application has resulted in an extension of the shed to its SE side by approx. 3.6m. This is also at a point which is furthest from No 53. The small canteen / store addition as a result of its size and location on the opposite side of the shed has no measurable impact on No 53 in my view. In addition, a garage and well defined hedge defines the boundary between the 2 properties. That said, the agent has proposed to remove all windows which presently are located to the elevation facing No 53 and this can be secured as a condition, also potentially improving on noise spill from the shed in this direction.

EHO are requiring a similar 3m high acoustic wall along the rear boundary of No 53 and the storage area within the site which has immunity for outdoor storage. The existing tall approx. 2.5m high leylandi hedge which presently defines this boundary will soften the impact of this wall on No 53. The exact position of this wall shall be identified on the site plan via an appropriate condition.

In terms of No 57 there is the imposition of a 3m high block retaining wall needs to be considered. This will be located across the laneway and will run for a distance of some approx 120m along the boundary of the yard area. The present arrangements along this boundary consist of an approx. 2m high timber fence along the curtilage of No 57 and on its side of the laneway. A 3m wall will have a visual presence but being located across the laneway will not to an unacceptable degree impact on the amenity of No 57.

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

No adverse impacts have been identified. Any impact on Listed building at No 48 Knockanroe Road has been considered as not being of concern given significant Separation distances.

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

No risks identified.

(e) it does not create a noise nuisance;

I have fully addressed this aspect earlier under part (b) (amenity)

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

No objections from EHO on these grounds

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

A related planning application I/2014/0074/F for a new access for heavy traffic is being considered alongside this application and is recommended for approval. This additional access has provided for an ability to restrict vehicular movements using the long established existing access to non-goods vehicles only. The layout plan has been amended to show the provision of a 3m high block wall across part of the front yard area to provide a physical impediment to larger delivery /HGV movements. A planning condition can ensure its provision and the use of this access point. This plan also shows the permanent closing up of what I would refer to as the 'middle' access presently being used to serve the site and to park vehicles on. Again a planning condition can ensure that this is carried out and remains closed. There are clearly identified access arrangements, parking and manoeuvring areas on the site plan to the satisfaction of TNI.

TNI have considered this application and having been informed of the applications intention to use only the access adjacent to No 55 for non HGV traffic have offered no objections. I understand that there is some splay provision to this access point which may not fully achieve the 2.4 x 70m in both directions. However, on the matter of the requirement to improve this access I repeat my earlier view that the CLUD on the site included this unaltered access for an unfettered use of the yard area and an albeit smaller shed.

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

I have addressed this above.

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

This rural location already has poor access to public transport. One must also consider that the business is established at this location by virtue of the CLUD and previous permissions.

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

The building design is similar to that approved under the 2010 application. Otherwise all other proposed arrangements identified are appropriate to this sites established use and its rural location.

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

Proposed acoustic wall along laneway to be secured by condition. Otherwise all other development located within the yard area.

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

Existing yard access and means of enclosure already long established and not altered by this proposal.

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

This application follows on from the 2010 permission – the external appearance and subsequent visual integration differences are not fatal to this application despite the current sheds larger dimensions.

Objections

Issues Raised

- Prominent visual appearance of shed -Lack of integration –Overshadowing
- encroachment of building onto third party lands /impact of noise barrier.
- Increase in scale has led to an intensification of work, traffic, noise and nuisance
- Increase in business hours with noise outside acceptable working times
- enforceability of suggested EHO planning conditions
- Hazardous substances used on-site with disregard to basic H & S regulations
- floodlighting impact
- Access, visibility splays and Road Safety
- Detrimental effect on the setting of a listed building -Third party ownership
- personal medical implications.
- already unacceptable levels of noise

Consideration of objections.

I have considered most of these concerns in my report above. A consideration of the visual impact of the shed has been discussed in the assessment above and it is not my view that a refusal on visual amenity or unacceptable visual impact on the countryside could be sustained in this case given the previous permission. It is my understanding that neighbours did not object to the 2010 application to replace the shed with a building measuring 19.7m x 16.2m and an overall height of 9m.

It is clear that the use of the site has intensified since the 2010 permission. Consideration has been given however in my report to how the CLUD provides an unfettered use of the yard area and permits the storage and fabrication of structural steel within the site (including yard). Objection letters have alleged intensification of business/works and the additional noise, smell, pollutants, traffic, unacceptable working hours which would be associated with that- Environmental Health/ Transport NI have been consulted with the relevant issues and have responded in their latest consultations raising no objections. I understand that any spraying activities have since been removed from the site. Objectors have also submitted their own noise assessment relating to the site which has been considered by EHO.

The conditions I have outlined below are in my view enforceable, necessary and reasonable and will provide, as suggested by EHO, for appropriate noise mitigation.

Floodlighting objections relate to building mounted lights – these have been investigated by EHO and it is felt that no action is required.

The Council's opinion is that the setting of the Listed Building (Gate Lodge @ Tievena House 48 Knockanroe Rd) is not compromised due to the significant separation distance and relatively marginal differences in the dimensions of the shed over that approved.

Matters surrounding a personal circumstances case associated with No 57 Knockanroe Road should be considered in closed committee if this requires further consideration.

Support letters.

A significant number of letters of support have been submitted with the application. The portal shows a total of some 313 of these but I understand that the numbers are more accurately around 181 due to some replication of uploaded letter. The letters are primarily all the same and from a wide ranging number of locations, the majority not being from the local area.

These state that Reid Engineering is an important local business which has operated from the site from the 1980's. It has sustained employment for many local people both directly and through sub-contracts. The letters go on to state that the business makes a significant contribution to the local economy and immediate rural community. It is stated that that over the years the business has had to adapt to meet health and safety demands and customer needs which has required additional indoor space for the survival of the business. The letters conclude by stating that the application will not significantly change the character of the business activities on the site or the established rural character of the area and that planning policy supports the maintenance and expansion of established economic development uses in the countryside.

The number and wide ranging various locational sources of these letters in doubt questions the weight that can be afforded to these letters. However members can of course consider the economic arguments which are presented in support of the application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

On balance, and in considering the site history along with the ability to suitably mitigate against a presently noisy operational business which is already having a significant detrimental impact on neighbouring amenity, I recommend Approval subject to the following conditions.

Suggested Conditions.

1. The hours of operation for the business shall be as follows:
08:00 – 18:00hrs Mon- Fri
08:00 - 14:00hrs Sat
No operations on Sundays.

Reason: In the interests of neighbouring amenity.

2. Within 60 days from the date of this permission the roller shutter door facing No.57 Knockanroe Road shall be sealed up with a double skin composite cladding (for example Kingspan RW1000 or similar) with a sound reduction performance of nominally 25dB Rw or greater. This level of sound proofing shall be maintained throughout the lifetime of the shed, with no further openings being constructed for doors, rollers or other purposes.

Reason: In the interests of neighbouring amenity.

3. Within 60 days from the date of this permission the end wall of the existing fabrication shed between the shed and 53 Knockanroe Road will have an internal wall lining applied as shown on the Henry Marshall Brown Drawing 1456-04 dated April 2014. This shall be boarding with a surface weight of at least 13kg/m² spaced at least 100mm from the existing cladding, and with a minimum 50mm thick acoustically absorbent quilt/slab in the void between the two and shall be permanently retained.

Reason: In the interests of neighbouring amenity.

4. Within 60 days from the date of this permission the existing 'outdoor saw' shall be permanently sound proofed to a specification and standard to be agreed in writing with Mid-Ulster District Council.

5. No metal working or fabrication shall be undertaken in the yard area.

Reason: In the interests of neighbouring amenity.

6. Any mobile plant being used in conjunction with the shed shall be fitted with directional broadband reversing beepers.

Reason: In the interests of neighbouring amenity.

7. Within 60 days from the date of this permission a permanent 3m high solid acoustic wall shall be fully constructed along the boundary between the yard and No.57 Knockanroe Road as per Lester Acoustic report of 18th April 2016. Prior to construction, finalised plans for this wall shall be submitted to this department for agreement.

Reason: In the interests of neighbouring amenity.

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

Reason: In the interests of neighbouring amenity.

9. The noise associated with the engineering shed shall not exceed an LAeq (1 hour) of 44dB, with no greater than a 5dB penalty for the character of the noise when measured from the rear garden of 53 Knockanroe Road.

Reason: In the interests of neighbouring amenity.

10. There shall be no paint spraying undertaken in the yard at any time.

Reason: In the interests of neighbouring amenity.

11. Within 60 days from the date of this permission the proposed wall along parking spaces No. 9 -12 as indicated in drawing No. 04/1 designed to restrict vehicle movement via the existing access point adjacent to No 55 shall be fully completed and shall be permanently retained thereafter.

Reason: To permanently restrict vehicles movements at this part of the site.

12. Within 60 days from the date of this permission the access adjacent to No 53 (as identified in green on drawing No 04/1) shall be permanently closed off in accordance with the details on approved plan No 04/1 date stamped 17th Feb 2017.

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

13. After a period of 60 days from the date of this permission all HGV and goods vehicles shall access the site via that access approved under related application I/2014/0074/F. No HGV or other goods vehicles shall access the site after this period via the northern entrance to the site adjacent to No. 55 Knockanroe Road.

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

14. Within 60 days from the date of this permission the existing windows along that elevation facing No 53 shall be removed and blocked-up in accordance with the details on the plan No 03/4 date stamped 17th Feb 2017.

Reason: In the interests of neighbouring amenity.

Signature(s) Melvin Bowman

Date: 23/3/17

ANNEX	
Date Valid	18th July 2014
Date First Advertised	30th July 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses) S Henry 1 1A Ardcumber Road Coolkeeghan Alex Cooper 1 Hammond Mews,Money more,Co. Londonderry W J McKenzie 1 Hammond Street Money more Londonderry Vivienne McCracken 1 Killycolp Close Loughry Cookstown Gerard Taylor 1 Millbank,Drummullan,Money more Winston Harkness 1 Mountview Court Money more Londonderry Felma Blair 10 Cahoo Lane Cahoo Tullyhogue Hugh Wilson 10 Woodvale Road Ballymulligan Money more Garrett Lavery 101 Tamlaghtmore Road Killymenagh Stewartstown Gladys Patterson 103 Stewart Avenue Gortalowry Cookstown Kyle McCammon 104 Old Coagh Road Drumcraw Cookstown Henry - Windell 108 - 114 Money more Road,Magherfelt,BT45 6HJ Role Formed Fabrications LTD 108 - 114 Money more Road,Magherfelt,BT45 6HJ Joe Wilson 10A Woodvale Road Ballymulligan Money more The Owner/Occupier, 11 Killycolp Road Killycolp Tullyhogue The Owner/Occupier, 11 Lawford Street Money more Londonderry Owner Occupier 11 Lisbou road,Stewartstown,Dungannon,Co Tyrone Victor Bell 11A Carrydarragh Road Carrydarragh Money more Adrian Bell 11B Carrydarragh Road Carrydarragh Money more H Colgan 11B Desertlyn Road Ballymully Money more	

Darrell Reid
11C Desertlyn Road,Money more,BT45 7TY
Elaine Reid
11C Desertlyn Road,Money more,BT45 7TY
David Foster
12 Aghaveagh Road Kilsally Coagh
Robert McKinless
12 Milbank,Drummullan,Money more
Kathleen McKinless
12 Millbank,Drummullan,Money more,Co Tyrone
Melvin Lawson
12 Pinewood,Richill
Leslie Morton
12 Springvale Feenan Beg Money more
F Whinnery
13 Moorville Lisnahall Cookstown
David Simpson
14 Desertlyn Road Ballymully Money more
Noel Rafferty
14 Millbank Cottages Drummullan Money more
Eugene O'Neill
140 Killycolpy Road Aghacolumb Stewartstown
Robert Coloin
14A Hammond Street,Money more,Co Derry,BT45 7PS
Rhonda Simpson
15 Desertlyn Road Ballymully Money more
Carol Anderson
15 Knockanroe Road Tullyconnell Dungannon
Gordon Bruce
15 Littlebridge Road,Coagh
Gordon Bruce
15 Littlebridge Road,Coagh,Cookstown,Co. Tyrone
Audrey Kirkpatrick
15 Moorville Lisnahall Cookstown
George Neill
154 Dungannon Road Derrykeevan Portadown
Paul & Laura McAleece
16 Ballymoyle Road Ballymoyle Coagh
Emma McCrea
165 Coagh Road Drumbanaway Stewartstown
Mervyn Brodison
17 Agharan Road Stughan Dungannon
M Mclvor
17 Cloneen Drive Money more Londonderry
Anne Bell
17 Ivybank Road Carrydarragh Money more
Linda Sands
17 Moorville Lisnahall Cookstown
Francis Foster
17 Tullyveagh Road Doorless Dungannon

Marina Abbott
17 Tullywiggan Cottages Tullywiggan Cookstown
Alan McCord
18 Moveagh Road Gortacar (Doris) Cookstown
Eamonn Moore
18 Westbury Gardens Gortalowry Cookstown
Mark Bell
19 Carrydarragh Road Ballymully Money more
Alan Hall
19 Drummullan Road Drummullan Money more
S Whyte
19 Grange Road Ardcumber Cookstown
Graeme Dallas
1A Drumad Lane Drumconvis Coagh
Norman Brodison
2 Agharan Road Drumreagh Oтра Dungannon
Christopher Rocks
2 Ardean Close Ardean Ardboe
Maurice Bell
2 Carrydarragh Road Magherascullion Money more
Sylvia Stewart
2 Dufless Road Dufless Cookstown
S D Clarke
2 Gortagilly Road Gortagilly Money more
Neville Forsythe
2 High Street, Money more, Co Londonderry
Lawson Martin
2 Killycolp Road Gallanagh Tullyhogue
J Lawrence
2 Lawford Street Money more Londonderry
Wilkinson
2 Tullyveagh Road Drummond Dungannon
Meredith Kirkpatrick
20 Ballymaguire Road, Stewartstown, Co Tyrone
Harold Donnelly
20 Derrygonigan Road Killybearn Cookstown
Sydney Creighton
20 Drummond Road Ardvarnish Cookstown
The Owner/Occupier,
20 Dufless Road Dufless Cookstown
J McClenaghan
20 Knockanroe Road Knockanroe Dungannon
Elaine Wilson
21 Bridger Street Money more Londonderry
Linda Ferguson
21 Carryview Urban Coagh
Thomas McWilliams
21 RockView Park, Money more, Co Londonderry
Maurice Murphy
21B Leck Road, Money more

Neal Whyte
22 Carryview Urban Coagh
H Farr
23 Ballymaguire Road Liscausy Stewartstown
Alan Knox
23 Loup Road Doluskey Money more
Rhonda Henderson
23 Millrace Drive Money more Londonderry
Derek Brodise
23 Newmills Road Drumard Dungannon
Dolores McWilliams
23 Rock View, Money more, Co Londonderry
Ivan Stewart
24 Knockanroe Road Knockanroe Dungannon
Pamela Mullan
24 Lower Grange Road, Cookstown. BT80 8RZ
Alan McCord
24 Rockdale Road Killyneedan Cookstown
Ivan Elliott
24 Sessiagh Road Ballymully Glebe Tullyhogue
The Owner/Occupier,
25 Ballinderry Bridge Road Coagh Londonderry
Newell
25 Ballymaguire Road Liscausy Stewartstown
Michael Wray
25 Deerfin Road Crebilly Ballymena
Colleen Lennox
25 Desertmartin Road Larrycormick Money more
Andy Mullan
25 Grange Road Ardculmer Cookstown
Owner Occupier
25 Lisboy Road Lisboy Cookstown
Lynne Morton
25 Lisboy Road Lisboy Cookstown
David Cahoon
25 Northland Drive Money more Londonderry
Geoffrey Jackson
26 Knockanroe Road Knockanroe Dungannon
Raymond Hewitt
26 Main Street Tullaghoge Tullyhogue
Richard Boyd
26 Turnabasan Road, Pomeroy, Dungannon
Chris Stewart
26 Windmill Heights Gortmerron Dungannon
G Reid
27 Ballymaguire Road Liscausy Stewartstown
Gavin Donaldson
27 Cloghog Road, Cookstown, Co. Tyrone
The Owner/Occupier,
27 Knockanroe Road Knockanroe Dungannon

Ivan Wright
27 Lisnahall Road Lisnahall Cookstown
June McGurk
27 Rock Park, Moneymore, Co Londonderry
J Newell
27 Tullywiggan Cottages Tullywiggan Cookstown
David Nelson
28 Drumconuis Road, Coagh, Cookstown, Co. Tyrone
Anne Nelson
28 Drumconvis Road Drumconvis Coagh
Trevor Nelson
28 Drumnomin, Coagh, Co Tyrone
Valerie Murphy
28B Leck Road, Stewartstown, Dungannon, Co Tyrone, BT71 5LS
K Murphy
28B Leck Road, Stewartstown, Dungannon, Co Tyrone, BT71 5LS
Ian Ferguson
29 Ballyblagh Road, Stewartstown, Co. Tyrone
Chris McCloskey
29 Bridger Street Moneymore Londonderry
Joesph Graham
29 Garvaghy Crescent, Portglenone, Co Antrim
Silas Bell
290A Drum Road Drumshanbo Glebe Cookstown
Liam Muldoon
3 Drummullan, Moneymore, Co Derry
Ross Murphy
3 Dufless Road Dufless Cookstown
The Owner/Occupier,
3 Fortview, Portballintrae
Ian Forsythe
3 Maghadone Road Ballygruby Moneymore
Brian Forsythe
3 Mahadone Road, Moneymore, Magherfelt, Co Tyrone
Derek A McCulla
3 Poplar Hill Road Grange Cookstown
Denver Willis
3 Tullyreavy Road, Pomeroy, Dungannon, Co Tyrone
Stephen Hunter
30 Drumrot Road Coltrim Moneymore
Valerie Stewart
30 Knockanroe Road Dufless Dungannon
Robert Henry
30 Montober road, Cookstown, Co Tyrone
Bryan Hewitt
31 Legmurn Road, Stewartstown, Co. Tyrone
Brian Brodison
31 Mineveigh Road Drumev Dungannon
Georgia Boyd
31 Windsor Terrace Coagh Tyrone

Garry Dallas
32 Aghaveagh Road Aghaveagh Coagh
Ferguson
32 Ballyblagh Road Ballyblagh Stewartstown
Owner Occupier
33 Ballymaguire Road Liscausy Stewartstown
J P H Bruce
33 Lindesayville Road Donaghrisk Tullyhogue
Jim Henry
33 Lough Fea Road Tatnagilta Cookstown
G Scott
33 Lower Grange Road Grange Cookstown
Caude Gillis
33 Tullyveagh Road Dufless Dungannon
J Blair
34 Ballymaguire Road, Stewartstown, Co. Tyrone
Grace McVitty
34 Leck Road Cratley Stewartstown
David Ferguson Cars
35 Ballyblagh Road Ballyblagh Stewartstown
Owner / Occupier
35 Lower Grange Road Grange Cookstown
Robert Ferguson
35 Windsor Terrace Coagh Tyrone
Francis Brodison
36 Agharan Road Woodhill Dungannon
Leslie McGuckin
36 Ruskey Road, Coagh, Cookstown, Co. Tyrone
Alan Wilkinson
37 Sessiagh Road, Tullyhogue, Cookstown, Co Tyrone, BT80 8uf
Dorothy Bell
38 Northland Road Moneymore Londonderry
Norman Dallas
39A Tamlaghtmore Road, Stewartstown, Co Tyrone, BT71 5NZ
The Owner/Occupier,
4 Ballynargan Road Mullaghtironey Coagh
Thomas Stewart
4 Dufless Road Dufless Cookstown
J Brown
4 Lower Grange Road Drummond Cookstown
Arthur Rafferty
4 Millbank, Drummullan
Annie Rafferty
4 Millbank, Drummullan, Moneymore, Co Londonderry
C Nelyon
4 Moorville Lisnahall Cookstown
Zachary Wilson
4 Old Mill Grange South Mullaghacall Portstewart
Dermot Collon
40 Littlebridge Road Drummullan Coagh

Lisa Reid
41 Knockanroe Road Glebe (Artrea) Dungannon
Joe Murphy
41 Littlebridge Road, Moneymore
Edward Harkness
41 Lough Fea Road Tatnagilta Cookstown
Pat Quinn
41 Toomebridge, Toome
Robert Ryan
42 Derrycrin Road Derrycrin (Conyngham) Cookstown
James Wilkinson
42 Kilcronagh Road Ballygroogan Cookstown
Uel Henry
42 Knockinroe Road, Cookstown
Eamon McCann
43 Coagh Road Lisneight Stewartstown
Mark Nesbitt
44 Ballyneill Road Belagherty The Loup
Emma Louise McCracken
44 Drumreagh Crescent Drumreagh Otra Dungannon
Ryan Muldoon
44 Littlebridge Road, Drummullan, Moneymore, Co Londonderry
Raymond Bradford
44 Tullywiggan Road Tullywiggan Cookstown
William Kirkpatrick
47 Gortnaskea Road Drumbanaway Stewartstown
Dennis Kirkpatrick
47 Gortneskea Road, Stewartstown, Co. Tyrone
Hamilton Contracts
47 Shivey Road Shivey The Rock
Hugo Armstrong
48 Mawillian Road Ballynewy Moneymore
Ian Ferguson
48 Tullyveagh Road Tullyveagh Dungannon
James Ferguson
49 Ballynargan Road Enniskillen Coagh
Jason Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Gary Ferguson
49 Ballynargin Road, Stewartstown, Co. Tyrone
Alan Young
49 Coagh Road Drumcraw Cookstown
David & Angie Dallas
5 Bridgend Tamlaght Coagh
Owner Occupier
5 Donaghendry Road Donagherry Stewartstown
Terry Devlin
5 Drummullan Road Drummullan Moneymore
Nigel Lindsay
5 Dufless Road Dufless Cookstown

and Ina Kirkpatrick
 5 Moorville Lisnahall Cookstown
 A Toner
 5 Mullantain View Common Moss Stewartstown
 Stephen Forsythe
 5 Old Mill Court Moneymore Londonderry
 Gareth Lawson
 5 Tillywiggan Cottages, Cookstown, Co. Tyrone
 May Dallas
 5 Ural Lane Mullaghtironey Coagh
 R G Collins
 50 Grange Road Grange Cookstown
 Raymond Sloan
 50 Knockanroe Road Glebe (Artrea) Dungannon
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Raymond Sloan
 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Raymond Sloan
 50 Knockanroe Road, Glebe (Artrea), Dungannon, Tyrone, BT71 5LX,
 Raymond Sloan
 50 Knockanroe Road, Stewartstown, Dungannon, Co. Tyrone
 William Ferguson
 51 Ballynargan Road Enniskillen Coagh
 Hazel Young
 51 Coagh Road Drumcraw Cookstown
 The Owner/Occupier,
 51 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
 Judith Ferguson
 51A Ballynargan Road, Stewartstown, Co Tyrone, BT71 5NF
 Nigel Hagan
 52 Main Street Coagh Tyrone
 The Owner/Occupier,
 52 Soarn Road Soarn Stewartstown
 Ian Dingby
 53 Annaghone Road, Cookstown, Co. Tyrone
 Gerard and Carla Fowley
 53 Knockanroe Road Tievenagh (Main Portion) Dungannon
 Simon McAleece
 53 Littlebridge Road Ballygonny More Coagh
 Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 The Owner/Occupier,
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 Gerard and Carla Fowley
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
 The Owner/Occupier,
 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX

The Owner/Occupier,
53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
The Owner/Occupier,
54 Littlebridge Road Ballygonny More Coagh
William James Wilson
54 Loup Road Ballygruby Moneymore
Conor Wilson
54 Loup Road, Moneymore, BT45 7SS
Rosemary Wilson
54 Loup Road, Moneymore
Adrian Marshall
54 Smith Street, Moneymore
Orla McGrath
54B Loup Road Ballygruby Moneymore
Robert Newell
55 Bridgend Tamlaght Coagh
Carol Reid
55 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
Chris Slane
55 The Dales, Cookstown, Co. Tyrone
The Owner/Occupier,
57 Knockanroe Road Tievenagh (Main Portion) Dungannon
Julie Reid
57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
Claire McFlynn
57 Loup Road, Moneymore, Co Tyrone, BT45 7SS
and Claire McFlynn
57 Loup road, Moneymore, Co Londonderry, BT45 7SS
Paddy Kennedy
57 Rathbeg Gortalowry Cookstown
Betty Anderson
57 Soarn Road Tullyconnell Stewartstown
The Owner/Occupier,
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
The Owner/Occupier,
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Julie Reid
57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
The Owner/Occupier,
57A Knockanroe Road Tievenagh (Main Portion) Dungannon

Tina Gates
57A Knockanroe Road, Stewartstown, Cookstown
Richard Gates
57A Knockanroe Road, Stewartstown, Cookstown
The Owner/Occupier,
57B Knockanroe Road Tievenagh (Main Portion) Dungannon
Lynsey Hammond
58 Ballyblagh Road Ballyveeny Stewartstown
Owner Occupier
58 Tullyveagh Road Tullyveagh Dungannon
D Reilly
59 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,
John Glendinning
59 Loup Road Ballygruby Money more
The Owner/Occupier,
59, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX
Kieran Foster
6 Aghaveagh Road Kilsally Coagh
W.N Johnston
6 Ballynargan Road Mullaghtironey Coagh
James Boyd
6 Boveedy Road, Kilrea
Adrian Wilson
6 Circular Road Money more Londonderry
Adrian Wilson
6 Circular Road, Money more, Londonderry, Northern Ireland, BT45 7PY
David Nealon
6 Cross Patrick Road, Drummullan, Money more, Co Londonderry
Alan Badger
6 Glenarny Road Drum Cookstown
N Wilson
6 Golf Terrace, Magherfelt, Co Londonderry, BT45 6ES
The Owner/Occupier,
6 Lower Grange Road Drummond Cookstown
Richard Wallace
6 Maghadone Lane Ballyeglish Money more
Pauline Coyle
6 Mullantain View Common Moss Stewartstown
The Owner/Occupier,
6 Tullyveagh Road Drummond Dungannon
SH Faulkner
60 Grange Road, Cookstown, Co Tyrone
Thomas Wilson
60 Grant Avenue, Randelstown, Co Londonderry
Edna Wilson
61 Loup Road Ballygruby Money more
James Wilson
64 Loup Road, Money more, Co Londonderry
The Owner/Occupier,
65 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX,

Joseph McKinless
66A Drumconvis Road Drumconvis Coagh
The Owner/Occupier,
67 Knockanroe Road Tullyveagh Dungannon
Paul Bruce
68 Lindesayville Road Drumraw Tullyhogue
The Owner/Occupier,
69 Knockanroe Road, Stewartstown
Valerie McAleece
69 Littlebridge Road Ballygonny More Coagh
Owner Occupier
7 Ballymaguire Road Tullyhurken Stewartstown
Mark Carson
7 Hammond Street Moneymore Londonderry
Clare Marshall
7 Old Mill Court, Moneymore, Co. Londonderry
Ryenne Davidson
7 The Crescent Coagh Tyrone
Rebecca Peeples
7 Woodvale Crescent Moneymore Londonderry
June Ferguson
73 Knockanroe Road Tullyraw Dungannon
June & Greg Ferguson
73, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5NA
Owner Occupier
75 Cooke Crescent, Cookstown, Co Tyrone
Jonathan Ferguson
76 Killymoon Road Scotchtown Cookstown
H Lees
79 Knockanroe Road Tullyraw Dungannon
Darren Ferguson
8 Aghaveagh Road Kilsally Coagh
Chris O'Neill
8 Ballynakilly Road Annaghquin Cookstown
C Elliott
8 Bridger Street Moneymore Londonderry
Francy Wilson
8 Eglis Close Ballyrogully Moneymore
Trevor Knox
8 Magheradone Road, Moneymore
John A Hegarty
8 Magherafelt Road Moneymore Londonderry
Thomas Henry
8 Unagh Road Unagh Cookstown
Alexander Lees
83 Knockanroe Road Tullyweery Dungannon
Raymond Martin
86 Moneyhaw Road Drummullan Moneymore
The Owner/Occupier,
9 Balfad Drive, Coagh

Ryan Shirlow
9 Coolmount Drive Monrush Cookstown
Baiba Laila Neija
9 Drum Road Gortalowry Cookstown
Mary E Devlin
9 Drummullan Road Drummullan Moneymore
Mark Wilson
9 Fairlea Close Moneymore Londonderry
David Rea
9 Moneyhaw Road, Moneymore, Co Derry, BT45 7XJ
David Booth
90 Ballymaguire Road Mullaghglass Stewartstown
Reuben Bruce
90 Knockanroe Road Tullyraw Dungannon
The Owner/Occupier,
96 Knockanroe Road Tullyweery Dungannon
Ella McIvor
9A Springvale Feenan Beg Moneymore
Alan Buchan
A29 Garage Services, Dungannon Road, Cookstown, Co. Tyrone
John McReynolds
Ballynafea Road, Stewartstown
Lee McReynolds
Ballynafea Road, Stewartstown
David McReynolds
Ballynafea Road, Stewartstown
Jim Forsythe
Cookstown Road, Moneymore
Brendan Campbell
Drummullan
Deborah Nealon
Drummullan, Moneymore, Co Derry
Edele Campbell
Drummullan, Moneymore, Co Derry
S Devlin
Drummullan, Moneymore, Co. Londonderry
Norman Connor
Eastburn Drive, Ballymoney
Gerard and Carla Fowley
Email
Carla Fowley and Julie Reid
Email
Gerard and Carla Fowley
Email
Carla Fowley and Julie Reid
Email
Carla Fowley Julie Reid
Email Address
The Owner/Occupier,
Email Address

Karen Wilson
 Eve Avenue, Ormeau Road, Belfast, Co Antrim
 Stanley Elliott
 Gowshill, Tullyhogue, Cookstown, Co, Tyrone, BT80 8SN
 Z Fell
 Grange Road, Cookstown, Co Tyrone
 R Wylie
 Grange Road, Cookstown, Co Tyrone
 Fergus Ferguson
 Gratley House, 30 Soarn Road, Stewartstown, Co. Tyrone, BT71 5LT
 C Ashfield
 Henderson Court, Cookstown
 C Fowley
 Knockanroe Road, Dungannon, BT71 5LX
 Lorraine Bruce
 Knockanroe Road, Stewartstown, Co. Tyrone, BT71 5NA
 Derek Simpson
 Mill Race, Moneymore, Co Londonderry
 Carla Fowley
 On Behalf Of 53 And 57 Knockanroe Road
 J Lees
 Owner of Land @ Knockanroe, Stewartstown
 Ryan Turkington
 Turkington Engineering Ltd, Tullylagan Road, Cookstown
 Colin Turkington
 Turkington Livestock Systems, 14 Tullylagan Road, Sandholes, Cookstown, Co. Tyrone
 David Cahoon
 Tyrone Wholesale, Unit B, Rowan Tree, Pomeroy, BT70 3DS
 Anonymous

Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: I/1993/0212

Proposal: 11KV Rural Spur

Address: KNOCKAROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2001/0426/O

Proposal: Proposed One and a Half Storey Residential Dwelling

Address: Site Opposite 48 Knockanroe Road, Ardtrea, Stewartown

Decision:

Decision Date: 10.01.2002

Ref ID: I/2014/0074/F

Proposal: Spray shed for engineering works and reposition of existing access and laneway.

Address: To the rear of 51 Knockinroe Road Stewartstown Dungannon BT71 5LX,

Decision: RL

Decision Date:

Ref ID: I/1991/0300

Proposal: Improvements to Dwelling

Address: 55 KNOCKANROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1993/0185

Proposal: Domestic Garage

Address: 55 KNOCKANROE ROAD, TIEVENAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2013/0110/F

Proposal: Proposed retention of offices for engineering works

Address: 55, Knockanroe Road, Stewartstown,

Decision: PG

Decision Date: 05.07.2013

Ref ID: I/2010/0253/F

Proposal: Proposed extension and alterations to existing engineering workshop/store & ancillary accommodation

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date: 30.11.2010

Ref ID: I/1999/0058

Proposal: Dwelling and Garage

Address: 50M SOUTH EAST OF 55 KNOCKANORE ROAD TIEVENAGH
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/0016

Proposal: Dwelling and Garage

Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN

Decision:
Decision Date:

Ref ID: I/2002/0680/F
Proposal: Proposed dwelling and garage
Address: Adjacent to 55 Knockanroe Road, Stewartstown
Decision:
Decision Date: 30.12.2002

Ref ID: I/1992/0403
Proposal: Bungalow
Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1998/0529
Proposal: Proposed dwelling & garage
Address: ADJACENT TO 53 KNOCKINROE ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1994/0158
Proposal: Site for Dwelling
Address: OPPOSITE 41 KNOCKADOO ROAD MONEYMORE
Decision:
Decision Date:

Ref ID: I/2005/0705/F
Proposal: Extension to dwelling with disabled adaptations.
Address: 51 Knockinroe Road, Cookstown
Decision:
Decision Date: 26.09.2005

Ref ID: I/2002/0703/O
Proposal: Dwelling and Garage
Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown
Decision:
Decision Date: 16.05.2003

Ref ID: I/2014/0246/F
Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard
Address: 55, Knockanroe Road, Cookstown,
Decision:

Decision Date:

Ref ID: I/2013/0357/F

Proposal: Steel and timber store for Engineering works (Amended Plans and Supporting Statement)

Address: To the rear of 57 Knockinroe Road, Dungannon,

Decision: RL

Decision Date:

Ref ID: I/2010/0447/F

Proposal: Alterations to previous approval ref: I/2008/0420RM including relocation of access

Address: 90m South East of 53 Knockanroe Road, Ardtrea, Stewartstown

Decision:

Decision Date: 10.12.2010

Ref ID: I/2004/0999/RM

Proposal: Dwelling & garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 30.12.2004

Ref ID: I/2004/0831/O

Proposal: Site for dwelling & garage

Address: 150 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 14.04.2005

Ref ID: I/2003/0814/O

Proposal: Proposed dwelling

Address: Lands 70m East of 48 Knockanroe Road Ardtrea Cookstown

Decision:

Decision Date: 29.03.2004

Ref ID: I/2008/0420/RM

Proposal: Single storey dwelling and garage

Address: 90m south east of 53 Knockanroe Road, Ardtrea

Decision:

Decision Date: 21.10.2008

Ref ID: I/2003/0807/O

Proposal: Dwelling and Garage

Address: 150 metres (approx) north west of 59 Knockinroe Road, Cookstown. BT80 8SR

Decision:
Decision Date: 13.11.2003

Ref ID: I/2006/0661/RM
Proposal: Dwelling & garage
Address: 150metres (approx) NW of 59 Knockinroe Road, Cookstown
Decision:
Decision Date: 19.12.2006

Ref ID: I/2004/0913/O
Proposal: proposed dwelling
Address: 90m S.E. of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 25.01.2005

Ref ID: I/2005/0634/O
Proposal: Proposed dwelling
Address: 90m SE of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 16.06.2005

Ref ID: I/2005/0301/O
Proposal: Proposed dwelling
Address: 90m SE of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 09.05.2005

Ref ID: I/2004/0597/O
Proposal: Proposed Dwelling
Address: 90m South East of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 15.09.2004

Ref ID: I/2009/0017/RM
Proposal: Proposed dwelling and garage
Address: 100m North West of 59 Knockinroe Road, Cookstown
Decision:
Decision Date: 18.08.2009

Ref ID: I/2008/0061/F
Proposal: Site for dwelling-amendment to condition No.7 in relation to Outline planning permission ref no: I/2005/0707/O to increase ridge height to 6 metres.
Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 16.04.2008

Ref ID: I/2005/0707/O

Proposal: Proposed site for dwelling and garage (domestic)

Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 01.02.2006

Ref ID: I/2003/0601/RM

Proposal: Replacement Dwelling

Address: 59 Knockinroe Road Tievenagh Cookstown

Decision:

Decision Date: 17.09.2003

Ref ID: I/2000/0297/O

Proposal: Replacement Dwelling

Address: 59 Knockanroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 28.07.2000

Ref ID: I/2010/0091/LDE

Proposal: Storage and fabrication of structural steel and associated items

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date:

Ref ID: I/1992/0244

Proposal: 11 KV Rural Spur

Address: KNOCKANROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/0158/O	Target Date:
Proposal: Proposed infill site for dwelling and garage	Location: 40m W of 15a Tullyheran Road Maghera
Applicant Name and Address: Ms Megan McGarvey 15b Tullyheran Road Maghera BT46 5JQ	Agent name and Address: D.M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Summary of Issues: Infill, integration,	
Summary of Consultee Responses: Transport NI, MUDC Environmental Health and NI Water have no objection to the development, subject to conditions and informatives. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed by SES in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. NIEA welcome the proposal to retain all existing mature vegetation. However, they state that there may be some natural heritage issues associated with the proposal and have referred the Council to the NI Biodiversity Checklist. I have completed the checklist and no further surveys/reports have been requested.	
Characteristics of the Site and Area: The site is located approximately 150 metres east of the settlement limit of Glen in the open countryside, as defined by the Magherafelt Area Plan 2015. The site is located within the existing garden of 15A Tullyheran road. No. 15A is a large two storey detached dwelling. The southern (roadside) boundary is defined by a retaining wall, with small trees planted which provide	

screening to the site. The western boundary of the site is defined by a stream and a line of hedgerow and trees. The northern (rear) boundary of the site is not clearly defined physically, however there is a clear distinction between the garden and a coarser field to the north. The eastern boundary is currently undefined. The site slopes quite significantly from the north eastern corner to the south western corner.

The surrounding area is defined by a mix of residential and agricultural uses. A large farm complex is located to the north of the site. This part of the Tullyheran road is also characterised by several dwellings.

Description of Proposal

This application is for a proposed infill site for a dwelling and a garage.

Deferred Consideration:

This application was presented to the Planning Committee in June 2016 with a recommendation to refuse with three refusal reasons based on a ribbon of development, urban sprawl and a further erosion of the rural character of the countryside. The Members agreed to defer the application for further consideration.

This application is for an infill dwelling outside the development limits of Glen as defined by the Magherafelt Area Plan 2015. The application will be considered under PPS 21, specifically policies CTY 8, CTY 13, and CTY 15.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but an exception will be permitted for the development of a small gap site within an otherwise substantial and continuously built up frontage. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Along the Tullyheran Road when travelling in an easterly direction there is a dwelling fronting on at No 21, there is an access to number 19a Tullyheran Road with the dwelling itself set back from the road with the land to the front being overgrown. Next to the laneway accessing No 19a is the application site itself and No 21 is beside it which is set behind mature vegetation and sits side-on to the Tullyheran Road.

Policy CTY 8 in the first instance requires a substantial and continuously built up frontage along the road. In assessing the application under the definition of a substantial and continuously built up frontage, it is acknowledged under Paragraph 5.33 of PPS 21 that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Paragraph 5.34 refers to gaps between housing or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. It goes on to comment that the infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. Therefore it follows that the gap between the buildings requires to be assessed.

As I have stated number 19 is set back from the road and whilst it has an area of overgrown land to the front of the dwelling house the house itself is partially visible from the Tullyheran Road. The dwelling at Number 17 is also set back from the Tullyheran Road with a boundary definition between its private garden and although it doesn't have a frontage part of the dwelling house is visible from the road.

In the supporting statement submitted with the application the agent refers to an estate of dwellings within the limits of Glen, however these should not be considered as part of a line of development firstly due to the fact they are within the limits of Glen and secondly there is a visual break between these dwellings and no 21 Tullyheran Road.

This proposal is on a site that is outside the development limits of Glen and it follows the application should also be considered under Policy CTY 15. It states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside. It is my opinion there is a visual break between the housing estate at St. Lurach's Gardens and the dwellings on the Tullyheran Road.

In considering this application within the direction of Planning Policy I am also mindful of the need to provide a balance given the unique characteristics of this site. The application does not meet all the policy tests of CTY 8 however the purpose is to ensure the countryside is protected and new housing must be sustainable and in this instance given that the application site is suburbanised and has a large garden and trees to the front. It is clear that a house will be read with the other houses and there will be no change to the rural character at this location.

Policy CTY 13 requires the need for a new building in the countryside to be visually integrated into the surrounding landscape and is of an appropriate design. The application site sits higher than the road level and it is important that a new dwelling visually integrates into the surrounding landscape. Although there is a mix of ridge heights in the immediate vicinity of the site it is my opinion that a dwelling should be restricted to a ridge height of 6 metres, given the elevated nature of the site. It is also my opinion that a floor plan showing existing and approved levels should be submitted as part of any reserved matters application. It is critical to this site that the existing vegetation along the southern boundary which runs parallel to the Tullyheran Road is retained so that a new dwelling can benefit from a suitable degree of enclosure when view from the Tullyheran Road.

Given that the principle is now accepted on this application the consultation response from NIEA must be addressed. NIEA Natural Environment Division carried out a preliminary ecological assessment and stated there may be natural heritage issues associated with this proposal and refer to the NI Biodiversity Checklist and Standing Advice. I have completed the checklist and concluded, following also from Shared Environmental Services it has been concluded that the proposal would not be likely to have a significant effect on the features of any European site.

Subject to the conditions listed below I recommend, on balance, an approval of the application.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

4. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

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

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

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

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

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

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

8. The existing natural screenings of the site along the southern boundary shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Signature(s):

Date





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2016/0783/F	Target Date:
Proposal: Retrospective planning for car parking area with existing entrance retained and new exit proposed onto Lissan Road (amended plans)	Location: Lands at the rear of no 2 - 12 Moneymore Road Cookstown
Applicant Name and Address: LCC Group Ltd 16 Churchtown Road Lissan Cookstown BT80 9XD	Agent name and Address: Taggart Design 133a Coolreaghs Road Cookstown BT80 9QD
Summary of Consultee Responses: TNI have provided conditions	
Characteristics of the Site and Area: <p>The proposed site is located within Cookstown Settlement Limit within the northern part of the town, close to the junction between Moneymore and Lissan Road. The site is located to the rear of existing two-storey terraced dwellings which front onto Moneymore Road. An archway is located in the middle of the 6 townhouses and provides access to the car park to the rear. When I visited the site there were a number of cars parked in the car park area. The boundaries of the car park consist of wooden fences. The rear of the townhouses are separated from the car park by a low 1 metre timber fence. The car park appears to be quite new. There were signs relating to LCC House and NFU Mutual on the back fence. These appear to indicate that those particular spaces relate to that particular company. A sign was located in the entry identifying the car park. It also identified three companies which the car park likely facilitate. Two have already been listed. The other company mentioned was Patmond Energy Limited. The car park is Tarred and the spaces have been marked out with white lines.</p> <p>The site lies within the town centre boundary of Cookstown, and just outside the area of</p>	

townscape character. The surrounding area contains a mix of development including, residential, business and office use, a petrol filling station and a church hall all within the immediate area.

The proposal seeks planning permission for the retention of a car parking area.

Description of Proposal

Retrospective planning for car parking area with existing entrance retained and new exit proposed onto Lissan Road (amended plans)

Deferred Consideration:

The application was presented as a refusal to the Planning Committee in March 2017 with the following refusal reasons;

- 1.The proposal is contrary to Planning Policy Statement 1: General Principles in that the proposal would unduly affect the amenity of the existing adjacent and nearby residents to the site by reason of loss of privacy, nuisance and general disturbance.
- 2.The development would if permitted, prejudice the safety and convenience of road users since the restricted width (3.05 m) of the existing access renders it unsatisfactory for 2 way traffic. This would lead to vehicles standing or reversing onto the Moneymore Road which is a protected route.

At this meeting it was subsequently deferred for an office meeting with the Area Manager. This meeting did not take place, however the agent did forward an amended proposal for consideration on which TNI were re-consulted.

The changes to the proposal include signs fixed to the walls of No.6 and 8 MoneyMore Road, stating ' NO EXIT' and at the existing entrance/archway on Moneymore Road with exit though a right of way (shown in green)through Leydens on Lissan Road, EXIT signs will be fixed to the fence. This will ensure a one way traffic system, reducing congestion with traffic coming out at the archway. This was done in an attempt to overcome TNI concerns. TNI were re-consulted on the amended scheme and they have provided conditions and informatives if approval is granted. This includes that 'the access from Moneymore Road shall only be used to enter the approved car park area', in the interests of road safety and traffic progression along this protected route. This overcomes refusal reason 2.

9 car parking in total have been provided. In terms of Parking Standards, the total number of parking spaces per dwelling required for terrace houses that have only communal parking provision for 1 and 2 beds is 1.5 spaces per dwellings. There are 6 dwellings which equates to 9 spaces required.

The LCC House office building, which accommodates 3 companies, is who the car parking is being provided for. Parking Standards Document states for non-residential, Use Class A2 buildings, there should be one space per 20m² GFA. LCC House has a total area of approx. 900m² as per P1 of the original approval, which works out at a requirement for 45 spaces. Therefore in terms of this document, there is a short fall in the required number of spaces (49 in total) for this type of development.

The approved car park on the opposite side of the road goes some way in addressing this issue. LA09/2016/0336/F was granted approval 23.06.16 for Retrospective planning for car parking area for LCC, at Lands at 53 Milburn Street and 1 Moneymore Road.

The amount of amenity space for the residents 2,4,6,8,10,12 Moneymore Road has not been changed and remains limited for these residents.

The common area to the rear of these properties is now car parking and although used by LCC offices during working hours during the week, can be used by the occupants after these hours when available.

So although Approval is being recommended it would be legitimate for Committee to refuse based on lack of amenity grounds. However it is considered by the Council the loss of amenity is the lesser of two evils in terms of residents being able to park in the evenings and weekends beside their homes. If the Committee members did move to refuse the application, due to the success of the recent enforcement notice at appeal (LA09/2015/0169/CA), for the unauthorised change of use from residential curtilage to car parking for business use, the Area Manager would proceed to summons as the enforcement notice would be breached from date of PAC decision on 27 April 2017.

The neighbours have all been consulted with the amended scheme and have raised no objections.

An approval is now recommended.

Conditions

1. Within 3 months of the date of this approval, the vehicular exit, including visibility splays of 2.4m x 33m in both directions, shall be in place and retained, in accordance with Drawing No. 03 bearing the date stamp 24th March 2017.

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

2. The access from Moneymore Road shall only be used to enter the approved car park area.

Reason: In the interest of road safety and traffic progression along this protected route.

3. Within 3 months of the date of this approval, the area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

4. Within 3 months of the date of this approval, the access gradient to the development 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.

Informatives

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

The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

Notwithstanding the terms and conditions of the Planning Authority'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's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transport NI Section Engineer whose address is Molesworth Street, Cookstown. 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.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a transportni drainage system.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Roisin McAllister	
Application ID: LA09/2016/1034/F	Target Date: <add date>
Proposal: Change of house type from previously approved 2 Storey Dwelling and Storey and a Half Garage (Ref M/2014/0295/F) to 2 no Semi-Detached Units within same curtilage, footprint and same scale/massing (Retrospective Application)	Location: 75 Killyliss Road Dungannon
Applicant Name and Address: Mr G McCann 54 Kilnacart Road Dungannon BT70 1PD	Agent name and Address:
Summary of Issues: <p>One letter of objection was received on 30th August 2016. This representation highlighted that prior to a planning application being considered at 75 Killyliss Road, Dungannon, development began on the site which included placing footings. The plans approved in M/4014/0295/F allowed for a single house to be erected. The objector states that contrary to this a semi-detached property was erected and the footings for a second property put in and that this is clearly a breach of the approval. In addition he request that this be examined and rectified.</p> <p>What is of greater concern to him is that the second set of footings could results in another semi-detached property as this is the intention of the applicant. The objector requests that the Planning Manager ensures nothing else occurs with this until “we have the first illegal development resolved.”</p> <p>The agent submitted a letter in response, arguing that the motivation of the objections was due to an historic family dispute over the purchase of these lands and is therefore prejudiced. They highlight that an enforcement case was active and led to the submission of the planning application which is being dealt with by the planning authority. In additional they state that a material start had been made to secure planning permission prior to the purchase of the lands by the applicant. Members should note the agent is no longer representing Mr McCann</p>	

**Summary of Consultee Responses:**

Transport NI – no objections subject to conditions regarding provision of the access.
Historic Environment Division – unable to comment

Characteristics of the Site and Area:

The application site is located at 75 Killyliss Road, Dungannon, approximately 1.65km north west of the village of Eglish. It is in an area which is largely characterised by agricultural land, farm holdings and dispersed settlement. The site that of 2 no two storey semi-detached dwellings. The building is set on a spacious plot of land which is accessible from the Killyliss Road via an existing laneway. The two dwellings occupy an L shaped plan, with one orientated to face northwards and the other fronting the road to the east. Private amenity space for the dwellings is shared. Site boundaries are marked to the south and east by existing hedgerows. To the west the site boundary is defined by a post and wire fence and to the north are trees broken by the existing access laneway.

History

LA09/2015/0136/CA: Creation of two separate planning units - 75 Killyliss Road,Derrygortrevy,Dungannon,Tyrone,BT70 1NX - RECEIPT OF PLANNING APPLICATION

M/2014/0295/F: Construction of two 2 storey dwellings with detached garages and associated siteworks - change of previously approved house types - 75 Killyliss Road, Dungannon.
APPROVED

M/2009/0417/RM: Proposed replacement dwelling and new access to the Killyliss Road, including domestic garage - 75 Killyliss Road, Dungannon. APPROVED

M/2009/0408/F: Proposed two storey dwelling and garage - 50m North West of 75 Killyliss Road Dungannon. APPROVED

Description of Proposal

This application is for the retention of a pair of semi-detached dwellings.

Deferred Consideration:

Members are advised this application was deferred at the Committee Meeting on 7 February 2017 and an office meeting was held with the Planning Manager.

The background to this case relates to the erection of a pair of semi-detached dwellings in the countryside on a site that had planning permission for a large detached dwelling. The form and appearance of the dwellings as built is not dissimilar to the approved development in terms of its size, scale and siting. As a large dwelling was approved by the Department I do not have any concerns about the proposed development in terms of its integration or impact on the character of the rural area. Members should be aware that, in general, rural planning policy only permits single dwellings in the countryside, in specific circumstances.

Multiple dwellings may be permitted in some circumstances: -

- 1) where there is an existing building that can be converted to more than one dwelling;
- 2) where it is for social and affordable housing and
- 3) where it is an infill opportunity within a substantially built up frontage.

Mr McCann applied for and received building control approval for the erection of 2 dwellings on this site, which had planning permission for one dwelling. He proceeded to construct these 2 dwellings, without the benefit of planning permission. As the proposal is for the retention of the 2 dwellings, it is an established planning practice, this application must be considered on the basis that it has not been constructed and as such I am unable to give any weight to the policy for conversion of existing buildings.

The dwellings are currently let to 2 families, one of which is in receipt of housing benefit. The policy in relation to social and affordable housing makes it quite clear planning permission for a group of no more than 14 dwellings will only be granted where the application is made by a registered housing association and demonstrable need has been identified by the Northern Ireland Housing Executive. Members should note this application is made by Mr McCann and following consultation with NIHE, they advise they do not have an identified need for housing in Eglishtown, as such I consider this application fails to meet these fundamental requirements of the policy.

These dwellings are set back from the public road by an existing private lane, which only serves them and they are at the end of it. They sit behind other development, which fronts the Killyliss Road, and in my view do not have any of the characteristics of an infill opportunity site.

Members are asked to note that this application is similar to another proposal also on the agenda (reference LA09/2016/1279F). It is important that both are treated equitably, given that both involved properties erected for the rental market.

Reasons for Refusal:

Refusal Reasons

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2016/1195/F	Target Date:
Proposal: Proposed extension to existing church building to provide church hall, toilet facilities, chair store and additional Sunday school rooms	Location: Cookstown Independent Methodist Church Morgan's Hill Road Cookstown
Applicant Name and Address: Rev. Macolm Patterson Ebenezer 29 The Dales Cookstown BT80 8TF	Agent name and Address:
<u>Summary of Issues:</u> A nearby commercial business has given permission for Additional car parking in Morgans Hill Road, to be considered against TNI issues. Objection has been received	
<u>Characteristics of the Site and Area:</u> This is a full planning application for the extension to the Independent Methodist Church on the Morgans Hill Road, Cookstown. The site is located within the Development Limits of Cookstown as defined in the Cookstown Area Plan 2010, on unzoned land. Currently on site is Cookstown Independant Methodist Church, which is located on a corner site with Morgans Hill Road and Lissan Drive. Currently, vehicular access is obtained from Lissan Drive, and there is pedestrian access from Morgans Hill Road. A 1m high dashed block wall bounds the roadside boundaries to the site which are also served by public foot paths. The eastern boundary is shared with RT Autoparts parking yard and is defined by 2.5m high security fencing with razor wire on top. The northern boundary is shared with a single storey dwelling, No. 21 Lissan Drive, and is defined by a 1m high ranch style timber fence and and dashed wall of a flat roofed garage.	

North of the site is defined by residential development. Adjacent and west is a Petrol filling station/off licence/convenience store. Further west is mostly residential fronting onto Morgans Hill Road. South is mostly residential. East is a mix of landuses, including an Autoparts business, Cookstown Housing Executive Office, and another petrol filling station. To the South is Cookstown Town Centre proper as defined in the area plan.

Description of Proposal:

Proposed extension to existing church building to provide church hall, toilet facilities, chair store and additional Sunday school rooms

Deferred Consideration:

This application was presented to Committee in April 2017 as a refusal for the following reasons;

1.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking of vehicles which would be attracted to the site.

2.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 would lead to vehicles parked on the highway at or near a road junction thus interfering with the free flow of traffic on the main road and the visibility of traffic entering or leaving the minor road.

It was subsequently deferred for an office meeting to discuss a way forward in relation to parking issues based on information supplied by the agent. The office meeting was held with the Area Planning Manager on 13 April 2017 and the applicant provided details in writing that Mr Patrick, owner of a neighbouring business RT Autoparts gives permission for the congregation of Cookstown Independent Methodist Church to avail of the car parking in front of his premises along Morgans Hill Road.

An amended location map was submitted outlining the subject additional car parking in blue. Certificate C was received and notice served on Mr Patrick and neighbours were re-notified. Following this, the occupier of 21 Lissan Drive has objected for a second time. They have concerns as RT Autoparts remains open until 9pm on weekdays and so events on with the church at these times would clash. However the business is not open on a Sunday and closes at 5pm on a Saturday, which is when the Church has indicated are the times that they need the spaces most.

This additional car parking if utilised will alleviate my concerns about parking. It was agreed at the office meeting a condition would be attached to any approval to ensure if this car parking became unavailable the Church would make alternative arrangements to make up the short fall.

An Approval is recommended based on the additional information submitted.

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. If the additional car parking outlined in blue on stamped approved plan 01/01 dated 19 April 2017 is no longer available the developer must ensure alternative parking is made available. .

Reason: In the interests of road convenience and safety.

Informatives

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

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

3. No plant or equipment used in the construction of this extension should be operated in a manner so as to cause disturbance to the occupants of surrounding properties. Any noisy work should be undertaken in accordance with the principles of BS5228: 2009.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/1279/F	Target Date:
Proposal: Pair of 2 No. Semi-detached Dwellings	Location: 89 Moneysallin Road, Kilrea
Applicant Name and Address: Mr David Gordon 46 Kilrea Road Portglenone BT44 8JB	Agent name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Summary of Issues: Planning policy, housing need,	
Summary of Consultee Responses: Transport NI have no objections to the proposal	
Characteristics of the Site and Area: <p>The application site is situated at 89 Moneysallin Road, Kilrea within the open countryside as defined by the Magherafelt Area Plan 2015. The site is defined by a 2 storey building situated at the roadside at the junction of Moneysallin Road and Fallahogy Road. The site is quite open to the public road and does not benefit from a significant degree of natural screening, although there are a few trees along the site boundaries. The boundaries are defined by post and rail fencing along the southern and eastern boundaries, whilst the northern boundary is defined by a timber fence.</p> <p>The existing building has been divided into two separate residential units with two separate front doors and numbers (89 & 89a); two separate gardens divided by walls/fencing; 2 separate accesses onto the Fallahogy Road and Moneysallin Road which are unauthorised; separate oil tanks and oil burners; separate electricity meter boxes; and separate satellite dishes.</p> <p>The surrounding area is characterised by a mixture of residential development and agricultural development.</p>	
Description of Proposal <p>The proposal is for a pair of semi-detached dwellings.</p>	

Deferred Consideration:

This application was presented to the Planning Committee on 7th March 2017 with the following refusal reason:

- The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it creates an additional residential unit in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

A deferred office meeting was subsequently held 16 March 2017 with Joe Diamond (agent) and Les Ross (planning consultant) in attendance with Dr Boomer and Karen Doyle from MUDC. Joe Diamond explained the application was for a family and a grandmother but the grandmother died and there was subsequently no need for the granny annex and the family moved out. Mr Gordon, the applicant, could not find another family who had a need for a granny annex. There was further discussion around the issue that the house was too big for one family to rent at the rate Mr Gordon required in order for the mortgage payments to be met. Dr Boomer advised the property should be reverted back to a single dwelling with the division to the rear garden removed so that there is only one large garden and the lock from the internal door be removed and it is my understanding this has been completed.

There is an ongoing enforcement case relating to the unauthorised use of the building as two separate dwellings. An enforcement notice has been served and the ongoing court proceedings have been adjourned for contest on 7th July 2017 and for mention on 15th June 2017 to allow the matter to be dealt with by Council in the interim.

Having considered the information presented at the deferred office meeting I am not persuaded this application is in accordance with planning policy. The site is located in the rural area with the nearest settlement being Kilrea. The site has been and continues to be assessed under the Magherafelt Area Plan 2015, the Strategic Planning Policy Statement and Planning Policy Statement 21. Policy CTY 1 of PPS 21 states that planning permission will be granted for an individual dwelling house in the countryside in a number of cases including in a cluster, a replacement dwelling, personal or domestic circumstances, for the essential needs of a non-agricultural business, a small gap site or a dwelling on a farm. Planning permission will also be granted for the conversion of a non-residential building, social/affordable housing, a temporary mobile home, an extension to a dwelling and travellers accommodation.

I have also contacted NIHE and queried if there is a social housing need in the area. They have confirmed the five year social housing need for the Tamlaght local housing area covering the period 2016-2021 is zero.

All the aforementioned types of development must satisfy the listed criteria in the relevant policy and this application for a pair of semi-detached dwellings in the open countryside fails to meet any of the criteria and there are no exceptional circumstances that merited to be considered. I therefore find the proposal unacceptable in principle in this rural location and the applicant and his representatives have not presented a case as to why this development is essential at this location.

Members are asked to note that this application is similar to another proposal also on the agenda (reference LA09/2016/0196/F). It is important that both are treated equitably, given that both involved properties erected for the rental market.

Reasons for Refusal:

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

Signature(s):

Date





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/0053/O	Target Date:
Proposal: Proposed dwelling and garage	Location: 150 metres South West of 283 Pomeroy Road Lurganeden Dungannon
Applicant Name and Address: Mr Colin Moore 281 Pomeroy Road Lurganeden Dungannon BT70 3DT	Agent name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Summary of Consultee Responses: No issues	
Characteristics of the Site and Area: <p>The site comprises a rectangular shaped plot of land located approx. 150metres South West of number 283 Pomeroy Road, Lurganeden. The site is comprises of an agricultural field which slopes gradually from the roadside NW to the SE. All of the boundaries are defined by a timber post and barb wire fence. There is an agricultural access along the northern corner, which is set back slightly from the roadside boundary. At the time of site visit the site was characterised by open bare topsoil and there were two main mounds of topsoil piled in the West and East corners,</p> <p>The area is predominantly rural in nature with the site surrounded on all sides by agricultural fields. The site is linked with the nearby farm holding at number 283 Pomeroy Road which is a short distance to the NE. The field between the site and farm yard is a free range chicken area and shows signs of some young planting. Further East of this there are two poultry sheds and then the main farm grouping.</p>	

Description of Proposal

The proposal seeks outline planning permission for a farm dwelling.

Deferred Consideration:

The application was presented to Committee in May 2017 as a refusal for the following reasons;

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed site is sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.

It was subsequently deferred for an office meeting to discuss overcoming the refusal reasons. This meeting was held on 11 May 2017.

The agent presented evidence to discount 3 alternative sites within the farm holding. One site, to the NE of the farm dwelling, is on a very steep sandy slope with is bounded on one side by the river. A second one, to the SE of the cattle farm, is very close to the main cattle farm and would only be assessed through the working farmyard. The third site discounted is SE to the poultry sheds, which are only 50m away and sited within the existing chicken range.

However after further consideration, Site 4, which is the current application site, would appear acceptable for a 5.7m dwelling if set back to the rear of the site, rather than the 'preferred location' chosen by the applicant. It would read with the existing farm buildings and the existing trees would act as a backdrop for a low storey dwelling. Additional planting has been carried out along the boundaries and this will be conditioned, together with a ridge height restriction and siting to the rear.

Approval is recommended.

Conditions**Signature(s):****Date**

C

Report on	Mid Ulster Council's response to a consultation request from Fermanagh & Omagh District Council for proposed sand and gravel operations involving the extraction of material via mechanical shovel with no on-site processing at lands approx. 200m west of 35 Shantavny Road Omagh for Jordans Quarries.
Reporting Officer	Phelim Marrion
Contact Officer	Dr Chris Boomer

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

1.0	Purpose of Report
1.1	To seek members agreement to respond to a consultation on a planning application that Fermanagh & Omagh District Council (FODC) are considering.
2.0	Background
2.1	Fermanagh & Omagh District Council have consulted Mid Ulster District Council on planning application LA10/2017/0365/F for proposed sand and gravel operations involving the extraction of material via mechanical shovel with no on-site processing at lands approx. 200m west of 35 Shantavny Road Omagh for Jordans Quarries. The planning application site has a boundary with Mid Ulster District Council's jurisdiction and FODC have asked MUDC to comment on the visual impact of the development.
2.2	The planning application involves stripping and stockpiling topsoil, extraction of sand and gravel by mechanical shovel and restoring the finished ground by re-spreading the topsoil and grassing the area. All materials to be removed from the site will be transported across the applicants land to the north west onto the Radergan Road. The ground level will be reduced by up to 12 metres and will be restored with 2 tiers at the deepest sections and the faces grassed. It is proposed to plant native species hedges along the boundaries of the site. The applicant expects to have the work completed and the site restored within 2 years.
3.0	Main Report

3.1	Members are advised the existing site is currently an agricultural field in grass, it rises from the east to the west and is in an area of undulating landscape. The dominant features in the locality are the wind turbines associated with Slieve Divenagh Wind farms, in FODC Area and the recently constructed Shantavny Scotch Windfarm in MUDC Area. The surrounding ground is a mix of gorse and agricultural land and 2 watercourses meet at the NE corner of the site. These watercourses are both in steep sided ravines on this side of Shantvny Road.
3.2	The proposed development, once completed and restored, will result in steeply banked features, which I do not consider to be alien in this landscape. I do not consider the proposed development will have a significant impact on the visual amenity of the area.
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: not relevant</p> <p>Human:, operations on site may cause noise and dust but as for limited period unlikely to have significant long term impacts</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p><u>Not anticipated</u></p>
4.3	<p><u>Risk Management Implications</u></p> <p>N/A</p>
5.0	Recommendation(s)
5.1	<p>That members agree to the following response to be issued to OFDC Planning Department:</p> <p>1. 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.</p>
6.0	Documents Attached & References
6.1	Location Plan / Proposed Site Plan / Proposed Levels / Photographs



Legend

- Site Location
- Land in Control / Ownership of Applicant

LA10/17/0365

Fermagh and Omagh District Council

Drawing Number 01

Rev	Date	Description	By	Check
1	10/03/2017	Issue for Planning	RPS	

RPS

JORDANS

Project: Shankway Road

File: Site Location

Scale: 1:250 @ A0

Date: March 2017

Draw: JACB Checked: JF JAL Ref: 10/17/0365

Figure No: 1.1 Revision: 00

Restoration Process Principles:

Aim is to restore the site, as far as possible, to a natural landscape that facilitates vegetation growth and ecological diversity.

Plant a variety of native hedgerow throughout the site to encourage landscape restoration into the surrounding area.

Utilise the hydroseeding process, where possible, to aid the 'greening' of rock faces and rocky areas, to promote seed growth and encourage colonisation of sites.

Hydroseeding:

Description:

Hydroseeding involves spraying a special liquid polymer onto the surface, using a special spray equipment with agitator.

For vegetation establishment, seedmixtures, fertilizers and soil conditioners can be added to the spray mixture.

Within a few hours of spraying, a firm water insoluble crust is formed, as a result, all wetted particles such as sand grains, fertilizer and seeds become bound to the surface. This also prevents the fertilizer from getting washed away.

Hydroseeding does not seal the surface. The open structure of the bound matrix does not affect water absorption. Once root growth has begun, the crust will decompose slowly into carbon dioxide and water.

Benefits:

Maintenance free.

Low cost option for vegetating slopes.

The slope is seeded, fertilised and protected against erosion at the same time.

Surface soil particles, seeds and fertilizer are bound to the surface, reducing erosion and preventing the seeds and fertilizer from being washed away.

Large areas can be hydroseeded in a very short time. Spraying with long hoses means areas with poor access can be reached and treated.

Choice of seedmixes.

Can also be used to prevent dust emissions by binding dust particles.

Outline Landscape Specifications

1.0 Landscape Contractor

All landscape works to be undertaken by an ALCI approved Landscape Contractor in accordance with the issued Landscape Specifications and BS 4428:1989.

2.0 Existing Trees and Vegetation

Protection of Existing Vegetation: precautions will be taken to protect in the course of works, existing trees and vegetation from malicious or accidental damage to BS3993. Fencing will be erected around all trees to be retained on site prior to construction works commencing to BS1722. No soil, spoil, constructional materials or rubbish will be stored or tipped and no construction plant or vehicles will be parked within the spread of existing trees, shrubs or hedges. Any damaged plant material shall have all cuts made flush leaving no snags. Where there are cuts over 30mm diameter or bruises or scars on the bark, the injured cambium will be traced back to living tissue and removed. Wounds shall be smoothed so as not to retain water and the treated areas will be coated with approved tree wood paint. Any works to existing trees to be undertaken by qualified arboricultural practice in accordance with BS5837:2005.

3.0 Health and Safety

Landscape Contractor to liaise with Main Contractor to determine locations of all overhead and underground services. Landscape Contractor will be responsible for cleaning mud / soil off all paved surfaces in and surrounding the site (including public roads) and keeping the site tidy and clean. The Landscape Contractor shall be responsible for the safety of the workforce(s) in accordance with The Construction (Health, Safety and Welfare) Regulations 1996.

4.0 Topsoil and Earthworks

Topsoil Depths: spread over prepared subsoil in layers not exceeding 150mm, each layer firmed before spreading the next to BS4428:1989.

Overall minimum depths after firming and settlement to be:

Meadow	0mm
Grass areas	100mm
Shrub/planted areas	500mm

Outline Planting Specifications

Material Generally

All plant material shall be of good quality nursery stock, free from fungal, bacterial, insect pest, viral infection or physical damage. All plants shall comply with the relevant sections of BS3936 Specification for Nursery Stock.

A provisional item it is to be allowed for protection of planted areas for Year 1 (Establishment Period) with 900mm high chestnut pale fencing if deemed necessary.

Hedge Planting

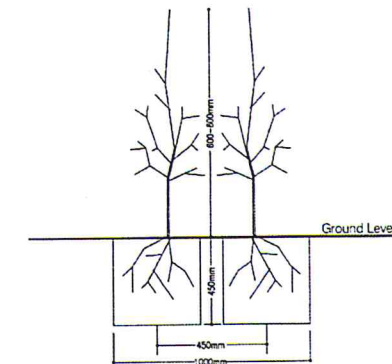
Site preparation as per ornamental planting areas including 50cm depth bark mulch dressing on completion of planting. Trees and shrubs to be planted at centres indicated on the schedule. Transplants shall be the size stated, shall conform to BS3936 and have at least one sturdy, healthy stem of at least the stated dimension. They shall have been transplanted at least once as outlined below. All transplants to have a balanced fibrous root system.

Planting pockets 400x400x100mm deep with following ameliorants, cultivated and evenly incorporated: organic manure 100mm layer over area of pit, fertilizer 35g. Supply and fit Tubex EcoStart 60m plant protector with cane to each woodland plant and Tubex Spirals 60cm plant protector to each hedge plant.

Maintenance and Defects Liability Period

The ALCI Approved Landscape Contractor shall be responsible for plant establishment and maintenance of all soft landscape works for the initial 12 month period that shall tie in with the Defects Liability Period in accordance with BS7370-4:1993. Any trees or shrubs dying, damaged or removed will be replaced in the following planting session with plant of similar size and species.

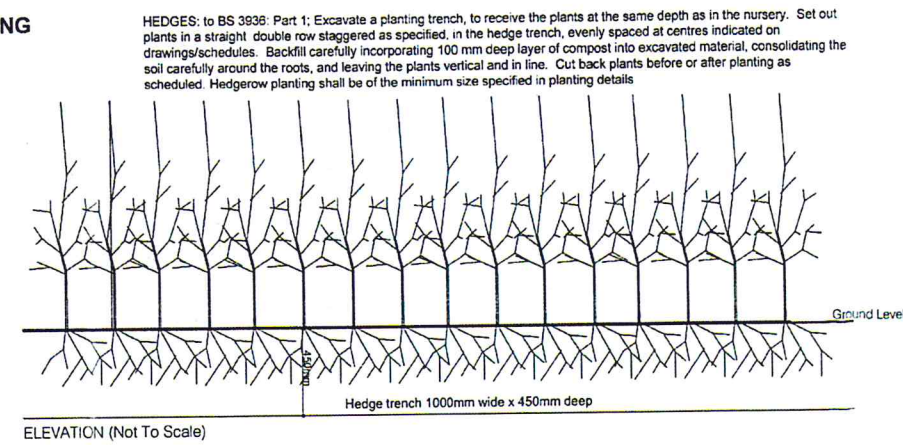
DETAIL D :- STAGGERED DOUBLE HEDGEROW PLANTING



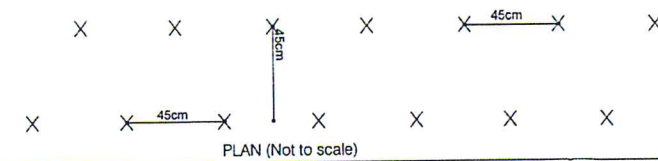
SECTION (Not to scale)

NOTES

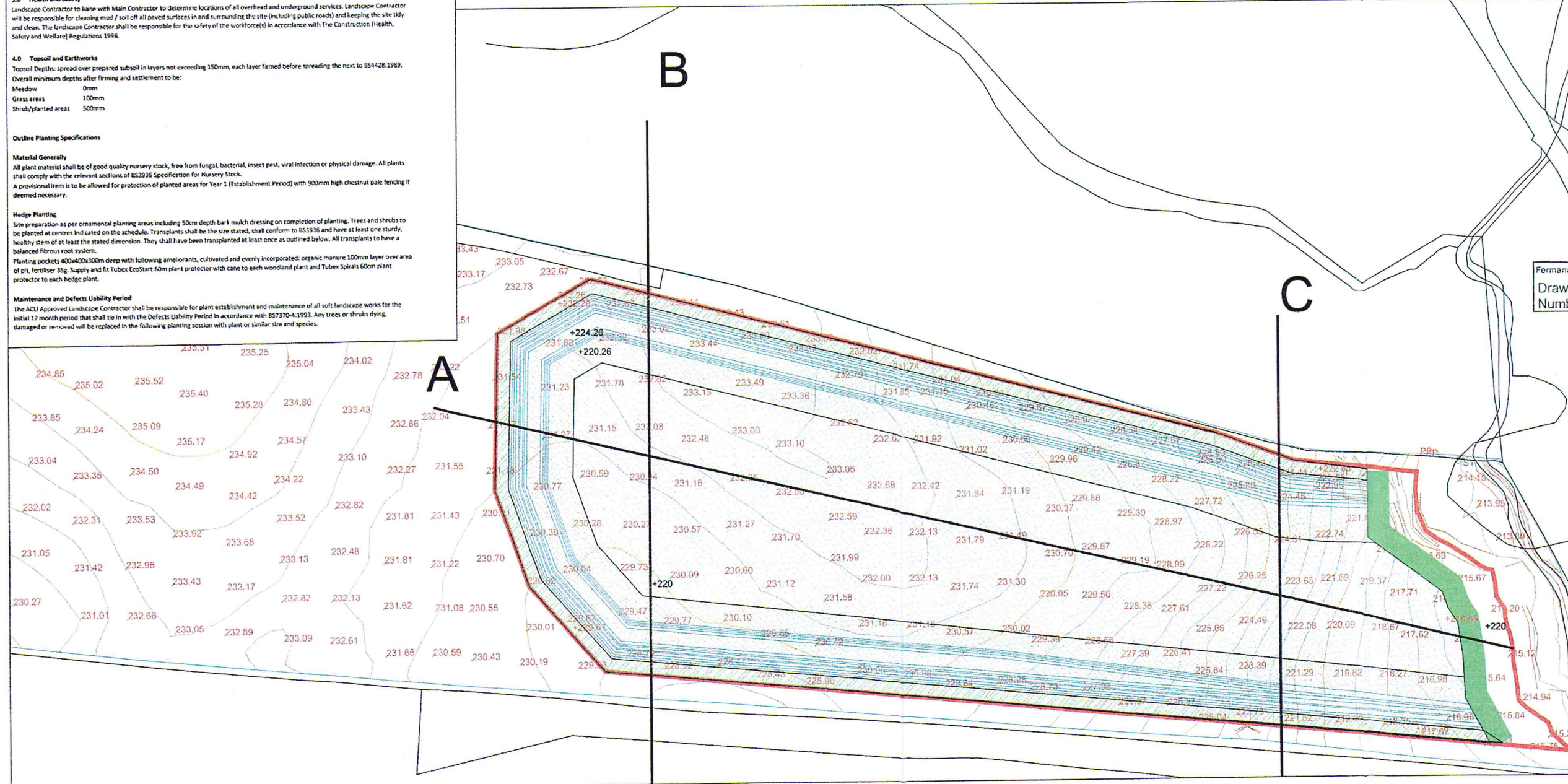
1. Prior to planting all broken roots must be carefully pruned back and any snags to the crown carefully cut back. Bad bruising or abrasion of their cambium must be treated with 'Tree Three' or equal and approved tree paint. Roots must be kept well moistened before planting in the prepared pit.
2. The hedge planting is to be carried out in excavated free draining trench 1000mm wide x 450mm deep. Mix the excavated material with a slow release fertiliser and the following: ameliorants (calculated as applied to the area of the pocket), cultivate and incorporate evenly.
3. Place plant in pocket at same depth as 'nursery mark', spreading out roots to their natural configuration.
4. Partly backfill pocket.
5. Backfill the trench to half its depth and firm by treading. Continue planting the trench.
6. Once planted, backfill with the remaining soil and firm as before.
7. All Heights of trees/shrubs given in cm's: RD - Rootballed, B - Bare Root, C - Container Grown. All in acc with the National Plant Specification, as published by the Horticultural Trades Assoc. All workmanship in accordance with BS 4428.



ELEVATION (Not To Scale)



PLAN (Not to scale)



Legend

- Proposed Hedgerow Planting
- Faces to be sprayed with Hydroseed
- Grass Seeding

LA10/17/0365

Fermanagh and Omagh District Council
Drawing Number 04

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ALL DIMENSIONS TO BE CHECKED ON SITE. DIMENSIONS ARE GIVEN IN METRES. DIMENSIONS MUST BE REPORTED IMMEDIATELY TO THE OFFICE FOR CLARIFICATION BEFORE PROCEEDING.

PROJECT
Jordans Quarries 2

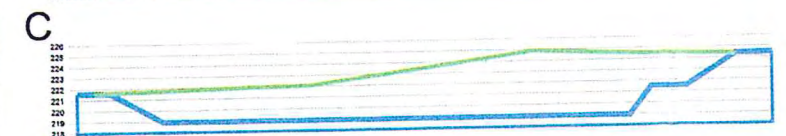
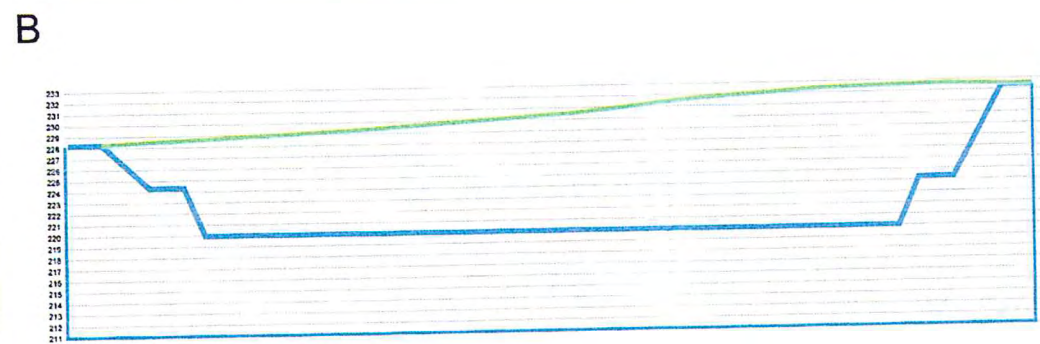
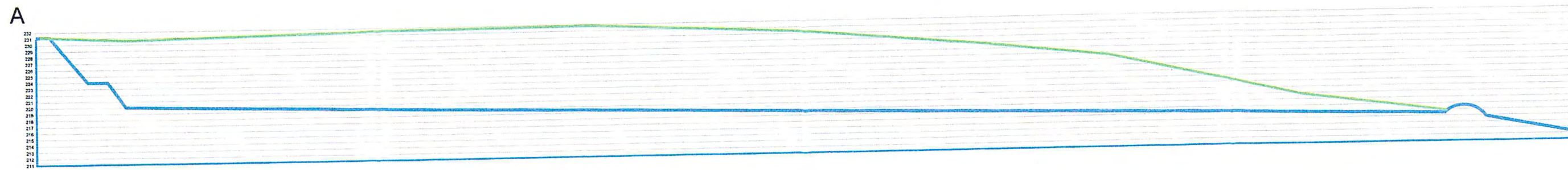
TITLE
Restoration Layout

SCALE/PAPER SIZE 1:500 @A1	DRAWN BY SMM
DATE 16.11.2016	CHECKED BY AMCK
PROJECT NUMBER NI 1727	DRAWING NUMBER 1727.1.03
	REVISION A

Key

Proposed Layout

Existing levels



LA10/17/0365

Fermilough from Omagh District Council

Drawing Number 03

24 MAR 2017

LOCAL PLANNING

#	Date	Revised	By	Check	Drawn	Scale	Unit
1	15.11.17		AMCK		AMCK	1:500	M

STATUS

Status

RPS

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ALL DRAWINGS TO BE CHECKED ON SITE. DISCREPANCIES, AMENDMENTS AND
OF CHANGES BETWEEN THIS DRAWING AND INFORMATION GIVEN. ENGINEERS
MUST BE REPORTED IMMEDIATELY TO THE OFFICE FOR CLARIFICATION BEFORE
PROCEEDING

PROJECT
Jordans Quarries 2

TITLE
Site Sections

SCALE/PAPER SIZE
1:500 @A1

DATE
16.11.2016

PROJECT NUMBER
NI 1727

DRAWN BY
SAM

CHECKED BY
AMCK

DRAWING NUMBER
1727.1.02

REVISION
B





D

Report on	Mid Ulster Council's response to a consultation request from DFI for a proposed windfarm at lands approx. 3km west of Swatragh accessed off the Corlackey Road. Ref LA09/2016/0232/F.
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer

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

1.0	Purpose of Report
1.1	To provide members with an update on the latest position on the Department's consideration of the above application.
2.0	Background
2.1	The Department for Infrastructure had previously requested a consultation response from Mid Ulster District Council on planning application LA09/2016/0232/F for the Erection of a windfarm development comprising 11 (3 blade) wind turbines, each up to a maximum of 149.9m tip height, with a total installed capacity of up to 36.3MW, a newly created site entrance, access tracks, crane hard standings, control building and substation compound, electricity transformers, underground cabling, energy storage containers, a number of off-site areas of widening to the public road and all other associated ancillary development. During construction there would be a number of temporary works including a construction compound with car parking, an enabling works compound, temporary parts of crane hard standings, welfare facilities and 3 temporary guyed lattice type meteorological masts.
2.2	Having heard a report at the 9 th Jan 2016 Committee meeting from officers recommending that the Council express its concerns with the proposal to the Department, members proposed that a site visit be undertaken before the Councils response was agreed. That visit took place on the 14 th Feb 2017, two members of the Committee attended. A number of critical viewpoints were examined during the visit.
2.3	Since that visit the Department have written to the Council on the 16 th February advising that it has withdrawn its Notice of Opinion to refuse the application originally served on the 4 th Jan 2017. This is to allow additional environmental information dealing with noise, visual impact and built heritage submitted by the

	applicant on the 21 st Dec 2016 to be considered. The Council have been consulted on this information also and have been invited to comment.
3.0	Main Report
3.1	<p>Members were previously alerted to officer's concerns in relation to the proposal and the following suggested reasons for refusal:</p> <ol style="list-style-type: none"> 1. Mid Ulster District Council have concerns with regards to the impact on the visual amenity and landscape character of this part of the Sperrin's Area of Outstanding Natural Beauty by reason of the number, scale, size and siting of the turbines and the high sensitivity of the landscape and this is contrary to Policy RE1 of Planning Policy Statement 18 and the SPPS. 2. Mid Ulster District Council is concerned that the site lies in the Sperrin's AONB and are concerned the proposed windfarm would be detrimental to the environmental quality of the AONB by reason of lack of sensitivity to the distinct character and the landscape quality of the area and when its impacts are considered in relation to already consented wind energy development in the local area and would therefore also be contrary to PPS2. 3. Mid-Ulster Council have concerns that the proposal is likely to have an unacceptable detrimental impact on the conservation interests of Carntogher SLNCI.
3.2	<p>I note that the recent consultation response from Shared Environmental Services has advised the following:</p> <p>Sites considered for Habitats Regulations Assessment:</p> <p>Two European sites were identified for consideration: Carn Glenshane Pass Special Area of Conservation (SAC) due to proximity to the proposal and the Bann Estuary SAC</p> <p>Findings:</p> <p>Carn Glenshane Pass SAC represents a large area of intact blanket bog within the Sperrin Mountains and blanket bog (EU habitat code 7130) is the primary selection reason for the site. The SAC is located in close proximity to the proposal, approximately 60m from the red line boundary. However, it is upslope of the proposal and not considered at risk from construction related pollutants as hydrological flows are moving away from it. No works are planned nor permitted within the designated site. Any such works would require consent from the Northern Ireland Environment Agency Conservation Designations and Protection unit (NIEA CDP).</p> <p>Having considered the nature, scale, duration and location of the project, it is concluded that the proposal would not be likely to have a significant effect on Carn Glenshane Pass SAC.</p> <p>Given this response from SES it is my view that the third reason for refusal above is no-longer necessary.</p>

	<p>As yet Historic Environment Division have not formally responded to the additional environmental information, their previous comments however where as follows:</p>
3.3	<p>Historic Environment Division: Historic Monuments (HED: HM) has reviewed the <i>Archaeological and Cultural Heritage</i> section within the Environmental Statement submitted with this application.</p> <p>HED: HM advises that on the basis of the information provided this proposal is contrary to policy BH1 of PPS 6 and would have an unacceptable adverse impact upon the integrity of the settings and public views on approach to and from the State Care monuments of Knockoneill Court Tomb (LDY 026:052) and Tamnyrankin Court Tomb (LDY 026:013), with particular reference to section 3.6 of PPS 6. The proposal would also have an unacceptable adverse impact upon the integrity of the settings of the nearby scheduled monuments of Knockoneill Rath (LDY026:053) and Slaghtneill Wedge Tomb (LDY 032:024), which would also be contrary to Policy BH 1.</p> <p>This development cannot be made acceptable using conditions or adequately mitigated under the proposed scheme.</p>
3.4	<p>I have examined the additional information submitted in relation to addressing Landscape and Visual impact. This information has attempted to address the extensive size and nature of the proposal and its impact on the AONB. RES (the agent) argue that the wind farm is located some distance from the AONB's core, that there are already consented farms in the AONB and that the extension to Broackaboy wind farm was consented after the publication of the SPPS which has introduced a more cautious approach to wind energy proposals in AONB's. RES also consider that the proposal close relationship with the adjacent Brockaghboy wind farm is visually beneficial and helps to cluster the development</p> <p>Members will be aware of my concerns in relation to the impact of the proposed development and its visual extension of these significant structures along the very distinct unspoilt ridge line extending SW from the site. The importance of this was emphasized during our site visit. I do not consider that the additional arguments presented by RES overcome the reasons for refusal presented at Par. 2.4 of this report.</p>
3.5	<p>Environmental Health Department of Mid-Ulster Council has responded to the additional information. Subject to some further clarification and appropriate conditions there appears to be no objection on noise impact grounds.</p>
3.6	<p>My previous report to the Committee outlined the Socioeconomic Benefits being put forward by RES. Whilst notable, my conclusions however in relation to these benefits remain unchanged in relation to the potential for the proposed wind farm to impact on the AONB and its impact on local State care / Scheduled monuments.</p>

4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial:</p> <p>Human:</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p><u>Not anticipated</u></p>
4.3	<p><u>Risk Management Implications</u></p> <p>N/A</p>
5.0	Recommendation(s)
5.1	<p>That members note the latest position and that the additional environmental information has not overcome the impact of this proposal on the AONB, or in light of HED's comments on the impact on State Care Monuments, and that the following reasons for refusal represent the views of the Council:</p> <p>1. Mid Ulster District Council have concerns with regards to the impact on the visual amenity and landscape character of this part of the Sperrin's Area of Outstanding Natural Beauty by reason of the number, scale, size and siting of the turbines and the high sensitivity of the landscape and this is contrary to Policy RE1 of Planning Policy Statement 18 and the SPPS.</p> <p>2. Mid Ulster District Council is concerned that the site lies in the Sperrin's AONB and are concerned the proposed windfarm would be detrimental to the environmental quality of the AONB by reason of lack of sensitivity to the distinct character and the landscape quality of the area and when its impacts are considered in relation to already consented wind energy development in the local area and would therefore also be contrary to PPS2.</p> <p>3. This proposal is also contrary to policy BH1 of PPS 6 and would have an unacceptable adverse impact upon the integrity of the settings and public views on approach to and from State Care monuments and on the integrity of the settings of nearby scheduled monuments.</p>
6.0	Documents Attached & References

6.1	Location Map.
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CORLACKY HILL WIND FARM

FIGURE 1.1 SITE LOCATION

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KEY:

— PLANNING APPLICATION BOUNDARY

+ SITE CENTRE

DOE Planning
RECEIVED
18 FEB 2016
File No. 009/2016/02508
SPD 2

Drawing
Number 01

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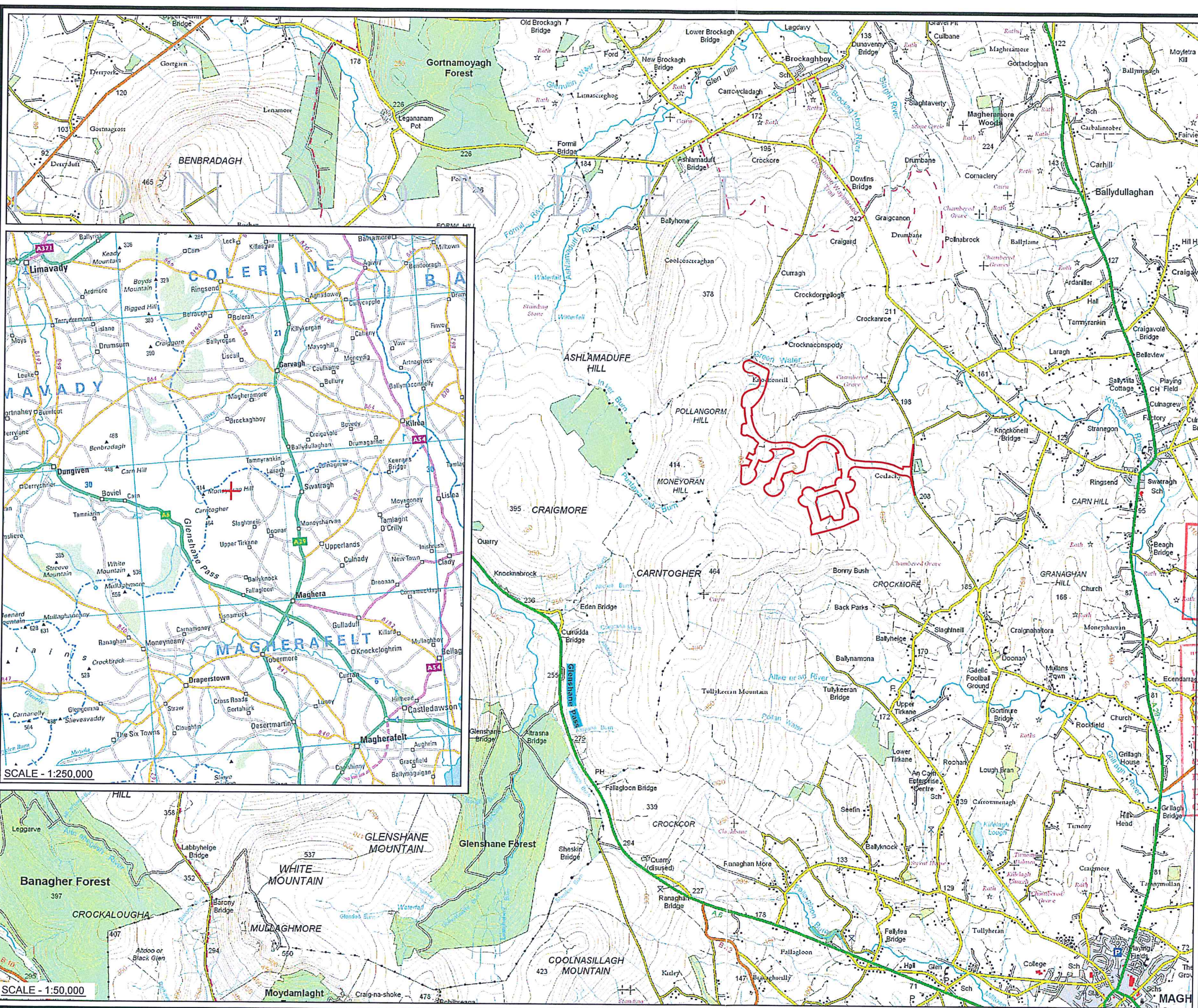
LAYOUT DWG N/A T-LAYOUT NO. N/A

DRAWING NUMBER 03163D2508-03

SCALE - AS SHOWN @ A3

ENVIRONMENTAL STATEMENT
2016

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E

Report on	Planning Performance Indicators
Reporting Officer	Dr Chris Boomer
Contact Officer	Dr Chris Boomer

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

1.0	Purpose of Report
1.1	To agree the councils' views on Planning Performance Management Framework for NI.
2.0	Background
2.1	Following criticism of the Performance Indicators by Councils, the Department of Infrastructure is eager to develop a more performance management framework better reflective of the work undertaken by Councils.
3.0	Main Report
3.1	<p>The Department for Infrastructure is seeking the councils' views on a Planning Performance Management Framework (Appendix 1). The proposed Performance Framework is based on a series of indicators across planning functions and has been formulated following discussions with Heads of Planning, Local Government Officers and a Customer Survey. However, as of yet no consensus has been reached as to what the indicators should be.</p> <p>The Department's recommended indicators include:-</p> <ul style="list-style-type: none"> (i) Plan Making – in relation to progress with regards to Publication of Statement of Community Involvement, Preferred Options Paper, Plan Strategy and Local Policies Plan. It also asks has the council submitted an Annual Monitoring Report in connection with the Local Development Plan. In principal, none of these indicators give rise to issue. However, there is a lack of clarity with regard to the Annual Monitoring Report, the information which it should supply, how this will be collected and the resource implications involved. This does not pose an immediate problem given that it will not be applicable for a number of years until LDP's are adopted. However, given much of the monitoring information is needed to produce plans in the first instance, work should now commence both on providing guidance on monitoring and ensuring that the replacement planning portal is designed to accommodate this. (ii) Efficiency – These indicators are currently measured and include average time taken to determine major and local applications, percentage of major and local applications as agreed within a set time period. The report suggests to improve the current system in that statistics for major legacy applications are recorded separately. Although not included in the Department's Draft

	<p>Framework, the background research included a recommendation, that a system of agreeing to extend set time frames with applicants is brought in as recognition that the planning system increasingly requires applicants to supply additional information such as noise reports, flood risk and drainage assessments and wildlife surveys. Unfortunately, under the current IT arrangement this is not possible without a parallel date recording system is needed which would have resource implications. This said it is still an idea worthy of investigation in the future. It is my view that the notion of extending time periods should be linked to what is often called a “deemed refusal”, ie an applicant has a right of appeal for non determination (Section 60, Planning NI Act 2011) if a decision is not made in 16 weeks on a major application or 8 weeks on a local. In Mainland UK, the monitoring time periods are linked to the time periods for non determination appeals, as a consequence it can be in the interest of the applicant to submit a request for extension to allow them to submit further information whilst retaining a right of appeal in line with the extended period. Without this, I cannot see any benefit for the applicant in seeking extensions. I would, therefore, suggest the Department consider revising Article 20 of the Planning (General Development Procedure) Order (Northern Ireland) 2015, to bring it into line with the statutory performance indicator periods.</p>
(iii)	<p>Quality – Indicators includes percentages for applications delegated, approved, decisions made against officer’s recommendation, appeals dismissed and number of appeal costs awarded. These indicators give me the greatest concern because they presume the higher the percentage delegated the better the service, the higher percentage of appeals allowed the worse the service, the more decisions made against officer’s recommendation the worse the service. I question these assumptions in that a greater proportion of applications in Mid Ulster goes to committee than any other council. Yet our performance remains high. The fact that more applications go to committee, reflects the value given to allowing applicants and objectors opportunity to present their case, and the appreciation that members can often be the best adjudicators where there is conflict. Furthermore, members exercising their statutory right to determine applications should be seen as not only positive but also as an essential part of addressing the historical democratic deficit. The percentage of appeals dismissed is also a poor indicator. In Mid Ulster Council, the emphasis is placed on resolving issues through negotiation and where a refusal is issued, then the reasons is properly explained. As a consequence, there is a low number of appeals. However, where there are appeals it is often to assist in providing clarity on policy interpretation, which then assists in future decision making. In my view, it is better to have 10 appeals per annum but have 6 allowed and 4 dismissed, a percentage rate of 40%, than deal with 50 appeals and have 15 allowed and 35 dismissed, a percentage rate of 70%. I am equally concerned that publishing this could be abused as has been done previously in the press when statistics have been published. I therefore advise that these be removed.</p>
(iv)	<p>Engaging – Indicators include public speaking at Planning Committee and providing a duty planning officer to engage with the public. Given Mid Ulster does this, I have no objection to its inclusion. However, it is not really a performance indicator, but a reflection of good practice.</p>
(v)	<p>Enforcement – The measure is the same as at present which relates to the closure of a case or serving of a notice within 39 weeks. This indicator gives me no cause for concern.</p>
(vi)	<p>Planning Outcomes – The Department also proposes that we report on a number of decisions analysis indicators including affordable housing, market</p>

	<p>housing, number in settlement limits and completions. It also wishes to report on the amount of office retail and industrial floorspace permitted and amount in megawatts for renewable energy. Collecting information on this is something which I would support as understanding land availability, delivery and affordability is important. However, undertaking this work has a resource implications. In order to undertake this monitoring at the present time, it is my view that the Department through the block grant should make the resource available to employ a monitoring officer. Therefore, without additional finance, it is my view that we should not agree to collecting this information. Furthermore, it is my view that unless the planning portal is revised to store this information, then implementation should be put off, until it is replaced with a system that can adequately do this task. To be fair to the Department, some recognition is given to these concerns and they have suggested that it should not be implemented until 2018. However, whether this is achievable without the additional resource remains questionable. I would therefore suggest decisions analysis be deleted from the Framework until fully thought out.</p>
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial:</p> <p>Human:</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p>None</p>
4.3	<p><u>Risk Management Implications</u></p> <p>Only in terms of diverting resources from current work.</p>
5.0	Recommendation(s)
5.1	<p>(i) That members agree to the submission of this paper to the Department as the council's comment on the Northern Ireland Planning Performance Management Framework.</p>
6.0	Documents Attached & References
	Northern Ireland Planning Performance Management Framework

PLANNING PERFORMANCE MANAGEMENT FRAMEWORK



Introduction

- 1.1 The planning system in Northern Ireland has undergone a period of significant change. On 1st April 2015, the majority of planning functions were devolved from the Northern Ireland Government's former Department of the Environment (DOE) to 11 newly re-organised district councils. The previous arrangement of 26 district councils had been in place since the early 1970s.
- 1.2 Both actual and anecdotal evidence suggests that the new planning system and council reorganisation are now bedding-in. It is recognised that any performance management measures should have regard to the context of recent significant change, as well as the introduction of any significant further change and / or additional resource demands at this time.
- 1.3 The Department for Infrastructure (DfI) commissioned Mark Hand (Head of Planning, Housing and Place-Shaping Innovation and Enterprise Directorate, Monmouthshire County Council) to prepare a report scoping out proposals for a planning performance management framework for Northern Ireland, including suggested indicators and definitions, timescales and other matters for consideration. This framework is based on the work carried out by Mark.
- 1.4 The framework has been formulated following discussions and a workshop with DfI, heads of planning and relevant senior local government officers; as well as consideration of good practice in other regions (primarily Wales and Scotland); a customer survey asking planning agents / developers what is important to them in terms of an effective planning system; and feedback from heads of planning, enforcement officers and DfI officials on the draft report issued in January 2017.
- 1.5 The objective of the exercise was to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the collected data to help drive service improvements. The desired outcome is a positive, efficient and effective planning system for Northern Ireland. Any performance management framework will evolve with time, as lessons are learnt or as circumstances, challenges or priorities change.
- 1.6 The outcomes of the framework will be of benefit to councils in helping them to identify best practice and to drive forward continuous improvement. It will also help central and local government to demonstrate planning's contribution to delivering the draft Programme for Government (PfG) outcome-based indicators. These include a strong, competitive, regionally balanced economy; protection of the environment; a healthier and more equal society; and a society where people are connected with opportunities through infrastructure. This requires central government to work with local government, private sector, voluntary and community sectors to maximise what can be achieved collectively.
- 1.7 While there are currently three statutory planning indicators, it is widely recognised that these do not cover all the work carried out by the local planning authorities (LPAs). This framework will help to address this by capturing data on other planning-related activities.
- 1.8 The framework incorporates the existing three statutory indicators, which will remain in addition to the new indicators.

Monitoring and reporting arrangements

- 2.1 The new performance reporting arrangements will come into effect from 1st April 2017. In the

interest of driving forward continuous improvement across the Northern Ireland planning system, the Department will gather the data on a quarterly basis. Where possible, the data will be extracted from the planning portal or from official statistics; to minimise the burden on LPAs.

- 2.2 The quarterly reports will be issued to councils following the end of each quarter by DfI, pre-populated with centrally available data, as part of the current Official Statistics (OS) validation process. Councils will be asked to provide the input for any performance indicators they are responsible for updating and to confirm their agreement with the content of the reports. Once received, the Department will incorporate the information into the quarterly OS reports in the most appropriate format. At the end of each year the Department will use this information within an overall NI-wide planning report, which will include details of the Department's planning-related work and Planning Appeal Commission's (PAC) performance, and will publish the report on its website. Following the Department's release of quarterly pre-announced OS publications, councils may choose to publish their own quarterly reports.
- 2.3 Councils will be able to add narrative to explain performance and identify successes and areas for improvement / actions.
- 2.4 It is envisaged that this framework will evolve over time. The Department, in conjunction with local government, will review indicators and definitions and agree targets for the next year based on lessons learnt, trends, priorities and aspirations.
- 2.5 Where applicable, the framework categorises performance into one of three performance bands:



- 2.6 The indicators set out in the performance framework table are divided into six categories:
 - Plan-making
 - Efficiency
 - Quality
 - Engagement
 - Enforcement
 - Outcomes (establishing systems and data gathering for the first year - will not be externally published)
- 2.7 Some of the indicators are currently not subject to specific targets. Where this is the case, the target is described as 'to be benchmarked'. These targets will be set in discussion with the LPAs and the Department.
- 2.8 A list of the indicators can be found at [Annex A](#).

SECTION 1 – PLAN MAKING:

Performance Indicator 1 (PI 1) - Has the council:

- a) Had its Statement of Community Involvement (SCI) agreed by the Department?



- b) Published its Preferred Options Paper?



- c) Published its Plan Strategy?



- d) Published its Local Policies Plan?



Definitions

- i) 'Statement of Community Involvement' means the document as defined in the Planning (Statement of Community Involvement) Regulations (NI) 2015. Guidance can be found in Development Plan Practice Note 02.
- ii) 'Agreed' by the Department means that the council has either received a positive written response accepting the SCI from the Department or that no response has been received within 4 weeks of the council submitting the SCI to the Department.
- iii) 'Preferred Options Paper' means the document as defined in Part 3 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (the LDP Regulations). Guidance can be found in Development Plan Practice Note 04.
- iv) 'Published' means made publically available in accordance with the relevant section of the LDP Regulations (for example Regulation 11 in relation to the POP).
- v) Publication of the 'Plan Strategy' refers to making publically available the adopted Plan Strategy under Regulation 24.
- vi) Publication of the 'Local Policies Plan' refers to making publically available the adopted Local Policies Plan under Regulation 24.

Performance Indicator 2 (PI 2) - Has the council submitted its local development plan (LDP) Annual Monitoring Report (AMR)?



The AMR would detail the extent to which the objectives set out in the LDP are being achieved. This indicator would not be applicable until a full year following LDP adoption, which is some time off.

Definitions

- i) 'Submission' of the Annual Monitoring Report means the date on which a copy of / link to the council's AMR is sent in writing to the Department under Regulations 25 and 27.

SECTION TWO – EFFICIENCY

Performance Indicator 3 (PI 3) - Average processing time taken to determine major applications.



This indicator is the existing statutory indicator.

Standard – Major applications processed from date valid to decision or withdrawal within an average of 30 weeks.

Definitions

- i) A 'major' application is as defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#).

Performance Indicator 4 (PI 4) - Average time taken to determine major applications (excluding legacy and withdrawn applications).



This indicator is similar to the existing statutory indicator but excludes legacy applications and withdrawn applications.

Definitions

- i) A 'legacy' application is described as an application registered as valid on or before 31st March 2015.
- ii) Applications withdrawn by the applicant prior to the decision notice being issued will be excluded from the statistics.

Performance Indicator 5 (PI 5) – Average processing time taken to determine local applications.



This indicator is the existing statutory indicator.

Standard – Local applications processed from date valid to decision or withdrawal within an average of 15 weeks.

Definitions

- i) A 'local' application is as defined in the [Planning \(Development Management\) Regulations \(Northern Ireland\) 2015](#), and any other applications for approval or consent under the Planning Act (Northern Ireland) 2011 (or any orders or regulations made under that Act). Applications to discharge conditions are excluded.

Performance Indicator 6 (PI 6) - Average time taken to determine local applications (excluding legacy and withdrawn applications).



This indicator is similar to the existing statutory indicator but amended to exclude legacy and withdrawn applications.

Performance Indicator – 7 (PI 7) - Average times taken to determine major legacy applications.

Given the age of these applications (only applications that have a date valid on or prior to 31st March 2015) a target is rather meaningless.

Performance Indicator – 8 (PI 8) - Average times taken to determine local legacy applications.

Given the age of these applications (only applications that have a date valid on or prior to 31st March 2015) a target is rather meaningless.

SECTION THREE - QUALITY

Performance Indicator – 9 (PI 9) - Percentage of applications determined under delegated powers.

Definitions

- i) The numerator is the number of applications determined under delegated powers during the reporting period. The denominator is the total number of applications determined during the reporting period.

Performance Indicator – 10 (PI 10) - Percentage of applications approved.

Definitions

- i) The numerator is the number of applications approved during the reporting period. The denominator is the total number of applications determined during the reporting period.

Performance Indicator – 11 (PI 11) - Percentage of committee decisions made against officer recommendation.

Definitions

- i) The numerator is the number of applications determined by the Planning Committee that were contrary to officer recommendation as published in the Committee minutes, during the reporting period. The denominator is the total number of applications determined by the Planning Committee during the reporting period.

Performance Indicator – 12 (PI 12) - Percentage of appeals against refusals of planning permission that are dismissed.

Definitions

- i) The numerator is the number of appeal decisions that were dismissed (i.e. the council's decision was upheld) during the reporting period. The denominator is the total number of appeals determined by the Planning Appeals Commission during the reporting period. This indicator excludes appeals against non-determination and enforcement notices.

Performance Indicator – 13 (PI 13) - Number of appeal costs awards.

Definitions

- i) This measures the number of instances where costs were either awarded fully or partially in the council's favour, or wholly or partially against the council. The indicator measures the number of instances, not the amount of money.

SECTION FOUR – ENGAGEMENT

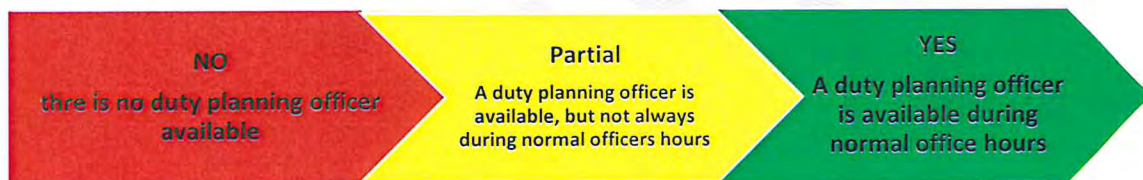
Performance Indicator – 14 (PI 14) - Does the council allow public speaking at planning committee meetings?



Definitions

- i) 'Public speaking at Planning Committee meetings' means any scheme formally adopted by the council and in operation that allows applicants, objectors and / or third party supporters to speak at Planning Committee meetings in relation to a specific application on the Committee agenda. The number of speakers, types of application on which speaking is permitted, length of time allowed for speakers etc. are all matters for the council to decide for itself to best meet its service needs.

Performance Indicator – 15 (PI 15) - Does the council have a planning officer on duty to provide general planning advice to customers?



Definitions

- i) The Duty Officer service must, as a minimum, be available Monday to Friday 9:00am to 4:30pm to count as a full Duty Officer service and to be recorded as a 'yes' in the performance returns. A lesser service should be recorded as 'partial', or no service as 'no'. The Duty Officer should be suitably qualified or experienced to provide day to day general planning guidance. The Lagan/Ni Direct Service does not constitute a Duty Planning Officer.

SECTION FIVE – ENFORCEMENT

Performance Indicator – 16 (PI 16) - Proportion of enforcement cases progressed to the target conclusion within 39 weeks:



This is the existing statutory indicator.

Standard – 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint

SECTION SIX – STRATEGIC PLANNING DIVISION

Performance Indicator – 17 (PI 17) - Contribute to sustainable economic growth by progressing all regionally significant applications to a Ministerial recommendation within 30 weeks of receipt of the application (or environmental statement, where applicable).



Definitions

- i) The processing target shall apply to RSD applications that:
 - have been subject to pre-application discussions (PADs) with satisfactory provision of draft environmental information prior to submission, where applicable;
 - are not the subject of a request for further environmental information. Such a request will extend the target by 30 weeks upon receipt of the information.
-

SECTION SEVEN – OUTCOMES

Performance Indicator – 18 (PI 18) - Planning outcomes:

- i. number of affordable housing units granted consent;
- ii. proportion of affordable housing units granted consent that are located within defined settlement boundaries;
- iii. number of market housing units granted consent;
- iv. proportion of market housing units granted consent that are located within defined settlement boundaries;
- v. total number of housing units completed;
- vi. housing land availability indicators;
- vii. amount of office floor space granted (net increase in sqm);
- viii. amount of retail floor space granted (net increase in sqm);
- ix. amount of industrial floor space granted (net increase in sqm);
- x. number of megawatts of renewable energy approved.

While this information will be required by councils to populate their local development plans and for ongoing monitoring of those plans, it is considered important as an indicator of planning outcomes and therefore has been included in the framework. However, it is recognised that the planning portal does not capture all this information. Some of the above data may already be collated by some councils, but not all. In order to allow all councils time to collate this data, these outcome indicators will not be reported upon, or published, during 2017-18. The intention would be that councils will have this year to establish the monitoring systems necessary to capture this information, with a view to reporting properly from 1st April 2018.

This issue will be taken forward through further discussions with the proposed Performance Management Working Group, including agreed definitions for the indicators.

Annex A

MEASURE		Data available from
Section one - Making Plans		
PI - 1	Has the council:	
	a) Had its Statement of Community Involvement (SCI) agreed by the Department?	DfI
	b) Published its Preferred Options Paper?	Council
	c) Published its Plan Strategy?	Council
	d) Published its Local Policies Plan?	Council
PI - 2	Has the Council submitted its local development plan (LDP) annual monitoring report (AMR)?	DfI
Section two - Efficiency		
PI - 3	Average time taken to determine major applications (current statutory indicator)	DfI – Planning Portal
PI - 4	Average time taken to determine major applications (excluding legacy and withdrawn applications)	DfI – Planning Portal
PI - 5	Average time taken to determine local applications (current statutory indicator)	DfI – Planning Portal
PI - 6	Average time taken to determine local applications (excluding legacy and withdrawn applications)	DfI – Planning Portal
PI - 7	Average time taken to determine major legacy applications	DfI – Planning Portal
PI - 8	Average time taken to determine minor legacy applications	DfI – Planning Portal
Section three - Quality		
PI - 9	Percentage of applications determined under delegated powers	DfI – Planning Portal
PI - 10	Percentage of applications approved	DfI – Planning Portal
PI - 11	Percentage of committee decisions made against officer recommendation	Council
PI - 12	Percentage of appeals against refusals of planning permission that are dismissed	PAC
PI - 13	Number of appeal costs awards	PAC
Section four - Engagement		
PI - 14	Does the council allow public speaking at planning committee meetings?	Council
PI - 15	Does the council have a planning officer on duty to provide general planning advice to customers?	Council
Section five - Enforcement		
PI - 16	Proportion of enforcement cases progressed to the target conclusion within 39 weeks	DfI – Planning Portal
Section six – Strategic Planning Division		
PI - 17	Contribute to sustainable economic growth by progressing all regionally significant applications to a Ministerial recommendation within 30 weeks of receipt of the application (or environmental statement where applicable).	DfI

2017-18 to be used as base year for data collection purposes:

Section seven – Outcomes (to be monitored from 1/4/18)		
PI - 18	Planning outcomes:	
	Number of affordable housing units granted consent	Council
	Proportion of affordable housing units granted consent that are located within defined settlement boundaries	Council
	Number of market housing units granted consent	Council

	Proportion of market housing units granted consent that are located within defined settlement boundaries	Council
	Total number of housing units completed	Council
	Housing land availability indicators	
	Amount of office floor space granted (net increase in sqm)	Council
	Amount of retail floor space granted (net increase in sqm)	Council
	Amount of industrial floor space granted (net increase in sqm)	Council
	Number of megawatts of renewable energy approved	Council

F

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 May 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Clarke, Chair

Councillors Bell, Cuthbertson, Gildernew, Glasgow, 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
Nora Largy, Council Solicitor
Una Mullen, Council Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2015/0147/F
LA09/2016/0356/F
LA09/2016/1053/F
LA09/2017/0053/O
LA09/2017/0249/F

Chris Cassidy – CMI Planners
Shane Devlin – Clyde Shanks
Philip Marshall – HMB Architects
Philip Marshall – HMB Architects
Uel Henry – HMB Architects

The meeting commenced at 7.02 pm.

P054/17 Apologies

Councillors Bateson and Mallaghan.

P055/17 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P056/17 Chair's Business

The Chair, Councillor Clarke advised the committee that he welcomed the submission of an Environmental Statement in connection with application LA09/2016/1307/F by Lake Torrent Motor Sport Centre of Excellence. The application is for the construction of a motor sport racetrack and associated ancillary buildings together with community buildings which will enhance the Mid Ulster and generate tourism in the area.

The Planning Manager advised that consultations would be carried out with the relevant consultees in order to progress this application as quickly as possible.

Councillor Cuthbertson referred to the Council meeting held on Thursday 27th April where serious issues were raised in relation to matters at the previous Planning meeting on Tuesday 4th April and felt that these needed addressed before proceeding with this meeting tonight.

Councillor Cuthbertson raised the issue of the accuracy of the Minutes and felt that if some members were not happy with the way that the Minutes are taken, then consideration should be given to having the proceedings recorded the same as the Council meeting.

Councillor McPeake said that he had no problem with the accuracy of the Minutes as it would be impossible to get word for word, but felt that if Members wasn't happy that this was a clear indication they should have the right to raise it at the full Council meeting.

The Planning Manager referred to the Minutes concerned and felt that there would be no good will coming from having the meeting recorded as it was a reasonable submission and if members wanted to raise any issues or concerns, then this should be done through the Chief Executive's office. He asked that this Committee not take this meeting into distribute as minutes are a true reflection of the meeting.

Councillor Cuthbertson advised that he personally had no issue with the way the Minute Taker takes the Minutes and in the past defended them, but felt that this issue needs to be clarified on whether to proceed with recording the proceedings or not.

The Chair, Councillor Clarke advised that this was no reflection on the Minute Taker and felt that it was impossible to record word for word what was said, but that he would leave it up to members to decide on the best way forward.

Councillor McKinney advised that he had no issue with the way the Minutes are taken and felt that the only problem on the night was that there was a heated discussion between members and now that there was time to reflect, it's time to move forward and leave things as they are without recording the proceedings.

Proposed by Councillor McKinney
Seconded by Councillor McPeake and

Resolved: To remain as things are and not to proceed with recording of the Planning Committee.

Matters for Decision

P057/17 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

**LA09/2015/0147/F Four 2-bed apartments at 32 Mullaghboy Lane, Magherafelt
for Mr Philip Donaghy**

Ms Doyle (SPO) presented a report on planning application LA09/2015/0147/F advising that it was recommended for refusal.

The Chair advised the committee that request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy advised that the proposal was a reduced scheme from the originally proposed one, from the original 6 no. 2 bed apartments to 4 no. 2 bed apartments. This scheme has been reduced in correspondence with the Council.

Mr Cassidy referred to his reasons for overturning the refusal:

PPS3 – Policy AMP 2 –

- The proposed access to the apartments is at the same location as the access to the current dwelling.
- There is no in-curtilage parking provided in the proposed scheme and therefore traffic will not be slowing down to enter the site at this junction, therefore the development will not prejudice the safety or convenience of road users at this junction.
- The nature and scale of the development will not result in a major increase in traffic to the area.
- The existing road network together with the low speed and volume of traffic using the adjacent public road could accommodate for this scale of development.

PPS3 – Policy AMP 7 -

- A reduced level of car parking provision should be considered acceptable at this location and would promote alternative transport modes
- This is a highly accessible location within a few minutes walking distance to the town centre and is well served by public transport
- The development would benefit from on street parking capacity available in the immediate vicinity of the site

**PPS 7 Addendum Safeguarding the Character of Established Residential Areas –
LC1**

- The proposed density of this development is not significantly higher than that found in the surrounding established residential area
- The development is in keeping with the overall character of the residential area and has been designed to be sympathetic to surrounding residential properties
- All dwelling units and apartments are built to a size not less than those set out in Annex A

Mr Cassidy advised that in summing up his reasons for approving the application, this development would provide necessary housing within the town of Magherafelt and had been designed in a sympathetic and sensitive manner and would not cause unacceptable harm to the character of the residential area.

Councillor Bell advised that by looking at this, the parking would appear to be the biggest issue and enquired if there was any way that this application could be advanced, given that there was a housing shortage in the area.

The Planning Manager stated that when this application came to Planning Committee, it was felt that this was the best decision as recommended by TransportNI, and looking at the application now, the development would be located near a road junction where it would be more than likely that people would park to get closest to their premises as possible, but that there may be some leeway to get some sort of compromise and that he too was aware of the need for additional housing in the area.

Councillor Reid suggested reverting the matter back to the Planning Manager so he could liaise with TransportNI and the Architect to try and come to some sort of compromise.

The Planning Manager said that it would be reasonable to have a meeting with TransportNI and the Architect as this may be more beneficial.

Proposed by Councillor Reid
Seconded by Councillor Bell and

Resolved: That planning application LA09/2015/0147/F be deferred for an office meeting so that the Planning Manager can liaise with TransportNI and the Architect to see if a compromise can be reached.

LA09/2016/0356/F Retention and regrading of excavated soil at lands W of 45 and 47 Mullaghboy Glen, Magherafelt for Mr John Keatley

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor J Shiels
Seconded by Councillor Bell and

Resolved: That planning application LA09/2016/0356/F be approved subject to conditions as per the officer's report.

LA09/2016/1053/F Free range poultry shed with 2 feed bins and a standby generator building at land approx. 150m SE of 42 Drumard Cross Road, Dungannon for Mr Ronald McGuigan

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2016/1053/F be approved subject to conditions as per the officer's report.

LA09/2016/1667/O Dwelling and garage/store 78m N of 8 Shore Road, Ballinderry Bridge, Cookstown for Mrs Patricia McCusker

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McPeake
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2016/1667/O be approved subject to conditions as per the officer's report.

LA09/2017/0053/O Dwelling and garage 150m SW of 283 Pomeroy Road, Lurganeden, Dungannon for Mr Colin Moore

Ms McCullagh (SPO) presented a report on planning application LA09/2017/0053/O advising that it was recommended for refusal.

Councillor Cuthbertson left the meeting at 7.22 pm.

The Chair advised the committee that request to speak on the application had been received and invited Mr Marshall to address the committee.

Mr Marshall advised the committee that his client had a very clear and define need for a new dwelling on the farm. He lives at the home farmhouse with other family members and had worked very hard over the last number of years to build up a very successful poultry farm supplying eggs to a local egg packer.

Mr Marshall stated that a number of sites were examined before submitting this application. He advised that:

- 1) **Site 1** – immediately NE of the farm dwelling was found to be unsuitable for the following reasons:
 - a) The site is very steep and slopes down to a small river which would prove dangerous.
 - b) This site was an old sand pit which has been filled over many years which would mean providing adequate foundations almost impossible.
 - c) This site is bounded on the lower side by a small river. Upon checking NI Flood Map it was discovered that part of the lower section of the site lies within the 100 year flood level and the client confirmed that the river does flood and in the past part of the river bank and field had been washed away by flood water due to the fact that the soil is very sandy. To build a dwelling on this site would be very unsafe.
 - d) Due to topography of the area the existing farm dwelling towers over the site and there would be no privacy on the site due to overlooking from the existing dwelling.
- 2) **Site 2** – immediately SE of the main cattle farm and although this would satisfy Section C of CTY 10 as it is just to the rear of the main cattle farm but is totally unsuitable for that very fact – it is immediately to the rear of the main cattle farm

and could only be accessed through the working farmyard which is totally unacceptable in modern society.

- 3) Site 3** – SE of the 2nd poultry shed within the fenced range. The site would satisfy Section C of CTY 10 but was found to be unsuitable for the following reasons:
- (a) Too close to the chicken shed <50m.
 - (b) Sited within the chicken range which would not be allowed by the egg company.
- 4) Site 4** – Approximately 70m SE of 2nd poultry shed. This is the application site and has been found to be the most suitable and satisfies Section C of CTY 10. Although a preferred siting was indicated, the site is over 100m deep and the client would be willing to move further back on the site. Although the site is quite open and does not benefit from mature vegetation but that is the nature of the area. The land is very sandy and pure indeed pure sand which does not support mature trees. The site would require planting to aid integration and this together with a setback with a modest dwelling could be a successful site. The client has already demonstrated his willingness to plant trees/shrubs as he had planted a significant section of land adjacent to the poultry sheds (the plants have been carefully selected to grow in light sandy soil).

In summing up, Mr Marshall advised that his client had a genuine and real need for a new dwelling. His client was a successful poultry farmer and needed to live beside his business and taking everything into consideration the most practical site has been chosen.

In response to the Planning Manager's query on Site 1, Mr Marshall advised that it was an old disused sand pit and part of it has running sand and water, which do not mix.

Councillor Reid suggested deferring the application for an office meeting until more information was received.

Councillor Gildernew advised that on shared land it's difficult to get a mortgage. He said that he was surprised why this application was not approved in the first instance as the applicant needed to be in a close proximity of the chicken houses if the alarms goes off. This could be detrimental to his livelihood otherwise.

The Planning Manager advised there could be issues if there were repossession issues with the dwelling and no right of access. He felt that the whole purpose of the policy was the cluster and that this site with the hills could pose some Environmental Health problems with materials which could've been put there. He felt that more information was needed and that the proposal to defer the application was the best option. He said that it does not meet the policy test and that the Planners cannot recommend approval in line with planning policy on what the option is.

Councillor Gildernew agreed with the Planning Manager and felt that there could be issues trying to get a Farmer to share a lane and in his opinion this would be virtually impossible.

The Planning Manager said that it may be likely that in time another poultry house could be erected and if this was the case, it would be impossible to get a mortgage. He said

that he had no intention to plough through the farm buildings and was only trying to find the best possible solution.

Councillor McKinney said that he understood that the Planning Officers had criteria to follow but that it made sense to go with Option 4 as it was the most practical.

Councillor Robinson said that he would have concerns about a dwelling being too close to a farmyard due to farm safety.

Proposed by Councillor Reid
Seconded by Councillor McKinney

Resolved: That planning application LA09/2017/0053/O be deferred for an office meeting until further information is sought.

LA09/2017/0249/F Disabled access to hall at 3A Bridgend Road, Coagh for The Trustees, Coagh Masonic Hall

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2017/0249/F be approved subject to conditions as per the officer's report.

LA09/2016/0947/O Dwelling and garage 100m NW of Strawmore Lane and Glengomn Road, Draperstown for Vincent McKenna

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2016/0947/O be approved subject to conditions as per the officer's report.

LA09/2016/1343/O Dwelling and garage at lands adjacent to 30 Annaginny Road, Newmills for Robert Williamson

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2016/1343/O be approved subject to conditions as per the officer's report.

P058/17 Receive report on applications for Moneymore Orange Hall

The Head of Development Management presented previously circulated report to ask for agreement for an 'interim' recommendation of approval in principle on planning application LA09/2016/0193/F and related Listed Building Consent (2016/0194/LBC) and that the Planning Manager issues a letter of comfort to this effect.

The purpose of this is to permit the applicant to acquire funding in order to carry out an archaeological assessment of the site, as requested by HED, which must be completed prior to a final decision and the issuing of any approval notice.

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved: That Council agree to the Planning Manager issuing a letter of comfort to the applicant indicating that the Council are satisfied that the proposal is in accordance with planning policy and approved subject to the satisfactory outcome of the archaeological assessment and agreement of HED.

P059/17 Receive Planning Department's Service Improvement Plan 2017-18

The Planning Manager presented previously circulated report to provide Members with a copy of the Service Improvement Plan (SIP) for the Planning Department for the period 2017-18.

Councillor McKinney left the meeting at 7.43 pm and returned at 7.46 pm.

Councillor McPeake said that he would be happy to agree to the Service Improvement Plan and when he attends other forums, it is quite evident that this Council is much more advanced compared to neighbouring ones and would like to commend Dr Boomer and his team on such tremendous work.

The Chair, Councillor Clarke advised that as a member of the Sperrins Group, it shows how solid works are being achieved and targets met and moving forward this continues. He agreed with Councillor McPeake's sentiments and said that the work that Dr Boomer and his team do is invaluable.

Councillor Kearney stated that it was obvious from the recent Planning workshops that Mid Ulster is the lead Council on Planning and all the people present were very impressed and appreciated all the work which is being carried out to make Mid Ulster a better place.

Proposed by Councillor McPeake
Seconded by Councillor McKinney and

Resolved: That the Planning Department Service Improvement Plan 2017-18 be agreed and noted.

P060/17 Receive correspondence from 'Community Places'

The Chair advised that 'Community Places' be withdrawn from the Agenda.

Matters for Information

P061/17 Minutes of Planning Committee held on Tuesday 4 April 2017

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Members noted minutes of Planning Committee held on Tuesday 4 April 2017.

P062/17 Note Appeal Decision

Members noted previously circulated report which advised of recent Planning Appeal decisions.

Confidential Business

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved: That items P063/17 to P068/17 be taken as confidential business.

P069/17 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.35 pm.

CHAIR _____

DATE _____