

A

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 June 2015 in Council Offices, Burn Road, Cookstown

Members Present

Councillor Kearney, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels

Officers in Attendance

Mr Tohill, Chief Executive
Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr McGibbon, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McEvoy, Head of Development Plan and Enforcement
Miss Thompson, Committee Services/ Senior Admin Officer

Others in Attendance

Councillors Forde and M Quinn

Applicant Speakers
H/2014/0046/O – Mr Damien Kearney
I/2014/0226/F – Messrs Brady and McLoughlin
I/2014/0314/O – Ms Carol McIlvar
M/2015/0115/O – Mr Liam Currie
M/2015/0156/O – Mr Francis Loughran

The meeting commenced at 7.05 pm.

P46/15 Apologies

None

P47/15 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor Mallaghan declared an interest in application M/2014/0314/O advising that he would be speaking on this application later in the meeting.

Councillor Cuthbertson declared an interest in application M/2015/0086/F.

P48/15 Condolences

On behalf of all Members of the Planning Committee, Councillor Reid offered condolences to the Chair, Councillor Kearney on the recent death of his brother.

P49/15 Business at Committee Meetings

Proposed by Councillor Mallaghan
Seconded by Councillor J Shiels and

Resolved That planning committee meetings be held over two nights, with one meeting to deal with planning applications (development management) and the second meeting to deal with all other planning matters

The Chair proposed that, in dealing with planning applications for determination at the meeting, the applications of those who have requested to speak be taken first.

Members were in agreement with this proposal.

Councillor Mallaghan requested that papers on planning applications at future meetings be issued in the order on which persons had requested speaking rights for, followed by the remaining applications for determination.

P50/15 Receive and Confirm Minutes of the Planning Committee Meeting held on Tuesday 5 May 2015

Proposed by Councillor Cuthbertson
Seconded by Councillor Glasgow and

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 5 May 2015, (P35/15 – P40/15 & P45/15), were considered and signed as accurate and correct.

Matters for Decision

P51/15 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

H/2014/0046/O Hotel Development between Glenshane Filling Station, 31 Glenshane Road and 10 Fallaghaloon Road, Maghera for M Bradley

Ms Doyle (SPO) presented report on planning application H/2014/0046/O advising that it be recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Kearney to address the committee.

Mr Kearney spoke in relation to roads issues stating that access to the site had already been moved which was thought to have been acceptable to bring the application to approval. As further movement for access is now required consent from third party land is needed which is not available. Mr Kearney spoke of the unique site and the potential for employment in the area and would welcome further discussions with the Planners and TransportNI.

The Planning Manager referred to the large commercial premises next to the proposed site and asked if shared access had been explored.

Mr Kearney advised that this had been investigated but was found not to be acceptable.

Proposed by Councillor Reid
Seconded by Councillor McElDowney and

Resolved That application H/2014/0046/O be deferred for an office meeting.

I/2014/0226/F Wind turbine up to 3mw capacity at 860m N of 24c Dirnan Road, Cookstown for Mr Robert Lennox

The Head of Development Management presented a report on planning application I/2014/0226/F advising that it is recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Messrs Brady and McLoughlin to address the committee.

Mr McLoughlin stated that the only issue of contention relating to this application was visual impact as other issues such as noise and shadow flicker have been adequately addressed. He advised that views of the turbine are mainly from the south with some views from the east and referred to other turbines which have been approved on southern and eastern slopes of the hill. He added that the proposed turbine would not be located on the summit of the hill and would be viewed largely as sitting in the middle of the slope without breaking the skyline. Mr McLoughlin also made reference to the social and economic benefits of the turbine stating that it was capable of generating electricity for around 2,000 homes and that erection and ongoing maintenance of the turbine would create jobs.

Councillor Reid queried whether the application could be moved to a lower location.

Mr McLoughlin advised that a smaller turbine would not be acceptable to the applicant.

Councillor Reid suggested that this application be deferred.

The Planning Manager advised that this application had already been deferred several times, the size of the turbine was double what was usually seen and that the proposed location was an important landscape. He added that Members needed to consider the cost/benefit of the proposal.

Councillor Bateson commented that it was unusual that no objections had been received on this application.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application I/2014/0226/F be refused on the grounds stated in the officers report.

I/2014/0314/O Infill dwelling and garage at 50m S of 58 Annaghquinn Road, Rock for Ms Elaine Murphy

Ms McCullough (SPO) presented a report on planning application I/2014/0314/O advising that it be recommended for refusal.

Councillor Mallaghan declared an interest in this application and requested to address the committee.

Councillor Mallaghan stated that this application was previously brought before Cookstown District Council and deferred. He stated that the proposed dwelling was situated along a laneway and that all dwellings on this laneway belonged to the same family. He added the applicant for the proposed dwelling had been given the site by her father. Councillor Mallaghan felt that the proposed dwelling was a perfect example of an infill site, would integrate into the landscape and would be no more prominent than buildings which already existed.

The Chair requested that Councillor Mallaghan did not take part in any further discussions on the application and that should a vote be taken, the Councillor would not be eligible to vote.

The Chair advised the committee that a request to speak on the application had also been received from Ms McIlvar and invited her to address the committee.

Ms McIlvar advised that the proposed dwelling would respect plot sizes and frontages, and circulated a map showing the plot sizes for existing and proposed buildings. She felt that the proposed dwelling qualified as a gap site in a continuous line. Ms McIlvar also advised that the applicant was willing to accept a 6m ridge height along with conditions on a level of under-build and concluded that the proposed dwelling could integrate easily into the landscape.

The Planning Manager referred to difficulties regarding integration of the proposed dwelling advising that it would be able to be seen from a distance. The Planning Manager's concern was noted with regard to the Council being audited against Department policies and urged the Committee to take caution when making a decision on this application.

Ms McIlvar advised that the application was a genuine rural dweller case and that the applicant comes from a family of seven.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels

That planning application I/2014/0314/O is refused.

Councillor McPeake felt that the rural character of the landscape would not be dramatically changed by this proposed dwelling but it would be helpful to see if the prominence of the dwelling could be reduced further.

Councillor Bell spoke of the need for Council to be able to challenge planning policy.

The Planning Manager advised that integration should not be man made through planting or creating an alien landscape.

Councillor Gildernew referred to a lot of farming families being in a similar situation and also supported Councillor Bell's comments regarding challenging planning policy.

Proposed by Councillor McPeake
Seconded by Councillor Gildernew

That application I/2014/0314/O be deferred for additional drawings to be produced on creating an improved engineering solution.

The Planning Manager advised Members that the issues relating to this application cannot be resolved and reminded Members that Council will be audited on adherence to Department policies.

Members voted on Councillor Cuthbertson's proposal –

For	6
Against	7
Abstained	1

Councillor Bateson concurred with other Members that the current planning policy affecting this application was inadequate.

In addressing the Committee Ms McIlvar confirmed that following advice given by the Planning Manager, application I/2014/0314/O would be withdrawn but urged Members to look at the planning policy when preparing the new area plan.

**I/2014/0334/F Replacement of existing chain boundary fence at Dunman
factory, 139 Moneymore Road, Cookstown for Dale Farm
Ltd**

Ms McCullough (SPO) presented report on planning application I/2014/0334/F advising that it be recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Mr McCarter to address the committee.

Mr McCarter advised that this application is to replace an existing boundary fence at Dunman factory, Moneymore Road, Cookstown with an acoustic fence. Mr McCarter advised that the replacement of this fence will eliminate noise from the factory and believed the applicant was taking a proactive approach.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application I/2014/0334/F be approved subject to conditions as per the officers report.

M/2015/0156/O Installation of a 25m high lattice tower with 6 no. antennas and 2 no. dishes at 98m SW of 44 Drumflugh Road, Derrycreevy, Benburb for Arqiva Ltd

Mr Marrion (SPO) presented report on planning application M/2015/0156/O advising that it be recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Loughran to address the meeting.

Mr Loughran advised that the proposed mast site forms part of a publicly funded programme called the Mobile Infrastructure Project (MIP) which seeks to deliver coverage to disadvantaged communities throughout the UK that have no mobile coverage.

Councillor Gildernew welcomed the proposed application and the improvement to mobile coverage.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application M/2015/0156/O be approved subject to conditions as per the officers report.

CONFIDENTIAL BUSINESS

The Chair requested that three applications be taken as confidential business:

M/2015/0115/O Dwelling and garage at lands immediately S of 9 Creenagh Road, Coalisland for Mr Daryl Dillon

M/2015/0016/F Dwelling and garage adjacent to and W of 66 Mullaghmarget Road, Dungannon for Mr Connor McKearney

I/2014/0403/O Infill bungalow and garage at lands 38m NW of 30 Mullan Road, Cookstown for Mr Anthony Rocks

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That applications M/2015/0115/O, M/2015/0016/F and I/2014/0403/O be taken as confidential business.

Open Business resumed at 9.25pm

The Chair advised and it was agreed by the committee that the remaining planning applications be taken as recommended within their report unless Members had specific comments to make.

I/2011/0422/F Retention of imported fill at 67 Dunamore Road, Cookstown for Mr Raymond Loughran

Application listed for approval subject to conditions as per the officer's report.

H/2011/0520/F Erection of wind turbine 90m SW of 4 Glenone Road, Clady for Mr James Birt

Application listed for refusal on the grounds stated in the officer's report.

I/2012/0446F Proposed shale mineral extraction, storage, phased restoration concrete batching plant and associated storage silos at lands 280m N of 204 Carnlough Road, Pomeroy for McAleer Sand and Gravel Ltd

Application listed for approval subject to conditions as per the officer's report.

I/2013/0316/F Renovation and extension of existing dwelling and conversion of outbuilding to form 2 residential units at lands at 31 Cookstown Road, Moneymore for Mr Brian Lavery

Application listed for approval subject to conditions as per the officer's report.

I/2014/0089/F 4 semi-detached dwellings at lands adjacent to 10-16 Westbury Gardens, Cookstown for Titanic Suites Belfast Ltd

Application listed for approval subject to conditions as per the officer's report.

M/2014/0134/F Extension to existing factory at 110 Gortgonis Road, Coalisland for Toubaki Ltd

Application listed for approval subject to conditions as per the officer's report.

**I/2014/0174/LBC Removal of 2.4m of front boundary wall at Loy Street,
Cookstown for Mr Shane Beckett**

Application listed for approval subject to conditions as per the officer's report.

**H/2014/0189/F Dwelling adjacent to 24 Beechland Road, Magherafelt for Mr
A Booth**

Councillor Forde requested a deferral for this application.

Proposed by Councillor McPeake
Seconded by Councillor Mullen

That application H/2014/0189/F be deferred for office meeting.

The Planning Manager advised that this application is a clear refusal and reminded Members that a similar application had been refused last month at an adjacent property.

It was agreed that the above proposal be amended as;

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That the application above be deferred for 1 month for any new/relevant information to be provided and brought back to committee for determination otherwise authority is delegated to the Planning Manager to refuse the application.

Councillor McEldowney indicated that she felt the precedent had been set at the previous month's meeting and that this application should hence be refused.

**M/2014/0251/F Refurbishment of toilets and extension to bar at 241
Derryfubble Road and extension to rear of shop at 61 Main
Street, Benburb for Mr Brendan McAnallen**

**M/2014/0307/LBC Refurbishment of toilets and extension to bar at 241
Derryfubble Road and extension to rear of shop at 61 Main
Street, Benburb for Mr Brendan McAnallen**

Councillor M Quinn requested a deferral for the above applications stating that the applicants are awaiting a meeting with NIEA.

The Planning Manager advised that there were a number of issues with the aforementioned applications on which clarity was required.

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved That the aforementioned applications be deferred for 1 month for additional information to be provided and brought back to committee for determination otherwise authority is delegated to the Planning Manager to refuse this application.

H/2014/0320/F Alterations to existing dwelling to create an additional storey at 12 Collshinney Heights, Magherafelt for Ms Emma Nicholls

Application listed for approval subject to conditions as per the officer's report.

M/2014/0404/F Erection of an additional high welfare broiler house at existing poultry farm, including shed for storage of wood pellets for alternative energy production and associated works at lands approximately 240m SE of 106 Knockmanny Road, Augher for Mr Roy Wright

Application listed for approval subject to conditions as per the officer's report.

I/2014/0409/F 2 no. two storey semi-detached dwellings at 84 Orritor Road, Cookstown for Bell Contracts

Application listed for refusal on the grounds stated in the officer's report.

I/2014/0412/F Variance of condition 3 of planning approval I/2014/0040/F at 410m N of 73 Dunamore Road, Dungate, Cookstown for Mr Gerard Loughran

Application listed for refusal on the grounds stated in the officer's report.

H/2014/0422/F Retrospective change of use from garden store to part-time hairdressing salon adjacent to 87A Annaghmore Road, Castledawson for Mrs Laureen King

Application listed for approval subject to conditions as per the officer's report.

H/2014/0455/O Retirement dwelling and garage 210m SSE of 74 and 50m SW of 72 Lismoyle Road, Swatragh for Mr J T Boyd

Application listed for refusal on the grounds stated in the officer's report.

I/2015/0003/A Retention of LED variable message electronic display at 153a Morgans Hill Road, Cookstown for Mr Liam Eastwood

Application listed for refusal on the grounds stated in the officer's report.

I/2015/0057/F Dwelling and garage at 40m NE of 29 Dunnabraggy Road, Moneymore for Ms Muriel E Stewart

Application listed for approval subject to conditions as per the officer's report.

**M/2015/0086/F Rear extension to dwelling at 85 Dergenagh Road,
Dungannon for Mrs Gail Cuthbertson**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor Reid and

Resolved That approval is granted to progress the aforementioned planning applications as detailed above in relation to applications –
I/2011/0422/F, H/2011/0520/F, I/2012/0446/F, I/2013/0316/F,
I/2014/0089/F, M/2014/0134/F, I/2014/0174/LBC, H/2014/0189/F,
M/2014/0251/F, M/2014/0307/LBC, H/2014/0320/F, M/2014/0404/F,
I/2014/0409/F, I/2014/0412/F, H/2014/0422/F, H/2014/0455/O,
I/2015/0003/A, I/2015/0057/F, M/2015/0086/F.

P52/15 Position Paper Seven – Open Space, Recreation and Leisure

Resolved That Position Paper Seven, Open Space, Recreation and Leisure be considered at a future planning meeting focused on Development Plan and Enforcement

P53/15 Position Paper Eight – Tourism

Resolved That Position Paper Eight, Tourism be considered at a future planning meeting focused on Development Plan and Enforcement.

**P54/15 Work Programme for Sustainability Assessment incorporating
Strategic Environmental Assessment**

The Planning Manager advised that in order to comply with legislation relating to the Local Development Plan Council must undertake a Sustainability Assessment and a Strategic Environmental Assessment (SA / SEA) of the plan. It would be essential that work on building the evidence base for these pieces of work be continued and completed prior to the publication of the Plan Timetable and Statement of Community Involvement in early 2016.

Members were directed to the report which provided an explanation of the legislative requirements for the Sustainability Assessment and Strategic Environmental Assessment and suggested indicators for the Assessment.

The Planning Manager referred to the need to establish a multi-disciplinary steering group made up of Council Directors and key consultees to fully assess the extent to which the emerging plan would contribute to achieving relevant, environmental, economic and social objectives.

He advised there was presentation available on this issue but due to time constraints at the meeting it would be provided at a future date.

Proposed by Councillor McPeake
Seconded by Councillor McAleer and

Resolved That a multi-disciplinary steering group be established to begin work on producing a Sustainability Assessment incorporating Strategic Environmental Assessment.

Councillor Mallaghan further proposed that the Chair and Deputy Chair of this committee also sit on the above steering group.

Resolved That the Chair and Deputy Chair of the Planning Committee also sit on the steering group to chair proceedings.

P55/15 Draft Statement of Community Involvement

The Planning Manager made reference to paper on Draft Statement of Community Involvement stating it should be taken as read and agreed to proceed as detailed in the paper.

Resolved That all recommendations outlined in the Draft Statement of Community Involvement be approved.

P56/15 Council response to consultation on Draft Northern Ireland Regional Landscape Charter Assessment (NIRLCA) 2015

The Planning Manager referred to the consultation on the draft Northern Ireland Regional Landscape Character Assessment 2015 and outlined a draft response stating the NIRLCA was not fit for purpose and seemed to suggest that Councils should carry the financial burden of preparing further studies at a local level.

The Planning Manager added that the study should adopt a more strategic approach by highlighting Northern Ireland's key landscape assets and act to interpret the original 130 LCA model.

The Planning Manager also highlighted that there was insufficient clarification regarding the status of the existing LCA once the NIRLCA is in place.

Proposed by Councillor Clarke
Seconded by Councillor Cuthbertson and

Resolved That Council respond to the consultation on Draft Northern Ireland Regional Landscape Charter Assessment 2015 as detailed in report dated 2 June 2015.

Matters for Information

P57/15 Report of Delegated Decisions Issued in April 2015

Members noted the content of the report of delegated decisions issued in April 2015.

CONFIDENTIAL BUSINESS

Proposed by Councillor Mallaghan
Seconded by Councillor J Shiels and

Resolved That items P58/15 – P64/15 be taken as confidential business.

P65/15 Duration of Meeting

The meeting was called for 7.00pm and ended at 10.45 pm.

Chair _____

Date _____

B



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

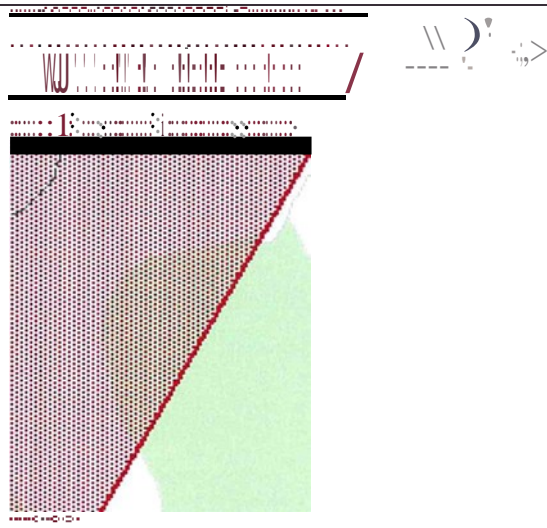
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7th July 2015	Item Number:
Application ID: I/2011/0156/F	Target Date:
Proposal: Extraction of sand and gravel, passing bays and restoration of the site.	Location: 250m due south of junction of Cavanoneill Road and Keenaghan Road Cookstown BT80 9EJ
Referral Route:	
Major application and objections received	
Recommendation:	Approval
Applicant Name and Address: LD Aggregates Ltd Loughdoo Road Cookstown BT80 9PL	Agent Name and Address: Quarryplan Ltd Quarryplan Ltd 10a Vale Road Crossgar Downpatrick BT30 9JN
Signature(s):__	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Env Health Cookstown District Council	Add Info Requested
Non Statutory	NI Transport - Omagh Office	Add Info Requested
Non Statutory	Water Management Unit	No Objection
Non Statutory	Health & Safety Executive for NI	Approval Subject to Conditions
Non Statutory	NI Transport - Omagh Office	Add Info Requested
Non Statutory	DARDNI - Countryside Management Branch	Add Info Requested
Non Statutory	Env Health Cookstown District Council	No Objection
Non Statutory	DETI - Geological Survey (NI)	Add Info Requested
Non Statutory	Natural Heritage	Add Info Requested
Non Statutory	Protecting Historic Monuments	Add Info Requested
Non Statutory	Water Management Unit	Add Info Requested
Non Statutory	NI Water - EIA Applications	No Objection
Non Statutory	Rivers Agency	Considered - No Comment Necessary
Non Statutory	Rivers Agency	Considered - No Comment Necessary

Non Statutory	Water Management Unit	Add Info Requested
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		
<p>Application relates to extraction of sand and gravel</p>		
Characteristics of the Site and Area <p>The site is located 250m due south of junction of Cavanoneill Road and Keenaghan Road. It is located approx 9km due west of Cookstown and 2.5km due south of Cookstown to Omagh Road. The site encompasses an area of pasture, boundary walls and hedges, gorse scrub, a derelict farm building and a marshy area. The site is mainly grazed by cattle, as is the surrounding area. The site is triangular, with the ground falling from east to west. There is a steep knoll rising to the east boundary, and the southern end on the west side of the ground, which is boulder strewn, falls steeply to the road. At the northern end of the western boundary there is steep woodland incline, fenced off to exclude livestock, falling towards the road.</p>		
Planning Assessment of Policy and Other Material Considerations <p>The relevant policies for this type of development is POLICY MINERALS 1 - 8 of PSRNI, PPS2 and PPS3 and Cookstown Area Plan 2010 - Plan Policy MN1- MN4.</p> <p>Cookstown Area is one of main mineral sources of sand and gravel in Northern Ireland, and the deposits extend over a wide area of the District from Lough Fea in the north to Pomeroy in the southwest.</p> <p>POLICY MIN 1 - Env Protection</p> <p>The site holds cattle grazed improved pasture, with hedgerows, scrubs and broadleaved woodland, a flush and a semi-derelict building. The proposed scheme of work will be confined to the improved pasture plus a small area of gorse scrub and removal of the building. There will no significant hydrological impacts. In relation to the Mining Waste Management Plan (MWMP) NIEA: WMU have considered this acceptable.</p> <p>Of the 8 species of bats known to occur in Tyrone, 6 were encountered on the site during the time of the survey 2010/11. The site provides potentially suitable roosting conditions for bats. The site does not have any important commuting routes and the development will not disturb any bat routes. Tree and shrub planting using native species will take place as part of restoration schemes and provide benefits to foraging and commuting bats.</p> <p>Due consideration has been taken into account in relation to drainage and flooding issues, and Rivers Agency have provided a number of informatives to be attached to any approval.</p>		

POLICY MIN 2 - VISUAL IMPLICATIONS

The landscape sensitivity in this area is considered medium. The potential landscape impact is moderate/minor and visual sensitivity is considered low. The Sperrins AONB is approx 6km to the north, so although there will be limited visibility of the site from higher ground the visual impact will be minor.

Quarries by their nature can alter landscapes dramatically, however assessment is required on an overall basis, from establishment to final restoration.

The establishment period can be the most disruptive but will typically only last 6 months. On completion of this phase, the quarry will settle into its main operational period, involving stripping and extraction. Scheme planting introduced at establishment period will continue to grow and mature during the extraction period. In terms of the landscape character whilst screening will minimise potential negative impact to the wider character area will be altered at this time. However the intention is to reinstate the lands to agricultural grazing pasture. Therefore with the exception of the extraction disruption the long term impacts on the land will be minimal.

POLICY MIN 3 - AREAS OF CONSTRAINT

The site is not located within any AONB or ASSI and so does not afford any special protection. Sperrins AONB is approx 6km to the north

MIN 4- VALUABLE MINERALS

This application does not include the exploiting of minerals limited in occurrence or with valuable property.

POLICY MIN 5 - MINERAL RESERVES

Not applicable, as this proposal would not prejudice future exploitation of valuable mineral reserves, which would be considered to be of particular value to the economy.

POLICY MIN 6 - SAFETY AND AMENITY

Particular regard should be had to the safety and amenity of occupants of developments in close proximity to working minerals. It is proposed that the extraction and subsequent restoration will be undertaken via machine driven plant/vehicles - no blasting is proposed, which reduces the potential for impact of noise and disturbance for surrounding properties.

NOISE AND DISTURBANCE

In the absence of specific Noise Standard Guidance the 'Technical Guidance to the National Planning Policy Framework' is used for Minerals policy.

In relation to Noise standards, subject to a maximum of 55dB, mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does exceed the background level by more than 10dB. It is recognised, however, that in many circumstances it will be difficult not to exceed the background level by more than 10dB without imposing unreasonable burdens on the mineral operator.

Normal working hours (0700-1900) should not exceed 55d8. Evening limits (1900-2200) should not exceed background level by more than 10dB, and at night times limits should not exceed 42dB at noise-sensitive dwellings.

All mineral operators will have some particularly noisy short term activities that cannot meet the limits set for normal operations, such as, soil stripping or aspects of road maintenance. This is essential and unavoidable in preparation for the phases of work.

Plans show that in Phase 1 there is an increase in 3-34m high bunding which will assist in reducing noise.

Phase 2 shows the soil and subsoils will be removed from the bund and will go on the Quarry floor.

The topography of the site is such that the majority of the extraction activity will be visually screened from noise sensitive properties as they are on lands c. 308m below the top of the quarry face. The lands around the noise sensitive properties are steeply banked and as such the properties are fully screened from this by the level of the lands.

Environmental Health have responded in relation to the submitted Noise Impact Assessment. They have also considered the letter of support from the agent and letter of objection from a local resident. It has been highlighted that the applicant is prepared to remove the dry screen process from the proposal and only excavate sand and gravel at this location, therefore the proposal is for sand and gravel extraction (by mechanical shovel) only. The applicant will also remove the processing element in order to reduce the worst case scenario predicted noise levels to c. 43d8. Conditions have been made to be attached to any approval to control the noise impacts.

While it is noted the 'worst case impact' is marginally higher than the night time figures, this document makes allowances for situations where it is difficult to achieve a limit without imposing unreasonable burdens. In this situation the limit should be set as near to 55d8. The calculations show the worst case impact is 14d8 below this limit. It is noted the worst case impact is 0.6dB over the external target for night time noises and is 4-9 dB below the target for external daytime amenity. It is therefore concluded, that this along with the additional bunding, the worst case impact will not generate a significant impact on the existing residential amenity of the adjacent dwellings. (no 84a and 88)

POLICY MIN 7 - TRAFFIC

Transport NI have considered the objection letter and have no objection but attach conditions. They have stated they are not in actual possession of any land relevant to this application however as the applicant has shown all required land within the application site they have no objections.

POLICY MIN 8 - RESTORATION

The total extraction area is 2.9ha. Overburden and soils will be stripped and placed in the proposed NE perimeter screening bund. Any excess material will be stored temporarily to SE of Phase 1. Plan 028 shows phase 1 extraction and that there is a proposed 3-4m high screening bund to be constructed from stripped soil and subsoil taken from phase 1 extraction area.

Plan 03A shows Phase 2 extraction area, 1.23ha. The excess overburden and soils from the temporary storage bund in Phase 1 will be placed into restoration of the quarry floor. Additional soils stripped from Phase 2 will be placed into restoration of the remainder of Phase 1 extraction area.

The mineral in Phase 2 will then be removed in a max of 7.5m lifts in accordance with UK Quarries Regs to the proposed final extraction floor.

Plan 04A shows Phased restoration of new growth area. Soils and subsoils will be removed from the bund and placed into restoration of the remainder of Phase 1 and 2 Quarry floor and the footprint of the bund will be restored to rough pasture. The total remaining quarry floor to restore is 2.64ha.

OBJECTIONS

The screening process was raised, which has now been removed.

Proper restoration of the site was raised as a concern, to ensure site was not just left, and the monitoring of this. A restoration plan has been submitted and will be conditioned.

Concerns over drainage. - WMU have no objections

Roads and traffic issues. - Transport NI raised no concerns relating to traffic servicing the site.

Possible contamination of Ballinderry River- NIEA have no objections subject to conditions.

Impact on badgers. NIEA have provided condition. All works to take place within 25 metres of existing badger sett entrances on site shall be supervised by an NIEA Protected Species Licence holder.

Reason: to allow temporary exclusion of badgers on site.

Concern over working days. Works are proposed to begin at 0700 and finish at 1730 (mon-fri).

On Sat work hours are 0700 and ending at 1300. No works proposed on Sundays. Conditions would apply to formalise these times.

Concern over ground stability - Any approval would have a condition prohibiting extraction outside of permitted areas and no closer than 5m from any land not under the control of the operator.

Noise impact- EHO were consulted with all objectors and have come back with a number of conditions.

Approval is recommended with conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended following a review of consultations responses and assessment against relevant policy. Consultations include comments relating to the voluntary ES.

Conditions

1. As required by Article 61 of the Planning (Northern Ireland) Act 2001, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Extraction shall be for a limited period only, and shall cease on or before 30 June 2025.

Reason: To limit the duration of the development in the interests of amenity.

3. The vehicular access, including visibility splays of 2.4m x 60m 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 users.

4. 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.

5. No other development hereby permitted shall become operational until the roadworks indicated on Drawing No's 03, 04Rev.T1, C05 bearing the date stamp 16 December 2011 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.

6. Conditions as outlined in sections 5.2.1 through to 5.2.5 of the "Hydrogeological and hydrological assessment"

Reason: protection of the aquatic environment.

7. Monitoring of groundwater levels (see section 5.1.17 of "Hydrogeological and hydrological assessment") and annual submission of data to Northern Ireland Environment Agency Water Management Unit. This can be done in form of a letter and does not require an extensive report.

Reason: Protection of aquatic environment.

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

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

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

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

10. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without

the written approval of Mid Ulster Council. Any arboriculture work or tree surgery approved shall be carried out in accordance with British Standard 5837, 2005 Recommendations for Tree Work.

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

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

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

12. No development works shall take place until a permanent fence has been erected adjacent to the area of woodland at the north-west of the site. No works, infill, storage or construction activity shall take place within the fenced area without the consent of Mid Ulster Council. The fence shall be maintained and shall not be removed or shall not be removed until all works are completed

Reason: To minimise the impact of the proposal on the nature conservation value of the area of oak woodland of high nature conservation value

13. All works to take place within 25 metres of existing badger sett entrances on site shall be supervised by an NIEA Protected Species Licence holder.

Reason: to allow temporary exclusion of badgers on site.

14. All stripped topsoil and overburden shall be retained within the site as shown on stamped approved plan 04A dated 7 May 2013. Material not used to create landscape features shall be stored in a location to be agreed in writing with Mid Ulster Council.

Reason: In the interests of amenity and to facilitate the restoration of the site.

15. No blasting shall take place.

Reason: To safeguard the amenity of residents in the area.

16. No scrap metal, disused vehicles, or other waste materials shall be stored within the site.

Reason: In the interests of visual amenity.

17. Within 6 months of the cessation of the approved quarrying operations / exhaustion of permitted reserves, all quarry plant and machinery, structures, buildings, foundations, scrap metal, disused vehicles and other waste materials shall be removed from the site.

Reason: To facilitate restoration of the site.

18. Waste from extraction shall be managed and stored in accordance with Waste Management Plans date stamped received 26 April 2013 .

Reason: To ensure compliance with The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2010.

19. The development hereby approved shall not become operational until the passing of

indicated on Drawing Number 01 date stamped received on the 13th January 2014 have been provided 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 prior to the commencement of operations

20. In the event of operations ceasing in advance of the exhaustion of approved reserves for a continuous period of 1 year. The restoration scheme shall be implemented in accordance with the approved plans No. 03A , 04A date stamped received on 7 May 2013 and landscape drawing 068, date stamped received on 26 April 2013, and within the approved timescale. All restoration works and planting, as shown on Drawing Number shall be completed within 2 years.

Reason: To facilitate restoration of the site.

21. The edge of the proposed extraction area should be 30m from the edge of the rear garden at No.84 Knockaleery Road, as shown in Figure 1. No extraction should take place closer than this point.

The hours of operation for this site should be restricted to the following hours as clarified by the applicant's consultant:

07:00 to 18:00hrs Monday to Friday
07:00 to 13:00hrs on Saturdays

Soil stripping works should be completed within an 8 week period as stipulated by M P S 2 .

No dry screen process should be undertaken at this location as per Quarryplan letter dated 26/11/13 .

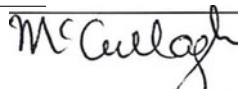
No further processing of material should be undertaken from this location as per Quarryplan letter dated 26/11/15 .

Reason: To protect the amenity of nearby properties.

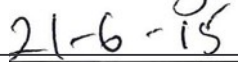
22. No extraction shall take place within 5 metres of any land which is outside the ownership or control of the operator.

Reason: In the interests of public safety.

Signature(s)



Date:



ANNEX

Date Valid	25th March 2011
Date First Advertised	23rd January 2012
Date Last Advertised	23rd January 2012

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
 2 Cavanoneill Road, Cloghfin, Pomeroy, Tyrone, BT80 9EW,
 Susan A Hagan
 84 Knockaleery Road, Cookstown
 The Owner/Occupier,
 84 Knockaleery Road, Gortreagh, Cookstown, Tyrone, BT80 9EJ,
 . Owner/Occupier
 84A Knockaleery Road, Gortreagh, Cookstown, Tyrone, BT80 9EJ,
 The Owner/Occupier,
 86 Knockaleery Road, Gortreagh, Cookstown, Tyrone, BT80 9EJ,
 The Owner/Occupier,
 88 Knockaleery Road, Gortreagh, Cookstown, Tyrone, BT80 9EJ,
 The Owner/Occupier,
 95 Knockaleery Road, Knockaleery, Cookstown, Tyrone, BT80 9EJ,
 R Forde

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

Planning History

Ref ID: 1/2002/0616/RM

Proposal: Proposed 2 storey dwelling and garage

Address: Adjacent to 84 Knockaleery Road, Cookstown .

Decision:

Decision Date: 30.12.2002

Ref ID: 1/2000/0615/0

Proposal: Proposed Replacement Dwelling

Address : 60 metres North West of 88 Knockaleery Road, Cookstown

Decision:

Decision Date: 19.01.2001

Ref ID: 1/2001/0311/0

Proposal: Proposed Two Storey Dwelling and Garage

Address: Adjacent to 84 Knockaleery Road Cookstown

Decision:

Decision Date: 07.05.2002

Ref ID: 1/2000/0778/E

Proposal: Pre-application inquiry for EA determination.

Address: Keenaghan Road, Cookstown.

Decision:

Decision Date:

Ref ID: 1/2011/0156/F

Proposal: Extraction of sand and gravel by mechanical shovel, processing of extracted minerals using mobile dry screening plant and restoration of site, and passing bays

Address: 250m due south of junction of Cavanoneill Road and Keenaghan Road, Cookstown, BT80 9EJ,

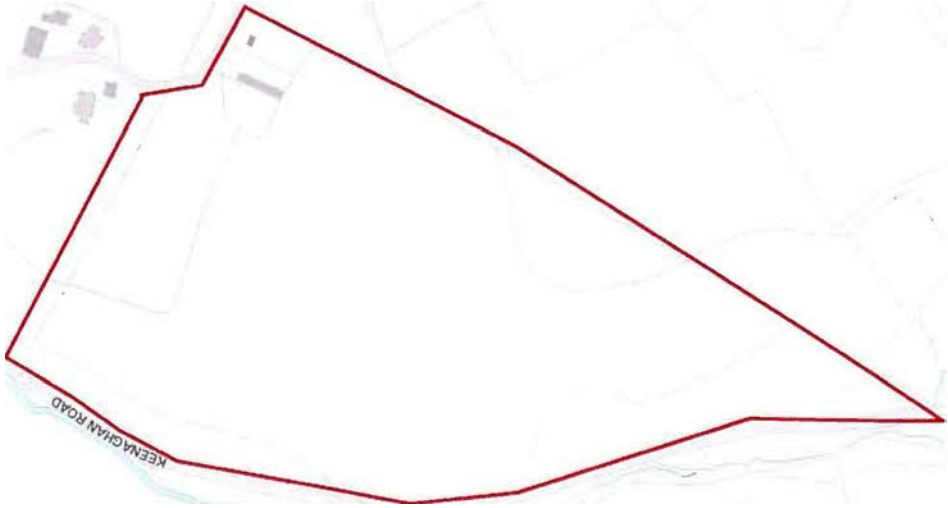
Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

CAVANONELL ROAD



Copyright 2014



Layer List
KNOCKAEEIN ROAD

Land & Property Services - Cro
D



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2011/0536/F	Target Date:
Proposal: Housing development comprising 6 no additional detached dwellings together with amendments to previously approved housing development approved under H/2001/0260/F	Location: 30m NE of 37 Ballyronan Road Magherfelt
Referral Route: One objection has been received in respect of this application	
Recommendation:	APPROVE
Applicant Name and Address: JFM Construction C/O Agent	Agent Name and Address: JE McKernan and son 25 Market Road Ballymena BT43 6EZ
Executive Summary:	
Signature(s): MALACHY McCRYSTAL	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Add Info Requested
Non Statutory	NI Water - Multiple Units South	Approval in Principle
Non Statutory	Env Health Magherafelt District Council	No Objection
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received

Representations:

Letters of Support

Letters of Objection

Number of Support Petitions and signatures

Number of Petitions of Objection and signatures

None Received

1

No Petitions Received

No Petitions Received

Summary of Issues including representations

One unsigned letter of objection was received in respect of this application from the residents of Lower Piney Hill. This letter of objection referred to the following issues :-

- an increase in traffic;

- the access to be relocated onto Ballyronan Road and not Piney Hill;
- elderly residents having problems with levels of noise and safety aspect;
- levels of privacy;
- removal of trees at the lower end of Piney Hill;
- vandalism and rubbish on the existing shrubbery;
- need for additional planting.

Description of proposal

The proposal is for 'Housing development comprising 6 no additional detached dwellings together with amendments to previously approved housing development approved under H/2001/0260/F'. The proposal consists of the erection of 11 no. dwellings in the form of 8 no. semi-detached and 3 no. terraced units. All are two storey units. House types B have integral garages while all other dwellings have no garages but have either in-curtilage parking or access to communal parking areas. Units 6-11 were the subject of a separate approval – H/2001/0260/F. Sites 12-17 have a minimum of 56m² private amenity space and garden depths of 9-10m to the rear boundaries. Sites 3-5 have between 43m² and 54m² of private amenity spaces while the distance to the rear boundaries (retaining wall with Piney Court) is 6-7m. This area is on two levels with a retaining wall dividing the upper and lower levels. The rear garden depths on these sites is similar to those within the existing development at Piney Close with a back to back separation distance of 12-14m. Sites 1 and 2 have private amenity spaces of 105m² and 122m² respectively with rear garden depths extending from 9m to 20m. With the proposed unit 1 being located close to the previously approved location for an apartment block which is now dropped in favour of four semi-detached dwellings, the overall development has now reduced to 21 units with an additional application being proposed for two additional units adjacent to site 1. This would bring the total number of units to 23, whereby there would be no requirement to provide communal open space.

Characteristics of the site and area

The site is located within the development limits of Magherafelt as per the Magherafelt Area Plan 2015 and is designated as a housing zoning (MT 03/08). The character of the area is medium density residential with the large Piney Hill development to the north and west and Golf Terrace and Upper Golf Terrace to the south and east. To the east is a large retail unit (currently Tesco's) and associated parking.

The site is located at lands approximately 60m South west of 39 Ballyronan Road, Magherafelt. The site is identified as housing zoning MT 03/08 in the Magherafelt Area Plan 2015. This site is largely rectangular in shape and accesses directly onto the Piney Hill development before accessing the Ballyronan Road. The land rises steeply away from Ballyronan Road from east to west. The south eastern and south western boundaries are defined by a mixture of fencing and mature trees; the eastern boundary is marked by a high retaining wall to the rear of four semidetached dwellings at Piney Court which sit at a considerable lower level. The northern boundary is defined by a steep embankment which is between the site and Piney Hill access road. A similar retaining wall arrangement was approved in the previous application H/2001/0260/F. At present the site is well under construction with a number of units being largely completed and a number of other units having being commenced.

Views can be achieved from Ballyronan Road to the east however these are restricted by the narrow roadside site frontage, the mature boundary vegetation to the north and line of roadside dwellings to the south. Other views are available from the existing development of Piney Hill but these are set against the existing built form.

Planning Assessment of Policy and Other Material Considerations

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

The proposal is in accordance with the Magherafelt Area Plan 2015 in that the site is designated as a housing site MT 03/08.

The key policy tests are set out in Policy QD1 of PPS 7. As there are no issues relating to natural or built heritage and the housing estate is existing, the key tests relate to the impact on the character of the area, neighbouring residential amenity and road safety. The proposed development is located within a predominantly residential area and on a site which has a history of residential approvals for both dwellings and a nursing home. The previous approvals included apartment developments with two large blocks of 4 apartments in each block. One of these blocks has been dropped from the overall scheme in favour of four detached dwellings which is in keeping with the area in terms of form and materials. The other apartment block is currently under construction.

The layout and design of the development are generally acceptable and provide for a quality residential environment. However, the positioning of two storey dwellings on sites 3-5 has the potential to cause an issues of overlooking and indivisibility with the existing dwellings in Piney Close. To address this issue, amended plans were submitted showing the two end windows to units 3 and 5 repositioned to the gables, with the other four windows reduced in size to 900mm wide and being glazed with obscure glass. While not ideal, I am satisfied that this addresses the issue of loss of privacy and overlooking subject to an appropriate condition. In an effort to provide usable amenity space, amended plans were sought to show spit level gardens with stepped access down to the lower levels.

Transport NI requested additional information in relation to visibility splays, parking and PSD matters, including other technical information. This was submitted and following consideration, Transport NI advised that the proposal was acceptable and have provided appropriate conditions.

Other material considerations raised in the letter of objection area addressed as follows;

- Transport NI have advised that the roads design and layout are acceptable and have no issues with the additional traffic being accommodated on the access to Piney Hill;
- The access as proposed is acceptable to Transport NI. It should be noted however, that the access could not be accommodated directly onto Ballyronan Road as there is no direct connection from the site to that road;
- Environmental Health have not raised any issues regarding the levels of noise and the site is designed to deter crime as there are no areas which are not being overlooked in accordance with Creating Places.
- The only issue of loss of privacy would be in connection with sites 3-5 possibly overlooking the existing units in Piney Close. This has been addressed by the moving of first floor windows from the rear elevation to the gables and the reduction in width of remaining windows together with the provision of obscure glazing. Whilst it is acknowledged that this is less than ideal, the repositioning of the windows reduces the overlooking while the provision of obscure glazing can be conditioned to be permanently retained.
- The proposed development does not include any proposals for further tree removal. The site layout does however indicate that the embankment at the lower end of Piney Hill to contain substantial planting. No details have been provided to date, however, this can be requested and conditioned.
- In response to the issue of litter and vandalism raised by the objector, it is my opinion that this

may be an existing problem and may be associated with existing businesses in the vicinity of the area. There is no reason to conclude that the provision of additional dwellings would exacerbate this problem.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the conditions listed below;

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Conditions

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time Limit.

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

The Department of Regional Development 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: 10 bearing the date stamp 20th April 2015.

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

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

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No: 10 bearing the date stamp 20th April 2015.

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

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

4. The visibility splays of 2.4 metres by 36 metres west and 2.4 metres by 31 metres east at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No: 10 bearing the date stamp 20th April 2015 prior to the commencement of other works or development.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The area within the visibility splays and any forward sight line shall be cleared to provide a

development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

6. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

7. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course: the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

8. 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 or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

9. The development hereby permitted shall not be occupied until the 2 metre wide footway adjacent to Piney Hill has been completed in accordance with the details indicated on Drawing No: 10 Dated 20th April 2015.

Reason: To ensure there is adequate provision for pedestrians in the interests of road safety and the convenience of road users.

10. All first floor windows in the rear elevation of dwellings on sites 3, 4 and 5 shall be fitted with obscure glazing which shall be permanently retained.

Reason: To preserve the amenity and privacy of the adjacent residential properties.

Signature(s)

Date:

ANNEX	
Date Valid	14th November 2011
Date First Advertised	1st December 2011
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Golf Terrace.Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6EJ, Residents of Lower Piney Hill 1 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 11 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 15 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 17 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 19 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 21 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 23 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 25 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 28 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 29 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 3 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 30 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 31 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 32 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 33 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 34 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 35 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 36 Piney Hill Town Parks Of Magherafelt Magherafelt The Owner/Occupier	

39 Ballyronan Road Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 39A Ballyronan Road Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 4 Upper Golf Terrace.Town Parks Of Magherafelt,Magherafelt ,Londonderry,BT45 6EL,
 The Owner/Occupier,
 49 Piney Hill.Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6PY,
 The Owner/Occupier,
 5 Piney Hill Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 5 Upper Golf Terrace.Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6EL,
 The Owner/Occupier,
 6 Upper Golf Terrace.Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6EL,
 The Owner/Occupier,
 7 Piney Hill Town Parks Of Magherafelt Magherafelt

Date of Last Neighbour Notification	21st November 2011
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: H/1998/0368
 Proposal: HOUSING DEVELOPMENT
 Address: JUNCTION OF PINEY HILL AND BALLYRONAN ROAD MAGHERAFELT
 Decision:
 Decision Date:

Ref ID: H/1995/0643
 Proposal: CHANGE OF HOUSE TYPE
 Address: SITE 6 PINEY HILL PHASE III BALLYRONAN ROAD MAGHERAFELT
 Decision:
 Decision Date:

Ref ID: H/1993/0006
 Proposal: HOUSING DEVELOPMENT
 Address: PINEY HILL PHASE 3 BALLYRONAN RD MAGHERAFELT
 Decision:
 Decision Date:

Ref ID: H/1991/0511
 Proposal: 11 DWELLINGS AND GARAGES
 Address: BALLYRONAN ROAD MAGHERAFELT
 Decision:
 Decision Date:

Ref ID: H/2010/0237/F
 Proposal:

Proposed development of 8 apartments and car parking in substitution for 4 apartments and 3 detached dwellings approved in part planning application H/2001/0260/F
Address: 30m North/East of 37 Ballyronan Road, Magherafelt
Decision:
Decision Date: 10.02.2011

Ref ID:H/2010/0207/F
Proposal: Proposed Care/Nursing Home
Address: Land off Piney Hill, directly North East of No 28 & 34 Piney Hill, Ballyronan Road, Magherafelt-amended scheme
Decision:
Decision Date: 30.12.2010

Ref ID:H/2009/0739/F
Proposal: Proposed side extension, minor alterations, roof space conversion to dwelling and external groundworks
Address: 34 Piney Hill, Magherafelt
Decision:
Decision Date: 16.02.2010

Ref ID:H/1986/0302
Proposal: HOUSING DEVELOPMENT - PHASE 1 BALLYRONAN ROAD
MAGHERAFELT
Address: BALLYRONAN ROAD
Decision:
Decision Date:

Ref ID: H/2009/0726/F
Proposal: Proposed conversion of existing garage to single bedroom and shower room
Address: 36 Piney Hill, Magherafelt
Decision:
Decision Date: 11.02.2010

Ref ID:H/1997/6045
Proposal: HOUSING DEVELOPMENT BALLYRONAN ROAD MAGHERAFELT
Address: BALLYRONAN ROAD
Decision:
Decision Date:

Ref ID:H/1975/0283
Proposal: RENEWAL OF TIME LIMITED PERMISSION IN RESPECT OF SITE OF RESIDENTIAL
Address: BALLYRONAN ROAD, MAGHERAFELT
Decision:
Decision Date:

Ref ID:H/2001/0260/F
Proposal: Housing Development
Address: Adjacent to 39 Ballyronan Road, Magherafelt
Decision:
Decision Date:28.04.2004

Ref ID: H/2011/0536/F

Proposal: Housing development comprising 6 no additional detached dwellings together with amendments to previously approved housing development approved under H/2001/0260/F

Address: 30m NE of 37 Ballyronan Road, Magherfelt,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01/1

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 04

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 05

Type: Existing and Proposed Elevations

Status: Submitted

Drawing No. 06/1

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 07/1

Type: Proposed Elevations

Status: Submitted

Drawing No. 08

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 09

Type: Roads Details

Status: Submitted

Drawing No. 10

Type: Road Access Plan

Status: Submitted

Drawing No. 11

Type: Roads Details

Status: Submitted

Drawing No. 12

Type: Roads Details

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

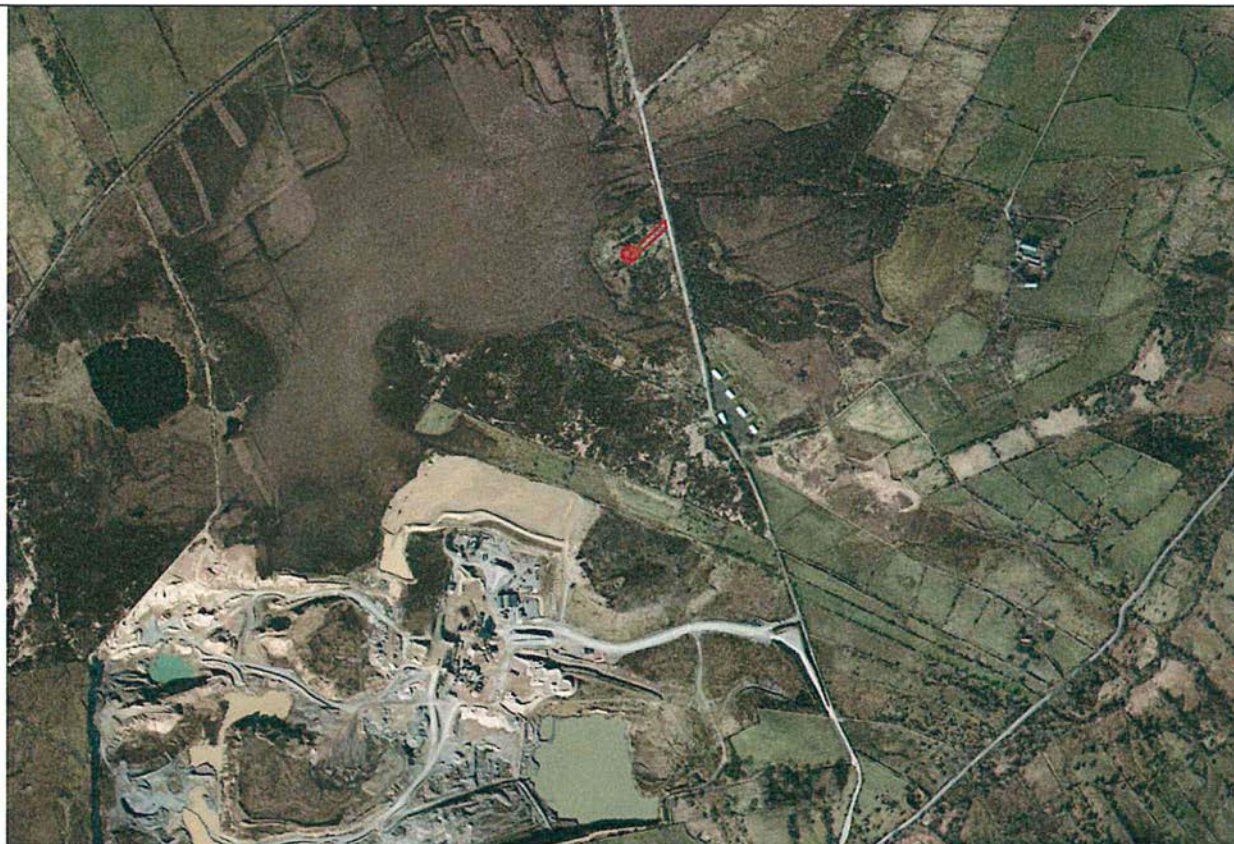
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2013/0223/F	Target Date:
Proposal: Erection of a wind turbine with a 40m hub height and 30m rotor diameter with a maximum output not exceeding 250kw to serve for export to the grid	Location: 600m north west of No. 47 Disert Road Draperstown (approx)
Referral Route: One objection has been received regarding this application.	
Recommendation:	Approve
Applicant Name and Address: Mr Sean Boyle C/O Agent	Agent Name and Address: Strategic Planning Ltd 4 Pavilions Office Park Kinnegar Drive Holywood BT18 9JQ
Executive Summary:	
Signature(s): Malachy Mccrystal	



Case Officer Report

Site Location Plan



Consultations:

Consultation Type

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statutory

Non Statute

Consultee

N.I Water - Windfarms

Belfast International Airport

Ofcom Northern Ireland

National Air Traffic Services

Env Health
 Magherafelt District
 UK Crown Bodies - D.1.0.
 LMS
 UK Crown Bodies - D.1.0.

Arqiva Services Limited

The Joint Radio Company

P.S.N.I. Information And
 Communications Services
 Natural Heritage

P.S.N.I. Information And

Response

No Objection

No Objection

No Objection

No Objection

Add Info Requested

No Objection

No Objection

No Objection

No Objection

Add Info Requested

No Objection

Add Info Requested

Communications Services	
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
<p>Summary of Issues</p> <p>Representations:</p> <p>There was one representations received which related to the following issues:-</p> <ul style="list-style-type: none"> the proposed turbine is to be sited south west of an existing approved turbine thereby creating turbulence and affecting its performance; there is a need for 600m of clear space between the existing turbine and any proposed turbine to the south west. <p>The proposed turbine is sited 300m from the objector's turbine which is under construction at present. The Best Practice Guidance to PPS 18 – Renewable Energy advises, at paragraph 1.2.14, that there should be a separation distance of between 3-10 rotor diameters for a wind farm using 60m diameter 1.3Mw turbines. While the proposed turbine is significantly smaller, if the same separation factor is used to calculate the separation distance to the objector turbine, even at 10x the rotor diameter, ie. $10 \times 30\text{m} = 300\text{m}$, the proposed turbine would achieve an acceptable separation distance. Therefore, in my opinion, this is not a valid reason for refusal.</p>	
<p>Detail of the proposal:</p> <p>The proposal is for the erection of a single wind turbine not exceeding 250Kw, with a height of 40.0m to the centre of the hub and a 30.0m rotor diameter, giving an overall height of 55.0m from the ground to the top of the rotor tip. The turbine is set on a concrete base designed by structural engineers with a 38.0m high tubular tower of galvanised steel painted white and three blades of white reinforced polyester fibreglass.</p>	
<p>Characteristics of the Site and Area</p> <p>The application site is situated approximately 630 metres North West of 47 Disert Road, Draperstown within the open countryside as defined by the Magherafelt Area Plan 2015. The site lies within Sperrins AONB and within LCA 40 Upper Mayola Valley. The site is an area of open scrubland covered mainly by gorse bushes and used as a base for feeding stock. The site is on relatively hard ground but is surrounded by peat land. The site is accessed via an existing road/farm lane which is also used to access the already approved turbine site, H/2014/0070/F (under construction), 300metres to the north east with a second approved turbine a further 150 metres to the north east.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The applicant had a previous planning application H/2012/0442/F, for a similar turbine, on a site 70 metres to the north west was withdrawn on 24th June 2013 as the development ;</p> <ul style="list-style-type: none"> was sited on active peatland; would, if permitted, damage the nature conservation value of blanket bog habitat within the site through direct loss of habitat; 	

would, if permitted, likely have a detrimental impact on bats, which are protected under The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and no information has been submitted to establish otherwise; would, if permitted, result in an unacceptable adverse impact on biodiversity and nature conservation interests through the loss of a blanket bog habitat.

Development Plan and Key Policy Consideration:

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

Other Policy and Material Considerations

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

- Regional Development Strategy – RG5, RG9
- Planning Policy Statement 1 - General Principles
- Planning Policy Statement 2 – Planning & Nature Conservation
- Planning Policy Statement 3 (Revised) - Access, Movement & Parking
- Planning Policy Statement 18- Renewable Energy
- PPS 18 Best Practice Guidance
- Planning Policy Statement 21 – Sustainable Development in the Countryside in relation to ancillary buildings & structures elsewhere in the countryside.
- Magherafelt Area Plan 2015
- DCAN 15 Vehicular Access Standards
- Wind Energy Development in Northern Ireland's Landscapes- supplementary Planning Guidance to accompany PPS18 'Renewable Energy' – Aug 2010.

The proposal is for a single wind turbine not exceeding 250Kw with a height of 40.0m to the centre of the hub. The turbine blades have a diameter of 30.0m giving the turbine an overall height of approx. 55.0m to the blade tip. From guidance provided in PPS 18 Best Practice Guidance I estimate that a turbine with a capacity of 250Kw has the capability to provide electricity for approximately 160 homes. PPS 18 is supportive of projects for generating renewable energy and its aim is to facilitate the siting of renewable energy generating facilities in appropriate locations. An objective is to ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed. Policy RE1 of PPS18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. It adds that development that generates energy from renewable resources will be permitted provided that the proposals will not result in an unacceptable adverse impact on:-

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

The site is located within the Sperrins Area of Outstanding Natural Beauty as indicated within the Magherafelt Area Plan 2015 and is also in an area of disturbed ground surrounded by blanket bog. The peat within this area has been extracted leaving a shallow peaty and mineral soil which has been colonised by grasses, ruderal species, gorse and willow scrub. The site has been further disturbed by vehicle tracks and the dumping of garden and vegetable waste. The surrounding blanket bog habitat is of high nature conservation value. However, assessment of the visual impact of wind energy development is not restricted to designated landscapes. Policy RE1 states that the supplementary planning guidance "Wind Energy Development in Northern

Ireland's Landscape's" will be taken into account in assessing all wind turbine proposals. Each landscape has a different capacity for accommodating wind energy development. The supplementary guidance places the site within the Slieve Gallion (LCA), which is identified as No.41.

By their very nature, wind turbines are likely to be visible in the landscape. However, there are some situations where such a proposal would not result in an adverse impact on visual amenity and landscape character. The aforementioned supplementary planning guidance (SPG) identifies LCA 41 as having a high to medium overall sensitivity to wind turbine development. The location, siting, layout and design considerations recommends that the area of this LCA with the best potential capacity for wind energy development is the western slopes of Slieve Gallion where the landscape is affected by widespread sand and gravel extraction. Consideration could be given to setting any development in this area well back from the steeper, more prominent slopes along the northern edge of the massif to optimise topographic screening. Care should be taken to avoid adverse impacts on views westwards across the plateau area around Lough Fea towards South Sperrin LCA and on views of Slieve Gallion from the south and east. Care should also be taken to avoid adverse impacts on natural and cultural landscape features. This site is located approximately 5.8Km to the west of Slieve Gallion and is close to an active sandpit.

There will be transient views of the proposed turbine when travelling along the Sixtowns Road, in either an easterly or westerly direction. There will also be views of the turbine when travelling north along the Loughfea Road or the Ballybriest Road, west on the Gullion road or north or south along the Corrick Road. There is a definite potential for cumulative impact of this turbine with other existing and approved turbines with the nearest turbine being the objectors site 300m to the north east and their second approved site a further 150m north east. In addition there are three large industrial scale turbines approved in the sand pit to the south west. These turbines were approved with a hub height of 110m and a rotor diameter of 80m, giving an overall height of 150m from ground level to blade tip. The degree to which man made influences such as the quarry's activity dominate the character of this part of LCA 41 is significant on the main approach roads. In examining other approved turbines, for example in Brackagh Quarry, this has been a determining factor given substantial weight.

Assessment of the first part of policy

- (a) Due to the scale, location and distance of this turbine from the nearest dwelling and public road, I do not anticipate any negative impact on human health and residential amenity. Magherafelt District Council – Environmental Health Department originally advised that a noise impact statement was required. Subsequent to further information being provided, Environmental Health Department advised that this was acceptable and provided suggested conditions.
- (b) As the supplementary planning guidance is not intended to be prescriptive, an assessment must be made of the proposal's likely impact on visual amenity and local character. The site is located on an undulating landscape but given the topography of the land, the turbine will be interlinked with turbine already approved and will be viewed almost as an infill between the three large industrial turbines at the sandpit and the two smaller turbines approved to the north east. The turbine which is proposed to have a hub height of 40.0m would be most visible from the Lough Fea Road and the Ballybriest Road when travelling north. The turbine would also be visible on approach along the Sixtowns Road, Gullion Road and the Corrick Road. From these viewpoints a turbine would not be visually dominant in the rural landscape.
- (c) The site is located on agricultural land and is not in the proximity of any archaeological monument. NIEA – NH advised that while the site is in an area of disturbed ground surrounded by blanket bog, they have no concerns with the loss of a small amount of habitat of low nature conservation value. However, the surrounding blanket bog habitat is of high nature conservation and must not be impacted by any works such as temporary hard standing areas, movement of construction vehicles or storage of materials.
- (d) The proposal will not have an adverse impact on air or water quality.
- (e) The proposal will not impact on public access to the countryside.



Assessment of the second part of the policy:-

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

(ii) An extant approval exists for a turbine 300m to the north east of the proposed site under H/2014/0070/F with a second turbine, approved a further 150m to the north east. An additional application for three industrial scale wind turbines of 110m height with 40m rotors, 500m to the south west of the application site was also approved in the nearby working sandpit. There is potential for a cumulative impact with the approved turbines. However, while this would be the third small scale turbine and sixth turbine in total in this area, in my opinion, it would be viewed almost as an infill as it is located almost mid-distance between the south-western single turbine and the larger turbines approved within the working quarry.

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

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

(v) the proposal is located 66m back from the public road. PPS 18 considers that for small individual turbines e.g. on a farm enterprise, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. In this case that equates to $55\text{m} + 5.5 = 60.5\text{m}$. There are no sensitive receptors within the relevant fall distance. The proposal is not close to any railways or airports and will not have detrimental impact on them.

(vi) Addressed under point (a) above.

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

Consultee responses

Magherafelt District Councils Environmental Health Department advised that a noise assessment was required. Following the submission of this assessment, EHD advise that they have no further concerns.

NIEA – NH have advised that they have no concerns with the loss of a small amount of habitat of low nature conservation value.

No other consultees has any issues with the proposed development.

As required by the Minister's Statement of 11th May 2009 and Policy RE1 of PPS 18, I have taken into account the wider environmental, economic and social benefits of the proposal. In this evidential context, determining weight should be given to these material considerations as they are considered to outweigh the adverse impact on the area's visual amenity and landscape character. Accordingly I recommend that the proposal should be approved subject to the conditions below;

Neighbour Notification Checked	Yes
Summary of Recommendation:	



Conditions

1. As required by Article 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. Within 12 months of the cessation of electricity generation at the site all structures shall be removed and the land restored in accordance with a scheme to be submitted to and agreed in writing with Mid Ulster District Council at least one year prior to the commencement of any decommissioning works.
Reason: To restore and maintain the landscape quality of the area.
3. The level of noise immissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104-109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the tables attached shall be those of the physically closest location listed in the tables, unless otherwise agreed by the Department.
Reason: In the interests of residential amenity.
4. Within 28 days of being notified by the Department of a reasonable complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at his/her expense employ a consultant, approved by the Department, to assess the level of noise immissions from the turbine at the complainant's property following the procedures described in Pages 102-109 of the ETSU- R- 97. The Department shall be notified not less than two weeks in advance of the date of commencement of the noise monitoring.
Reason: In the interests of residential amenity.
5. The wind turbine operator shall provide to the Department the consultant's assessment and conclusions regarding the said noise complaint, including all calculations , audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Department unless otherwise extended in writing by the Department.
Reason: In the interests of residential amenity.

6. Table 1: Upper noise limits at all times

Property	Wind speed at 10m height (m/s)								
	4	5	6	7	8	9	10	11	12
	dBLA90, 10mins								
Closest property	35.8	37.0	38.1	39.0	39.8	40.2	40.6	40.6	40.6

Signature(s)

Date:



ANNEX	
Date Valid	18th June 2013
Date First Advertised	4th July 2013
Date Last Advertised	
Details of Neighbour Notification (all addresses) John McGurk 43 Disert Road Brackagh Draperstown	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2013/0223/F Proposal: Erection of a wind turbine with a 40m hub height and 30m rotor diameter with a maximum output not exceeding 250kw to serve for export to the grid Address: 600m north west of No. 47 Disert Road, Draperstown (approx), Decision: Decision Date:	
Summary of Consultee Responses As per main report	

Drawing Numbers and Title

Drawing No. DOC 1
Type: Technical Specification
Status: Submitted

Drawing No. 03
Type: Existing and Proposed Elevations
Status: Approved

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 July 2015	Item Number:
Application ID: M/2014/0348/F	Target Date: January 2015
Proposal: Proposed phase 2 development consisting of 43 No. dwelling and garages with associated site works	Location: Proposed site to North of 39 Old Omagh Road Ballygawley
Referral Route: Major development, site exceeds 2ha	
Recommendation:	Approve
Applicant Name and Address: Conkir Developments Ltd C/O Agent	Agent Name and Address: McAdam Stewart architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 300
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	No Objection
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	Water Management Unit	Substantive Response Received
Statutory	Rivers Agency	Substantive response received
Statutory	NI Transport - Enniskillen Office	Private Streets Drawing to be submitted
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Statutory	NIEA	Outstanding
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NI Water - Multi Units West - Planning Consultations	Advice

Representations:

Letters of Support

Letters of Objection

Number of Support Petitions and signatures

Number of Petitions of Objection and signatures

Summary of Issues

None Received
None Received
No Petitions Received

No Petitions Received

Characteristics of the Site and Area

The site is currently being developed with top soil pulled back and some site levelling carried out, ground levels fall from the NW to the E with native a species hedge and some mature trees along the east boundary and post and wire fence to the north. New houses have been constructed to the south and east of the proposed site, these are a mixture of types, sizes and finishes. Other dwellings in phase one of this development are render with some stone detailing. There are established houses on single plots on south of the site, on the opposite side of Old Omagh Road and off Findrum Road to the north. A group of buildings to the north is currently used for industrial purposes.

Planning Assessment of Policy and Other Material Considerations

The proposal is for the erection of a housing development for 43 houses as phase 2 of Richmond Hill, the houses are a mixture of detached and semi-detached, some of the detached properties are single storey. The development will also involve the provision of an upgraded access with a right hand turning lane off Old Omagh Road, open space provision and a waste water treatment facility.

Dungannon & South Tyrone Area Plan

The Plan has defined settlement limits and allows for development provided it meets with the requirements of SETT 1. SETT 1 sets out 6 criteria and a general criteria to meet with regional policy, I consider if the development meets with the regional policies contained in PPS3 – Access.Movement and Parking, PPS7-Quality Residential Environments, PPS8 - Open Space and Outdoor Recreation and PPS11- Planning and Waste Management it will meet with the requirements of SETT1.

The Plan also provides policy in relation to residential development in Ballygawley, requiring them to be guided and informed by the built form and characteristics of the Area of Townscape Character. The proposed development is similar in appearance to other approved development in close proximity to the site, the Department deemed those to be guided and informed by the characteristics of the ATC and therefore it is reasonable to suggest this proposal also complies with this requirement.

PPS 7 - Quality Residential Environments, PPS 8 Open Space and Outdoor Recreation.

Policy QD1 encourages quality sustainable developments that draw upon positive aspects of the character and appearance of the surrounding area and sets out a number of criteria that area expected to be conformed to. The proposed development is appropriate to the character and topography as it is similar to the houses already approved and provides good rear separation distances between properties. Further it respects the properties on the boundaries of the site, particularly at the rear of 39 Old Omagh Road where it is proposed to site single storey properties on the boundaries where 2 storey would have greater impact. The development provides a generous amount of public open space within the development, well over 10% as required in Policy OS2 of PPS8 – Open Space and Outdoor Recreation. The open space is in 2 green areas, one of which is central to the development and is well overlooked by surrounding development the other area is on high ground to the rear of the existing houses in Richmond Hill. A detailed landscaping plan submitted identifies existing mature trees along the site boundaries that should be retained as well as a comprehensive scheme of new landscaping scheme for the open space areas. I feel it is necessary to condition the provision of this landscaping by the developer. The scheme also identifies these areas as being managed by a maintenance company, however no details of the company have been provided with this application. I consider it necessary to control the maintenance by a condition requiring the developer to

provide details of the maintenance company to the Council.

Private amenity space for each property is provided in excess of the minimum standard and the smallest area is above the average minimum advocated in the DoE Publication - Creating Places. Private space is well screened from views within the development by: screen walls at prominent locations; landscaping along the open space areas; and wooden screen fences behind the houses. These fences are similar to the type approved by the Department in Phase 1. Transport NI engineers have advised the proposal does not meet their standards in terms of design and layout of the roads and access to the overall development. They have advised they are agreeable to a relaxation of the standard for the design of the right turning lane and this will address this concern. Transport NI will adopt and maintain the roads within the development and the improvements to the adjoining public highway, provided it is constructed to the standards required by the Private Street (NI) Order. Parking for the scheme requires 115 spaces when assessed against the car parking standards but only 104 spaces are shown, a shortfall of 9 spaces over the entire development. I consider this to be an adequate amount of parking as the development is within walking distance of Ballygawley village, with good footpath links to and from the centre of the village.

PPS 11 - Planning and Waste Management

NI Water have advised they do not have the capacity within their network to accommodate the sewage from all the houses proposed. They have advised there is capacity for 34 dwellings and this is based upon based on 49 dwellings that they say were agreed under file ref M/2007/0518/F less 15 agreed under phase 1. Members should note M/2007/0518/F was granted for 46 dwellings and phase 1 of this development is complete with 13 houses built under IM/2012/0509/F and 1 house recently approved under M/2014/0456/F by delegated decision. NI Water are stating they have capacity for 49 dwellings, 14 dwellings have been committed in phase 1, this allows 35 of the proposed dwellings to connect into the public sewer, this means the treatment facility will only have to accommodate 8 dwellings. WM2 specifically refers to Waste Water Treatment Works and points of concern relate to odour, quality of discharge and visual amenity. The facility proposed is below ground, within an area of open space and it will have limited visual impact. Environmental Health Officers have asked for information relating to odour and noise generated by this plant. There is scope to move the plant within the landscaped area to address these concerns and in my opinion this can be dealt with by a condition requiring the plant to be provided, prior to the occupation of the 35th dwelling hereby approved, in a position agreed with Council. This is similar to conditions imposed by the Department of Environment Planning Service on other planning permissions on this site. NIEA will manage the regulation of the discharge from the facility under a consent to discharge.

PPS15 - Planning & Flood Risk

The site is not within an area identified as within a flood plain, however the development is for more than 10 houses and it exceeds 1ha therefore FLD3 places a requirement for a drainage assessment to be carried out. This was submitted and Rivers Agency have not raised any concerns with the proposal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions.

Conditions

1. As required by Section 61 of the Planning Act (NI) 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 Private Streets (Northern Ireland) Order 1980. The 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 23 bearing the date stamp 16 June 2015.

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.

3. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase of the development.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

4. All hard and soft landscape works shall be carried out in accordance with the details as indicated on drawing no 23 bearing the stamp dated 13 APR 2015 and the appropriate British Standard or other recognised Codes of Practice. The works to the rear of sites 19 - 32 shall be carried out prior to the occupation of 10 houses on those sites; the works to the rear of sites 47 - 56 shall be carried out prior to the occupation of 6 houses on those sites; the area of open space indicated A shall be provided and landscaped within 6 months of the date of occupation of any of the dwellings on sites 33, 34, 35 and 45, 46, 47 - 52, the area of open space indicated B shall be provided within 6 months of the date of occupation of any of the dwellings on sites 46, 55 and 56.

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

5. Prior to the occupation of any of the dwellings hereby approved, the developer shall submit to the Council, proof of a signed agreement to ensure the landscape management plan approved with this development shall be carried out in full, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens.

REASON: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

6. No development shall take place on-site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

7. Prior to the occupation of the 36th house within the area outlined in red on drawing no 1 bearing the stamp dated 10 JUL 2014, a Temporary Sewage Treatment Plant shall be provided in a position as agreed with the Council and the plant shall be (i) connected to the mains sewers as agreed with NI Water, or (ii) discharges in accordance with a consent to discharge as issued by the Department of Environment. The plant shall be maintained in full working order until NI Water can accommodate the waste water from this site within their network. Within 6 months of the temporary sewage treatment plant ceasing to be necessary, it shall be removed from the site and the land restored in accordance with a scheme to be agreed with the Council.

REASON: In the interests of public health.

Informatives

Signature(s)

Date:

ANNEX

Date Valid	10th July 2014
Date First Advertised	23rd July 2014
Date Last Advertised	11th May 2015

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
 1 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 10 Findrum Road Richmond Dungannon
 The Owner/Occupier,
 10 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 11 Findrum Road Richmond Dungannon
 The Owner/Occupier,
 11 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 13 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 15 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 17 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 19 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 2 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 21 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 24 Richmond Manor, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 24a Richmond Manor, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 25 Richmond Manor, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 26 Richmond Manor, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 29 Old Omagh Road Richmond Ballygawley
 The Owner/Occupier,
 3 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
 The Owner/Occupier,
 30 Old Omagh Road, Richmond, Ballygawley, Tyrone, BT70 2AA,
 The Owner/Occupier,
 32 Old Omagh Road, Richmond, Ballygawley, Tyrone, BT70 2EZ,
 The Owner/Occupier,

32A Old Omagh Road, Richmond, Ballygawley, Tyrone, BT70 2EZ,
The Owner/Occupier,
34 Old Omagh Road, Richmond, Ballygawley, Tyrone, BT70
2EZ, The Owner/Occupier,
35 Old Omagh Road, Richmond, Ballygawley, Tyrone, BT70 2AA,
The Owner/Occupier,
37 Old Omagh Road, Richmond, Ballygawley, Tyrone, BT70 2AA,
Tallon Jim
39 Old Omagh Road, Richmond, Ballygawley, Tyrone, BT70 2EZ,
The Owner/Occupier,
4 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
The Owner/Occupier,
41 Old Omagh Road Richmond Ballygawley
The Owner/Occupier,
5 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
The Owner/Occupier,
6 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
The Owner/Occupier,
7 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
The Owner/Occupier,
8 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
The Owner/Occupier,
9 Findrum Road, Richmond, Dungannon, Tyrone, BT70 2JL,
The Owner/Occupier,
9 Richmond Hill, Old Omagh Road, Ballygawley, Tyrone
The Owner/Occupier,
9A Findrum Road Richmond Dungannon

Date of Last Neighbour Notification	7th May 2015
Date of EIA Determination	24th June 2015
ES Requested	Yes /No

Planning History

Ref ID: M/1990/0106
Proposal: LV 0/H Line Extension
Address: RICHMOND BALLYGAWLEY DUNGANNON CO TYRONE
Decision:
Decision Date:

Ref ID: M/1989/0429
Proposal: Dwelling
Address: OLD OMAGH ROAD BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1989/0213

Proposal: Dwelling House and Drapery Shop

Address: SOM NORTH EAST OF 36 OLD OMAGH ROAD RICHMOND BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1989/0493

Proposal: Domestic garage

Address: SOM EAST OF 36 OLD OMAGH ROAD RICHMOND BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2010/0753/F

Proposal: Proposed Erection of Dwelling and Domestic Garage on a Farm

Address : Land adjacent to and S.E. of 9a Findrum Road Ballygawley

Decision:

Decision Date: 18.11.2010

Ref ID: M/1993/0592

Proposal: Site for Dwelling

Address: APPROX 40M S.W. OF 11 FINDRUM ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1993/0592B

Proposal: Erection of New Dwelling

Address: ADJACENT TO 11 FINDRUM ROAD RICHMOND BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1989/0380

Proposal: Garage, Car Sales and Petrol Pumps

Address: 140M EAST OF 36 OLD OMAGH ROAD RICHMOND BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1991/0562

Proposal: Erection of dwelling

Address: OLD OMAGH ROAD RICHMOND BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1988/0009

Proposal: BONING ROOM AND CHILL STORAGE PLANT

Address: OPPOSITE 30 OLD OMAGH ROAD, BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1988/0014

Proposal: DWELLING

Address: SITE 1 OPPOSITE 30 OLD OMAGH ROAD, BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1990/0165

Proposal: Dwelling

Address: OLD OMAGH ROAD RICHMOND BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1990/0165B

Proposal: Erection of dwelling

Address: OLD OMAGH ROAD BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2006/1396/F

Proposal: Proposed new access road for future housing development

Address: Richmond Springs, 34 Old Omagh Road, Ballygawley

Decision:

Decision Date: 15.04.2008

Ref ID: M/1988/0013

Proposal: DWELLING

Address: SITE 2 OPPOSITE 30 OLD OMAGH ROAD, BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2006/1294/F

Proposal: Housing Development including new vehicular entrance. 68 no. units comprising of a mix of detached, semi detached and townhouses

Address: Site to North East of 29 Old Omagh Road, Ballygawley

Decision:

Decision Date: 23.01.2007

Ref ID: M/2007/0518/F

Proposal: Proposed housing development including new vehicular entrance. 46no. units comprising of a mix of detached and semi-detached and townhouses including vehicular

entrance and associated house works

Address: Site to North East of 29 Old Omagh Road, Ballygawley

Decision:

Decision Date: 27.10.2008

Ref ID: M/1978/0060

Proposal: DWELLING HOUSE

Address: RICHMOND, BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/1978/006001

Proposal: NEW DWELLING HOUSE

Address: RICHMOND, BALLYGAWLEY

Decision:

Decision Date:

Ref ID: M/2010/0691/F

Proposal: Erection of 37 no Dwellings, consisting of 6 No Detached, 20 No Semi-detached, 7 No Townhouses and 4 Duplex apartments and retention of boundary wall and pillars adjacent to Old Omagh Road (amendment to extant approval ref M/2009/0210/F)

Address: Approximately 50m East of 29 Old Omagh Road, Ballygawley, Dungannon

Decision:

Decision Date: 14.12.2011

Ref ID: M/2009/0210/F

Proposal: Erection of 46 no residential units (32 no apartments and 14 no houses) with associated roadworks and landscaping

Address: Approximately 50m to East of 29 Old Omagh Road, Ballygawley, Dungannon, BT70 2EZ

Decision:

Decision Date: 30.04.2010

Ref ID: M/2009/0156/0

Proposal: Medium density housing development with a mixture of detached semi-detached and terraced houses (Amended Concept Layout)

Address: Land between and to the immediate south of no 32a and 34 Old Omagh Road, Ballygawley, BT70 2EZ

Decision:

Decision Date: 21.08.2009

Ref ID: M/1981/0228

Proposal: HOTEL DEVELOPMENT, BEDROOMS, FUNCTION ROOMS, DINING

ROOM, KITCHEN AND
Address: RICHMOND, BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/2008/0988/Q
Proposal: Housing
Address: Site to the rear of 39 Old Omagh Road, Ballygawley
Decision:
Decision Date:

Ref ID: M/2013/0381/F
Proposal: Proposed single storey sunroom and porch extension and renovations
Address: 9, Findrum Road, Richmond, Ballygawley,
Decision: PG
Decision Date: 01.10.2013

Ref ID: M/2014/0085/O
Proposal: Creche (amended plans)
Address: Adjacent to and SE of 39 Old Omagh Road, Ballygawley,
Decision:
Decision Date:

Ref ID: M/2012/0509/F
Proposal: Proposed Development consisting of 15 No. Dwellings and garages with associated site works (amended site address).
Address: Proposed site to NW of 29 Old Omagh Road Ballygawley,
Decision: PG
Decision Date: 16.12.2013

Ref ID: M/2014/0348/F
Proposal: Proposed phase 2 development consisting of 46 No. dwelling and garages with associated site works
Address: Proposed site to North of 39 Old Omagh Road, Ballygawley,
Decision:
Decision Date:

Ref ID: M/2013/0597/F
Proposal: Proposed Rear Extension, Creating Larger Bedroom Space and En-Suite
Address: 29 Old Omagh Road, Ballygawley, Co Tyrone, BT70 2AA,
Decision: PG
Decision Date: 17.02.2014

Summary of Consultee Responses

NI Water - content to approve

Transport NI - Private Streets Determination Drawings to be submitted

NIEA - no response

OARD NI - no objections

EHO - noise and odour information to be submitted

NIEA Water Management Unit - concerns over capacity of WWTW

Drawing Numbers and Title

Drawing No. 1, 02 REV 2, 4, 5, 6, 7, 8, ,9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

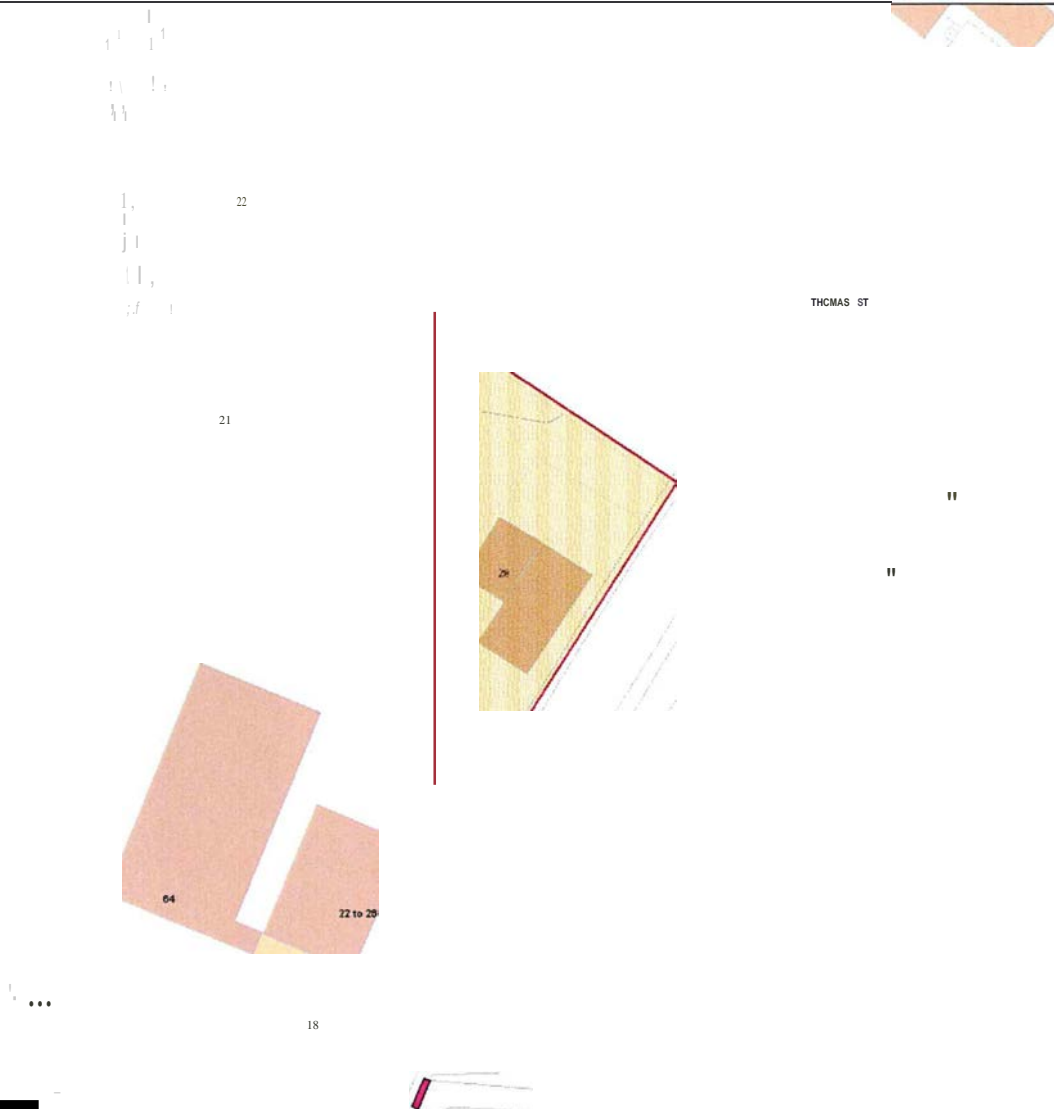
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2014/0532/F	Target Date: 26.02.2015
Proposal: Extension of existing restaurant/takeaway to close in existing covered area to create store & extend restaurant seating area into Unit 3 (change of use)	Location: Unit 2 & 3, 28 Thomas Street Dungannon
Referral Route: Application attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.	
Recommendation:	Approval
Applicant Name and Address: BDJ Management Ltd 17*21 Church Street Portadown	Agent Name and Address: Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary: The proposal is for expansion of an existing restaurant use in Dungannon town centre. No representations have been received, although Transport NI have expressed their concern at the shortfall in car parking provision. Taking into account the town centre location, availability of car parking both within the site and on street in front of the site and also immediately nearby I recommend the application be approved.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	No Objection
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received

Representations:

<u>Letters of Support</u>	None Received
<u>Letters of Objection</u>	None Received
<u>Number of Support Petitions and signatures</u>	No Petitions Received
<u>Number of Petitions of Objection and signatures</u>	No Petitions Received

Summary of Issues

Environmental health returned comment of no objection.

Transport NI expressed concern at the lack of available parking. Whilst acknowledging this, I believe greater weight should be given to the availability of nearby spaces in town centre locations and on Thomas Street.

Further to site inspection I also had concerns at the impact of the proposal on properties in Woodlawn in terms of overlooking. I have asked the agent to provide frosted glazing to negate this impact.

Characteristics of the Site and Area

The site comprises two elements:

The first is currently being used as a store, ancillary to the existing restaurant use, the second is the existing restaurant, Ellies. The restaurant commands views over north Dungannon. The site sits above the Woodlawn properties to the north. The site is a split level site with land dropping sharply to the north.

The shop is a single storey relatively recently constructed building set back off Thomas Street approximately 12- 13 m with car parking to the front.

The area is a mix of land use types, predominantly retail and residential on the other side of Thomas Street. There are also offices such as dental practice and solicitors along the southern side of Thomas Street.

Planning Assessment of Policy and Other Material Considerations

PPS 5 - retailing

DCAN 4 - Restaurants, Cafes and fast food outlets.

PPS 5 outlines the government 's policy objectives for town centres and retail developments are:

- to sustain and enhance the vitality and viability of town centres;
- to focus development, especially retail development, in locations where the proximity of businesses facilitates competition from which all consumers are able to benefit and maximises the opportunity to use means of transport other than the car;
- to maintain an efficient, competitive and innovative retail sector; and
- to ensure the availability of a wide range of shops, employment services and facilities to which people have easy access by a choice of means of transport.

The proposal will therefore enhance the vitality and viability of town centres in that the proposal will extend the existing adjacent restaurant into a vacant unit and complete the occupancy of this small group of units.

The proposal will focus development in a location which is readily accessible to multiple means of transport in this town centre location;

The expansion will allow the owner to compete with larger food outlets e.g. those in the nearby Oaks Centre enabling an efficient competitive retail sector;

The agent has indicated that the increase in floor space will not result in any additional employment opportunities although floorspace figures given to not appear to correlate with

drawings provided.

Consultees:

Environmental Health were consulted for opinion and had no objection.

Case officer carried out further Neighbour notification on 23.1.2015. No representations have been received at the time of writing.

Case officer has visited the site, the existing restaurant and the properties in Woodview to the north west of the application site. Car parking standards indicate 1 space required per 5m² gross floor area. That would indicate an approximate requirement of 49no car parking spaces for a restaurant of this size. The applicant has shown the proposal will be served by 16 designated car parking spaces, shared with the adjoining flower shop. On street car parking is available in Thomas Street. The site is also approx 280m away from 2 car parks at Greers Place and Greers Road, opposite.

In terms of the physical appearance of the building, extending the food outlet into the vacant unit and with the proposed changes to the rear elevation namely adding 3no large windows facing north and north west over Woodlawn will undoubtedly in the opinion of the case officer have implication for the neighbouring properties in Woodlawn. At time of site inspection case officer stood at the south western extremity of the site adjacent to the door of the vacant unit and could see into both the rear amenity space of the newly built properties and in some cases through the kitchen windows of some properties. It would not therefore be desirable to permit the addition of two additional windows overlooking the rear of these properties, especially given one would expect people at these windows to be sitting for prolonged periods eating a meal. Case officer has discussed same with the agent and has invited possible solutions to this.

DCAN 4 also states that consideration should also be given to the possibility of the proposal causing parking and/or traffic difficulties with associated congestion and inconvenience, thereby jeopardising the safety of road users. Thomas Street is a busy thoroughfare as previously stated. However this town centre location has car parking readily available to the front of the site and along Thomas Street. Car Parking is also available at the Greers Road. Those approaching from the residential north will be doing so on foot given pedestrian access only.

Case officer was at the site first thing in the morning on two different occasions (before 0930) and on neither occasion was the car park even half full.

Accordingly case officer recommendation is to approve subject to either removal of said windows or replacing glass with frosted glass and to be permanently retained as such.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend the application be approved and the frosted glazing annotated on drawing no 04 rev 01 date stamped received be permanently retained

Conditions:

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.

Prior to the development hereby approved becoming operational, the windows marked 'A', 'B' and 'C' on Drawing No. 04 Revision 01 bearing the date stamp received 27 FEB 2015 shall have frosted glass installed as annotated and shall be permanently retained as such unless with prior written consent of Mid Ulster Council planning office.

Reason: In the interests of amenity of adjoining neighbours.

The premises shall not remain open for business outside of the hours of 0700 hours to 2300 hours Monday to Saturday or outside the hours of 0900 to 2200 hours on Sundays.

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

Informatives:

This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved by Mid Ulster Council BEFORE any such signs are erected.

The applicant's attention is drawn to:

- i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and
- ii. the Code of Practice for Access for the Disabled to buildings.

The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for People with Disabilities"" available at www.planningni.gov.uk.

Signature(s)

Date:

ANNEX	
Date Valid	13th November 2014
Date First Advertised	26th November 2014
Date Last Advertised	25th May 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 64 Union Place, Dungannon. The Owner/Occupier, 64a Union Place, Dungannon. The Owner/Occupier, 19 Woodlawn Park, Dungannon. The Owner/Occupier, 19a Woodlawn Park, Dungannon. The Owner/Occupier, 20 Woodlawn Park, Dungannon. The Owner/Occupier, 20a Woodlawn Park, Dungannon. The Owner/Occupier, 21 Woodlawn Park, Dungannon. The Owner/Occupier, 21 Woodlawn Road, Dungannon. The Owner/Occupier, 21a Woodlawn Park, Dungannon. The Owner/Occupier, 22 Woodlawn Road, Dungannon. The Owner/Occupier, 26 Thomas Street Drumcoo Dungannon The Owner/Occupier, 43 Thomas Street Drumcoo Dungannon The Owner/Occupier, 43 Thomas Street Drumcoo Dungannon The Owner/Occupier, 43 Thomas Street Drumcoo Dungannon The Owner/Occupier, 43 Thomas Street Drumcoo Dungannon The Owner/Occupier, 45 Thomas Street Drumcoo Dungannon The Owner/Occupier, 47 Thomas Street Drumcoo Dungannon The Owner/Occupier, 51 Thomas Street Drumcoo Dungannon The Owner/Occupier, Blank Neighbour	

Crown Buildings, Thomas Street, Dungannon. The Owner/Occupier, Ellies Restaurant, Thomas Street, Dungannon. The Owner/Occupier, The Flowerbox, Thomas Street, Dungannon.	
Date of Last Neighbour Notification	2nd June 2015
Date of EIA Determination	Not required
ES Requested	No
Planning History Ref ID:M/2014/0532/F Proposal: Extension of existing restaurant/takeaway to close in existing covered area to create store & extend restaurant seating area into Unit 3 (change of use) Address: Unit 2 & 3, Thomas Street, Dungannon, Decision: Decision Date:	
Ref ID:M/2014/0029/F Proposal: Proposed alterations to previously approved ref M/2012/0637/F Unit Nos 2 and 3 to convert into 1 no hot food unit with restaurant seating and takeaway counter to include the reduction of 1 no shop front, the relocation of a door and wc window on the rear elevation and associated fitout works Address: Retail Units at 28 Thomas Street, Dungannon, Decision: PG Decision Date: 13.06.2014	
Ref ID:M/2012/0637/F Proposal: Demolition of existing shop/garage and part of basement storage area and proposed 4 no. retail units and standalone ATM with associated car parking Address: 28, Thomas Street, Dungannon, Decision: PG Decision Date: 14.01.2014	
Ref ID: M/2011/0062/F Proposal: Redevelopment of existing forecourt and demolition of existing shop/garage and erection of a new supermarket. Address: 28 Thomas Street, Dungannon, Decision: Decision Date: 26.03.2012	
Ref ID:M/2005/0852/F Proposal: Demolition of existing garage and forecourt to provide a six storey office block	

development with car parking facilities at basement level which also includes a front elevation comprising of three storeys facing onto Thomas Street.

Address: 28 Thomas Street, Dungannon.

Decision:

Decision Date: 16.10.2007

Ref ID: M/1987/0375

Proposal: EXTENSION TO EXISTING BUILDING

Address: 22 THOMAS STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1981/0530

Proposal: CANOPY TO FILLING STATION

Address: THOMAS STREET, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health - no objection

Transport NI - inadequate car parking provision, refusal recommended.

Drawing Numbers and Title

Drawing No. 01

Type:

Status: Approved

Drawing No. 02

Type:

Status: Approved

Drawing No. 03

Type:

Status: Approved

Drawing No. 04REV01

Type:

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
La.r Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 July 2015	Item Number:
Application ID: M/2014/0548/F	Target Date: 09.03.2015
Proposal: Retention of modular home (Postal address: 71c Ballybeg Road, Coalisland)	Location: Number 71C Ballybeg Road Coalisland
Referral Route: Refusal of planning permission recommended.	
Recommendation:	Refuse
Applicant Name and Address: Margaret and Martin McAliskey 27 Ballybeg Road Mountjoy Road Coalisland BT71 5DX	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	HQ Special Studies Minerals Unit	
Non Statutory	NI Transport - Enniskillen Office	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

Unauthorised dwelling in rural area and within a flood plain.

Characteristics of the Site and Area

This site is accessed off Ballybeg Road, north of its junction with Doon Avenue and has a modular dwelling and a hardcored yard area currently on it. There is a larger modular dwelling to the north, this does not have any planning permission or certificate of lawfulness, however the Department accepted it was immune from Enforcement Action. To the south is a light engineering workshop that was granted retrospective permission under file ref M/2004/0296/F in 2006. The roadside boundary is a native species hedge, though this requires removal to provide a safe access to Transport NI standards.

The land is relatively flat around the site as it is on the shores of Lough Neagh.

Planning Assessment of Policy and Other Material Considerations

The proposal is for the retention of a modular dwelling, the dwelling has cream coloured walls and a pitched roof with black tiles. The building has 2 bedrooms, kitchen/dining area, lounge and bathroom, it has a ridge height of 4.3m and footprint of 9.2m long x 6.2m deep.

Dungannon & South Tyrone Area Plan 2010

The Plan identifies the area as being rural, outside of any settlement limits and as such defers to the rural policies for consideration of this type of development.

PPS 21 - Sustainable Development in the Countryside:

CTY1 of PPS21 allows for residential development in the countryside, provided it meets with the criteria set out in one of Policies CTY2 to CTY10. In this case the applicant has put forward a case on the basis of Personal & Domestic Circumstances and the relevant policy is CTY6. This allows the Council to grant planning permission for a dwelling where genuine hardship will be caused if planning permission were refused and there are no alternative solutions. The applicant has advised the occupier of this dwelling is a 60 year old man and is a tenant. A doctor's letter has been submitted detailing the occupier's health, there is no information to suggest the occupier is dependent on the applicant for any care and that he cannot reside in this dwelling entirely independently of the applicant or indeed any other dwelling in the rural area. I do not consider the refusal of planning permission here would cause undue hardship.

PPS21 also requires new development to be sited so as not to detract from the rural appearance of the countryside and as such must meet with policies CTY13 and CTY14. Road Traffic Engineers, from Transport NI, have advised the access to the dwelling is substandard and would require the removal of the hedge along the frontage of the site to allow a safe access to be provided. While this would open up public views, this dwelling is small in scale, is located behind an existing earth bank and would be seen with the existing clutter around the approved engineering workshop, the engineering workshop itself and the other modular house. Taking account of these site specific characteristics, I do not consider the retention of the dwelling would have a significant detrimental impact on the visual appearance of the area.

PPS15 - Planning and Flood Risk

The site is identified on DARDNI maps as in a fluvia (river) flood plain and the dwelling is at risk from flooding. Policy FLD1 is very precise in that it will not permit any development unless this contained within the exceptions to the policy. This single dwelling in the countryside does not fall within any of the exceptions to the policy.

On the basis of the information presented I cannot support this application and members are asked to note this is an unauthorised dwelling which is the subject of a valid enforcement notice. The enforcement notice was served on 25 October 2014 and came into effect on 27 November 2014, the applicant had the opportunity to appeal that notice within that time period but did not exercise that right.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be refused for the following reasons:

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated the stated personal and domestic circumstances justify an exception to the rural policy and 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 FLO 1 of Planning Policy Statement 15 (PPS 15) Planning and Flood Risk in that it is located within a floodplain and it has not been demonstrated that the proposed development is of overriding regional importance or that it represents development within any of the categories a-f meriting an exception.

Signature(s)

Date:

ANNEX	
Date Valid	21st November 2014
Date First Advertised	3rd December 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 71 Ballybeg Road Aughamullan Dungannon The Owner/Occupier, 71a Ballybeg Road, Aughamullan, Dungannon.	
Date of Last Neighbour Notification	26th November 2014
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: M/2002/0666/F

Proposal: Erection of dwelling.

Address: Land opposite 48 Coole Road, Aughamullan, Coalisland.

Decision:

Decision Date: 01.08.2002

Ref ID: M/2002/0557/F

Proposal: Proposed extension and alterations to existing dwelling

Address: 50 Coole Road Coalisland

Decision:

Decision Date: 09.07.2002

Ref ID: M/2000/0542/O

Proposal: Site for dwelling

Address: Site opposite 48 Coole Road Washingbay Coalisland

Decision:

Decision Date: 16.01.2001

Ref ID: M/1997/0436

Proposal: Extension to Dwelling

Address: 52 COOLE ROAD COALISLAND

<p>Decision: Decision Date:</p> <p>Ref ID: M/1991/0101 Proposal: Erection of dwelling Address: ADJACENT TO 52 COOLE ROAD COALISLAND Decision: Decision Date:</p>
<p>Summary of Consultee Responses Transport NI have advised the necessary standards to provide a safe access.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 1, 2, 3, 4, 5, 6, 7 Type: Status: Submitted</p>
<p>Notification to Department (if relevant) Date of Notification to Department: Response of Department:</p>



Cornhairle Ceantair
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Mid Ulster
District Council

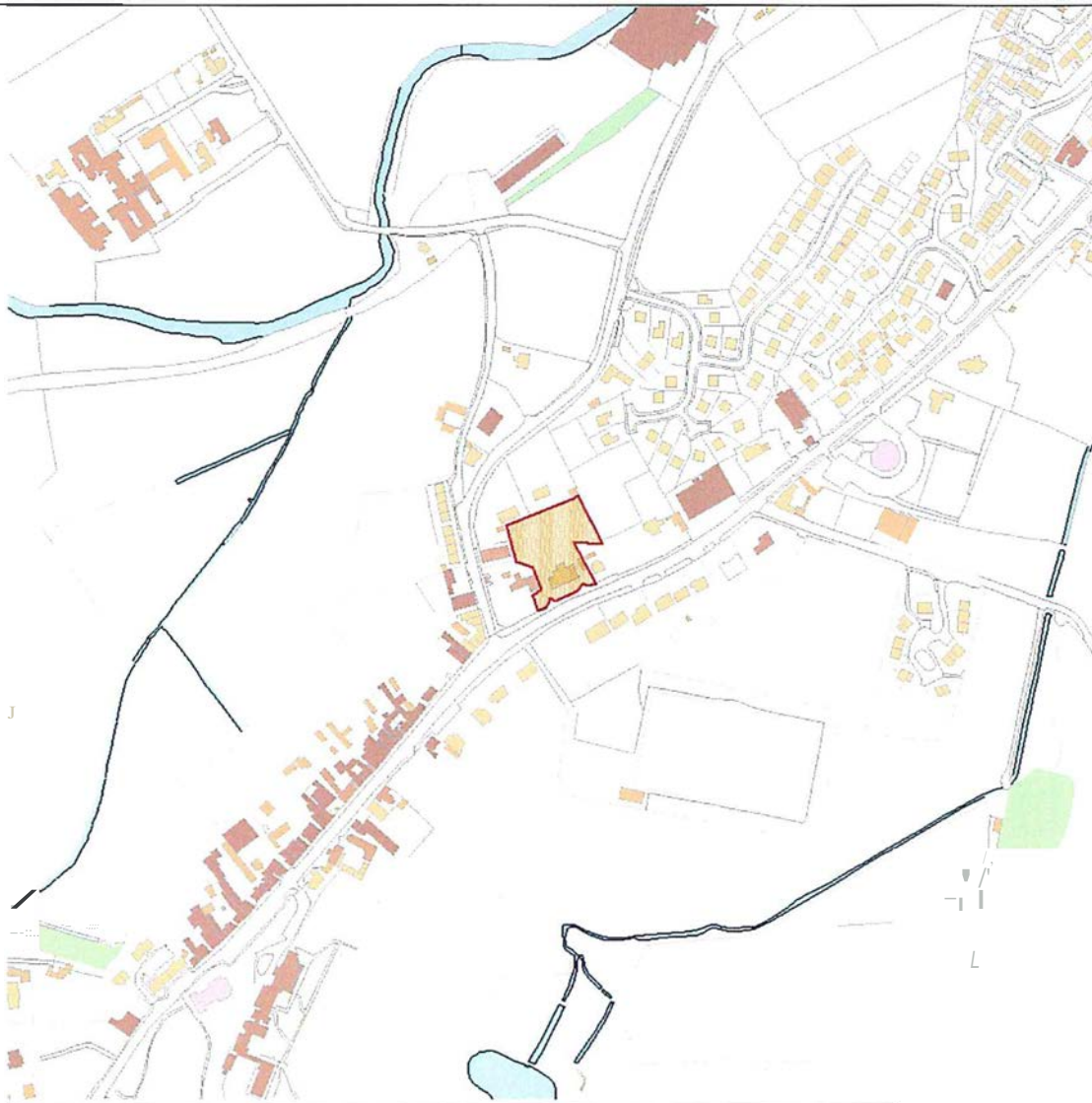
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2015/0005/F	Target Date: 17.04.2015
Proposal: Storage shed for vehicles	Location: Old Clogher School 4 Augher Road Clogher
Referral Route: Application made by Dungannon and South Tyrone Borough Council	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster Council Offices Circular Road Dungannon BT71 6DT	Agent Name and Address:
Executive Summary: The application is for a storage shed to the rear of an existing building in Clogher. One objection was received and subsequently withdrawn following liaison with Dungannon & South Tyrone Borough Council. NIEA Monuments had no objection. The proposal is for a modest storage shed for vehicles and complies with the relevant policy. I therefore recommend the application be approved.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Protecting Historic Monuments	No Objection

Representations:

Letters of Support	None Received
Letters of Objection	One Received withdrawn
Number of Support Petitions and Signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Historic Monuments made comment of no objection. The only objector to the scheme withdrew their objection after discussing same with Council.

Characteristics of the Site and Area

The site is a disused primary school which is now occupied by Mid Ulster employees. The building fronting the main road has red brick hipped roof design and is limited in depth. There is hardstanding to the rear with grass 'play area' beyond that again. The land beyond the hard standing falls down slightly to provide enclosed play area. The play area is defined by 1-2m high domestic hedging. The rear of the site is not visible from road frontage at the front of the site. 2no dwellings lie along the far side of the northern boundary of the site.

Planning Assessment of Policy and Other Material Considerations

The proposal lies within the settlement limit of Clogher with no particular land use designation. The site is located at the outer edge of Clogher Area of Townscape Character as defined in the Dungannon & South Tyrone Area Plan 2010. Any proposal for development within the ATC should be in keeping with the historic built form in terms of scale, form, massing, detail designing and materials.

The proposal is for a single storey building measuring approx 7.3m x 15m. There will be grey cladding to the walls and roof with 4no roof lights. A metal roller shutter door will be provided for vehicular access.

One objection was raised by the Honorary Secretary of St Macartan's Cathedral, Clogher, regarding the land ownership of the site and also the address supplied. This was queried with the applicant and a revised P1 application form was received confirming Council were owners of the lands and with site address amended to 4 Augher Road, Clogher. Before this information could be uploaded to EPIC, the objector emailed me (copy on file) confirming they wished to withdraw their objection.

One consultation was generated by a monument zoning on EPIC computer system. This warns Mid Ulster Council of cordons within which NIEA Historic Monuments should be consulted on the potential harm the development may do to a monument in that area. NIEA Monuments returned comment of no objection.

Dungannon & South Tyrone Area Plan 2010.

Clogher Area of Townscape Character.

As stated above the ATC was designed to protect the built form along street frontage where there is strong build line and character to the built form along road side through the village. The proposal set to the rear of an existing building is not visible from the main road and whilst its design is not in keeping with the guidance of the Area Plan, I do not consider that it is critical for this backland development. Had the development been at site frontage or along the road on the village main street, a reconsidered opinion may have been forthcoming.

PPS1 - General principles.

PPS 1 sets out general principles which should be observed in carryout out planning functions. s49 of same states 'all fundamental factors involved in land use planning constitute a material consideration. This includes such things as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on neighbourhood and the availability of infrastructure.

The planning system doesn't exist to protect the interest of one person against the activities of another, one must ask whether the proposal would unacceptably affect amenities and t h e

existing use of the land and buildings that ought to be protected in the public interest.

The proposal before us is for a storage shed for vehicles, presumably some type of landscaping equipment. The site appears to be used by employees of the Council at present as offices. The use as a storage shed would not in my opinion cause any undue nuisance to adjacent properties. I would assume such equipment would be loaded and unloaded in early morning and late evening, and perhaps not even on a daily basis. I am also mindful that this is a town centre site on the main Belfast Road and a certain amount of background noise is clearly evident during the day.

Planning Strategy for Rural Northern Ireland - DES 2 - Townscape

DES 2 requires proposals to make a positive contribution to townscape and be sensitive to the character of an area surrounding the site in terms of design, scale and use of materials.

The current proposal is set back behind an existing building within Clogher ATC as described above. There will be no visual contribution to or impact on the setting of the village or ATC. The development is appropriate in terms of its scale layout in the site, design and materials in its own right and in relation to adjoining buildings. No views are affected. No amenity issues will result as the shed is for storage purposes only. The design of the structure is fit for its purpose in this instance.

I have assessed the application against the relevant policy and consider that in this case I consider that the proposal does pass the 'good neighbourliness' test and that an approval should be recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend the application be approved, no objections to the proposal from either third parties or consultees. The shed is a minor addition to the rear of an existing site inside the settlement limit of the village. Approval recommended.

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 of the date of this permission

Reason: Time Limit.

2. The site identified within the red line in Drawing 02 date stamped received 02 January 2015 shall only be used for the storage of vehicles necessary in relation to the business at Old Clogher Primary School, Carleton Road, Clogher.

Reason: To control the nature, range and scale of the activity to be carried on at this location.

Signature(s)

Date:

ANNEX	
Date Valid	2nd January 2015
Date First Advertised	21st January 2015
Date Last Advertised	21.01.2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Augher Road,Clogher Demesne,Clogher,Tyrone,BT76 OAD, The Owner/Occupier, 1 Station Road,Clogher Tenements,Clogher ,Tyrone,BT76 OAQ, The Owner/Occupier, 10 Augher Road,Clogher Tenements,Clogher,Tyrone,BT76 OAD, The Owner/Occupier, 1A Augher Road,Clogher Demesne,Clogher,Tyrone,BT76 OAD, The Owner/Occupier, 1D Augher Road,Clogher Demesne,Clogher,Tyrone,BT76 OAD, The Owner/Occupier, 33 Station Road Clogher Tenements Clogher The Owner/Occupier, 35 Station Road Clogher Tenements Clogher The Owner/Occupier, 6 Augher Road,Clogher Tenements,Clogher ,Tyrone,BT76 OAD, The Owner/Occupier, Masonic Hall,2 Augher Road,Clogher Tenements ,Clogher,Tyrone,BT76 OAD,	
Date of Last Neighbour Notification	6th May 2015
Date of EIA Determination	Not required.
ES Requested	No
Planning History Ref ID:M/2015/0005/F Proposal: Storage shed for vehicles Address: Old Clogher School, 4, Carleton Road, Clogher, Decision: Decision Date: Ref ID:M/2013/0343/F Proposal: Proposed new access to service existing dwelling Address: 10, Augher Road, Clogher, Decision: PG	

Decision Date: 21.02.2014

Ref ID: M/2013/0327/0

Proposal: Proposed erection of new rectory and domestic garage accessed using existing access to 10 Augher Road, Clogher

Address: Land immediately West of 10 Augher Road Clogher,

Decision: PG

Decision Date: 03.03.2014

Ref ID: M/2012/0611/PREAPP

Proposal: Change of use of the former primary school into a community building and internal alterations to form new public toilets

Address: 4, Augher Road, Clogher,

Decision: ELA

Decision Date:

Ref ID: M/2004/0078/F

Proposal: Extension and alterations to mobile classroom to provide new store

Address: Augher Road, Clogher. BT76 OAD

Decision:

Decision Date: 16.04.2004

Ref ID: M/2003/1164/F

Proposal: Alterations & extension to existing Primary School to include new office, staff room, disabled access toilet, store and new windows to toilets

Address: Clogher Primary School Augher Road Clogher

Decision:

Decision Date: 19.11.2003

Ref ID: M/1999/0990/F

Proposal: Additional Mobile Classroom.

Address: Clogher Regional P.S Carleton Road Clogher

Decision:

Decision Date: 22.01.2000

Ref ID: M/1993/0324

Proposal: Erection of dining mobile

Address: CLOGHER R.P.S. AUGHER ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/1992/0302

Proposal: Proposed 10 bed Private Nursing Home

Address: ADJACENT TO CLOGHER PRIMARY SCHOOL, AUGHER ROAD CLOGHER

Decision:
Decision Date:

Ref ID: M/1986/0140

Proposal: CHANGE OF USE OF PART OF DWELLING AND CONSTRUCTION OF NEW HALL

Address: OLD SCHOOL HOUSE, AUGHER ROAD, CLOGHER

Decision:
Decision Date:

Ref ID: M/1984/0113

Proposal: EXTENSION AND ALTERATION TO PRIMARY SCHOOL

Address: REGIONAL PRIMARY SCHOOL, AUGHER ROAD, CLOGHER

Decision:
Decision Date:

Summary of Consultee Responses

No objections

Drawing Numbers and Title

Drawing No. 01
Type:
Status: Approved

Drawing No. 02
Type:
Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: Not applicable
Response of Department:



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

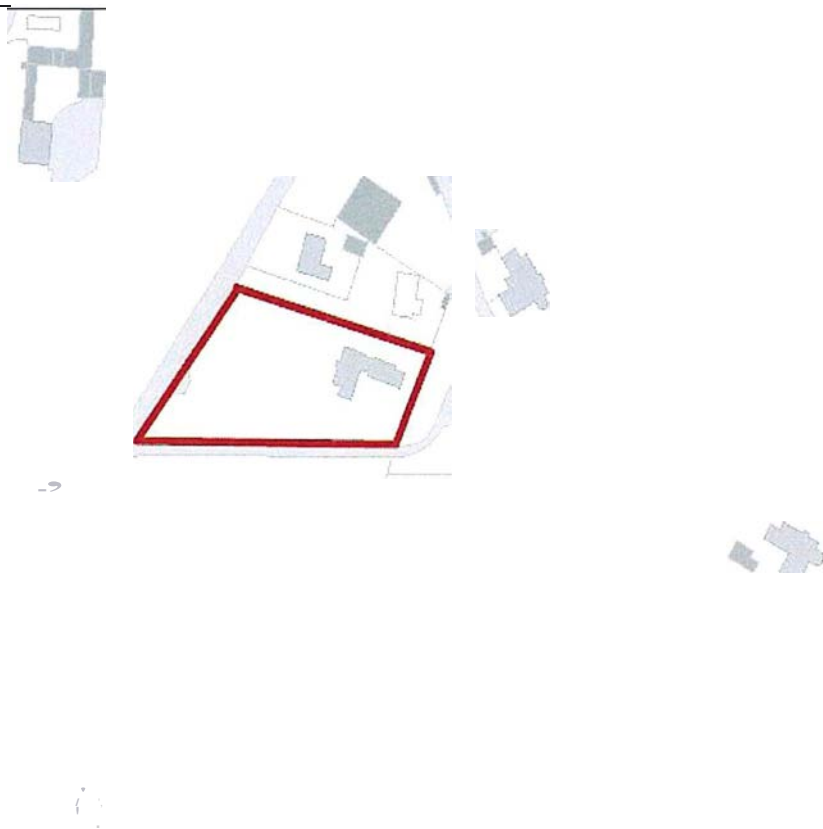
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7th July 2015	Item Number:
Application ID: LA09/2015/0013/F	Target Date: 10/07/15
Proposal: Extension and alterations to existing dwelling	Location: 51 Knockanroe Road Stewartstown Dungannon BT71 5LX
Referral Route: Objections received	
Recommendation:	Approve
Applicant Name and Address: Mr & Mrs Alan Reid 41 Knockanroe Road Stewartstown Dungannon BT71 5LX	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Case Officer: Paul McClean	
Signature(s): _	

Case Officer Report

Site Location Plan



Date of site visit: 26/05/15

Neighbour Notification checked: yes

Letters of Support

None Received

Letters of Objection

6

Number of Support Petitions and signatures

No Petitions Received

Number of Petitions of Objection and signatures

No Petitions Received

Summary of objections

- *Concern that the dwelling will be used as an office in connection with the adjacent engineering business and not for domestic purposes.*
- *That the curtilage of the property is being used as a car park for the adjoining business*
- *That a container sited in the back yard is being used to store products related to the adjoining business*

- *That drawings are titled 'retention of offices for engineering works at No 55 Knockanroe Road' and that these should be amended to reflect the description of the proposal on the P1 form.*
- *That part of a privacy fence was removed so as to gain access through the site to adjoining land*

These will be considered later.

Description of proposal

This is a householder application for an extension to a dwelling

Characteristics of the Site and Area

The site is located approximately 3.7km east of Cookstown and 1/2km south of the small village of Ardtrea as defined in the Cookstown Area Plan 2010. Currently on site there is a single storey dwelling set back approximately 55m from the public road. There is an integral rear return extension and garage. The dwelling is well screened by existing vegetation along the roadside frontage.

There is residential development and an engineering business located to the north of the site. The area is defined mostly by agricultural land and dispersed single dwellings and farm holdings.

The site is located approximately 3.7km east of Cookstown and 1/2km south of the small village of Ardtrea as defined in the Cookstown Area Plan 2010. Currently on site there is a single storey dwelling set back approximately 55m from the public road. There is an integral rear return extension and garage. The dwelling is well screened by existing vegetation along the roadside frontage.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010- open countryside on unzone land

Planning History: 1/2005/0705/F planning approval was granted for an extension to a dwelling on this application site.

No consultations were necessary to be carried out to assist with the processing of this application.

Key Planning Policy

PPS7- addendum- Residential extensions and alterations.

The siting, design, materials and massing of the proposed extension are sympathetic to the built form of the dwelling and will not detract from the appearance and character of the surrounding area and its relationship to surrounding properties.

The proposal will not have a detrimental impact on neighbouring residential privacy or amenity due to the scale and location of the proposal. There is sufficient distance between properties to ensure that there is no overlooking or overshadowing.

There will be no loss of trees with this proposal.

There is sufficient space within the curtilage of the dwelling for recreational and domestic purposes.

As this proposal is located in the countryside, consideration has to be given to the proposed design of the extension. Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside is Supplementary Planning Guidelines to PPS21. In my view, while there is a lot of proposed glazed surfaces to the front elevation of the dwelling, these are given a vertical emphasis and do not offend me. The surrounding residential properties include 1970 style bungalows with projecting chimney breasts and large bay windows. Given this context, and the fact that the site has a mature evergreen boundary of over 5 metres in height which limits views of a dwelling on this site, in my opinion this proposed extension is acceptable in this instance.

Objectors have raised a number of concerns;

- *That the dwelling will be used as an office in connection with the adjacent engineering business and not for domestic purposes.*

At the time of my site visit the building was empty. The proposal presented for consideration is for an extension to a dwelling. This objection does not overcome the acceptability of the proposal in policy terms.

- *That the curtilage of the property is being used as a car park for the adjoining business*

At the time of my site visit there was no evidence that this property was being used as a car park for the adjacent business. No cars/lorries/vans were located within the existing curtilage.

- *That a container sited in the back yard is being used to store products related to the adjoining business*

The proposal presented does not include the retention of a container. This container has not been considered in my assessment.

- *That drawings are titled 'retention of offices for engineering works at No 55 Knockanroe Road'*

Drawings have now been amended to reflect the description of the proposal on the P1 Form and now read 'extension and alterations to existing dwelling'.

- *That part of a privacy fence was removed so as to gain access through the site to adjoining land*

There is no evidence that adjoining land is accessed through this site, and the proposal does not include this in its description. Should a new vehicular access be created, or intensification of an existing access occur, then this will require planning permission.

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. The existing natural screenings of this site, as indicated in drawing No 02 date received 29th April 2015, shall be permanently retained at a height not less than 5 metres above ground level at that point unless otherwise agreed by Mid Ulster Council in writing.

Reason: To ensure the development integrates into the countryside.

Signature(s)

Date: .

ANNEX	
Date Valid	9th April 2015
Date First Advertised	27th April 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 48 Knockanroe Road Glebe (Artrea) Dungannon The Owner/Occupier, 50 Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone, BT71 5LX, The Owner/Occupier, 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX The Owner/Occupier, 55 Knockanroe Road Tievenagh (Main Portion) Dungannon The Owner/Occupier, 57 Knockanroe Road Tievenagh (Main Portion) Dungannon J Reid 57A Knockanroe Road, Tievenagh (Main Portion), Dungannon, Tyrone,, D Reilly and J Reid 59, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX	
Drawing Numbers and Title 01, 02 rev1, 03, 04	



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2015/0017/F	Target Date:
Proposal: Retention of area for car sales	Location: 64 Clooney Road Curran Magherafelt
Referral Route: The proposed development is being recommended for refusal Transport NI recommend that the proposed development is refused due to inadequate access arrangements	
Recommendation:	REFUSE
Applicant Name and Address: Mr Mark Curry 64 Clooney Road Curran Magherafelt	Agent Name and Address: Manor Architects Ltd Stable Buildings 30A High Street Moneymore BT45 ?PD
Executive Summary:	
Signature(s): Malachy Mccrystal	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Non Statutory	NI Transport - Enniskillen Office	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 were received in relation to this application.

Transport NI recommend that the proposed development be refused on the basis that the access arrangements are unacceptable as it would not be possible for a LGV car transporter to enter the site and off-load vehicles. The internal space is inadequate to allow both servicing and parking of vehicles for sale. This would result in vehicles being off-loaded on the roadside causing a hazard to other road users.

Description of proposal

The proposal is for the retention of an area for car sales. The area subject of the application is the entire curtilage of the existing dwelling. The entire side garden of the dwelling has been dug up and replaced with a hardcore surface which is used for the parking and displaying of cars for sale.

Characteristics of the site and area

The site is located along the Clooney Road approximately 0.7km north west of Curran village. The site is occupied by a modern bungalow, with a small detached garage to the rear, on a road frontage site which sits about 2m below road level. The roadside boundary is defined by a timber post and chain link fence set behind a 2.5m wide grass verge. There is a laneway along the eastern boundary which is bounded by mature gorse bushes which also define the north-western boundary. Within the site there is a large hard surfaced area to the front and side of the dwelling. This area is currently used for the display of cars for sale and at the time of site inspection accommodated approximately 40 cars.

The site is within a rural area which is characterised by single dwellings on roadside sites and also set back off the road.

Planning Assessment of Policy and Other Material Considerations

The proposal is contrary to the Magherafelt Area Plan 2015 as it is a retail proposal, located within a rural area outside any settlement development limit.

The main issues in assessing this application are whether the proposed development is acceptable in the countryside and whether any sustained policy objection is outweighed by other considerations. The policy context is provided by PPS 21 Sustainable development in the countryside and PPS 5 Retailing and town Centres.

As the proposal relates to a car sales business PPS 5 is therefore a relevant material consideration. Paragraph 54 and 55 state that "Retailing will generally be directed to existing settlements of appropriate size and the development of inappropriate retail facilities in the open countryside will be resisted. However, those retail facilities which may be considered appropriate outside the development limits of settlements include:

- Farm shops, clearly tied to an existing farm holding or occupant;
- Shops designed to serve tourist or recreational facilities and clearly secondary to the main use;
- Small-scale shops attached to existing or approved craft workshops in order to permit direct retailing of the product to the public; and
- A small-scale shop designed to serve a designated dispersed rural community.

Such retail facilities will normally be required to be located within existing buildings.

The proposed development does not constitute one of the types of retail uses which are considered to be acceptable in the countryside. While the above is not an exhaustive list, all the examples of retailing in the countryside relate to shops which by definition are buildings. The proposed development is for a large external area of hard-standing for the display of cars. On a roadside site, the commercial activity is obvious from the public viewpoints and clearly dominates this domestic site. The car sales will undoubtedly attract a significantly greater footfall to this rural site than what would be attracted to the single rural dwelling. The proposed development which involves the outdoor storage of vehicles, is considered to be an inappropriate retail facility in the open countryside. It is therefore contrary to PPS 5 in that it is not a small acceptable retail use within the rural area and it cannot be satisfactorily integrated into the countryside or into an

existing group of buildings.

As the proposal is not supported by PPS 5, it then falls to be considered under PPS 21. Policy CTY 1 of PPS 21 sets out a range of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This policy goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. As the applicant has not provided any supporting statement as to why the proposed development is essential in this rural location and could not be located within a settlement, it is contrary to Policy CTY 1 of PPS 21.

The Planning Appeals Commission considered a similar proposal for the 'Retention of home working internet car sales business' which was refused planning permission under application reference G/2013/0241/F (copy attached at Annex 2 for information purposes). The Commission's decision in that case was that planning policy does not support proposals for car sales in the rural area outside settlement development limits.

Transport NI advised that the proposal is unacceptable as a LGV car transporter could not enter the site, turn and off-load cars as the access is not suitable to allow this type of vehicle to enter the premises, nor is the internal space adequate to allow both servicing and parking of vehicles for sale. This would result in offloading on the roadside which is illegal and also a hazard to road users.

Recommendation

Taking all material considerations into account, I can only find that the proposal is contrary to planning policy and that no circumstances have been presented which would support the setting aside of the policies identified above. Therefore planning permission should be refused for the reasons stated below:-

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

Summary of Recommendation:

Transport NI - recommended refusal due to inadequate access and internal layout arrangements.

Refusal Reasons

1. The proposal is contrary to the Department's Planning Policy Statement 5, retailing and Town Centres in that the site lies outside any designated development limits and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside and the proposed use would not, if permitted, integrate into the rural landscape.

2. 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.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted, result in a

suburban style build-up of development when viewed with existing building and the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside .

5. The development would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.

Signature(s)

Date:

ANNEX 1	
Date Valid	23rd January 2015
Date First Advertised	26th January 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 66 Clooney Road, Curran, Maydown, Londonderry, BT45 8RF,	
Date of Last Neighbour Notification	11th February 2015
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/2005/0577/0 Proposal: Site of dwelling and garage. Address: 376m South East of 84 Clooney Road, Curran, Magherafelt. Decision: Decision Date: 11.05.2007 Ref ID: H/2007/0215/RM Proposal: Proposed 1 No. dwelling and garage. Address: 430m south east of No. 84 Clooney Road, Curran, Magherafelt Decision: Decision Date: 11.05.2007 Ref ID: H/2004/0607/0 Proposal: Site of dwelling and garage Address: 430 m South East of number 84 Clooney Road, Curran Magherafelt Decision: Decision Date: 18.02.2005 Ref ID: H/2003/0946/0 Proposal: Site of dwelling. Address: 160m East of 56 Clooney Road, Curran Tobermore. Decision:	

Decision Date: 19.02.2004

Ref ID: H/2005/0513/RM

Proposal: Dwelling and Garage

Address: Clooney Road, Curran, Tobermore (160m East of 56)

Decision:

Decision Date: 19.10.2005

Ref ID: H/2006/1070/RM

Proposal: Proposed new dwelling and garage

Address: Site 400m South East of 56 Clooney Road, Curran, Magherafelt

Decision:

Decision Date: 26.04.2007

Ref ID: H/2005/0590/0

Proposal: Site of Dwelling and Garage

Address: 400 Metres South East of 56 Clooney Road, Curran, Magherafelt

Decision:

Decision Date: 18.10.2005

Ref ID: H/2015/0017/F

Proposal: Retention of area for car sales

Address: 64 Clooney Road, Curran, Magherafelt,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 03/1
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02/1
Type: Site Location Plan
Status: Submitted

Drawing No. 03
Type: Site Layout or Block Plan
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

ANNEX 2



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2014/A0150
Appeal by:	Mr P. Hyndman against the refusal of full planning permission
Development:	Retention of home working internet car sales business
Location:	35 Craigadoo Road, Ballymena
Application Reference:	G/2013/0241/F
Procedure:	Written Representations with Commissioner's site visit on 26 th March 2015
Decision by:	Commissioner Damien Hannon dated 10 th April 2015

Decision

1. The appeal is dismissed and full planning permission is refused.

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether any sustained policy objection is outweighed by other considerations. The policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21), Planning Policy Statement 4 - Planning and Economic Development (PPS 4) and Planning Policy Statement 5 - Retailing and Town Centres (PPS 5).
3. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The appellant argued that the proposal was acceptable as 'the redevelopment of an established economic development use in accordance with PPS 4'.
4. The appeal site comprises a detached dwelling and its curtilage including a single storey detached outbuilding. The appellant stated that prior to his purchase of it in October 2011, the appeal site had been occupied by CW Electrical Ltd for a period of 10-15 years as an electrical business employing some 20 people and used, among other activities, for the repair of electrical appliances. The single storey outbuilding comprises three partitioned sections including two that are in use as double garages and one that is fitted out for workshop purposes. During my inspection of the property I observed one room in the house to be in use as the office of PH Motors while 9 vehicles

2014/AO150

were parked in a fenced off hard surfaced area adjacent to the dwelling. From these observations and the submitted evidence, I conclude the site to be in mixed use comprising residential, vehicle sales and maintenance.

5. Policy PED 4 of PPS 4 is entitled 'Redevelopment of an Established Economic Development Use in the Countryside' and states that a proposal for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a *sui generis* employment use) will be permitted where it is demonstrated that a number of criteria can be met. The appellant argued that CW Electrical had been an established economic development use and that the appeal proposal sought retrospective permission for the redevelopment of that use as a *sui generis* employment use.
6. The Department conceded that an electrical contractor may have operated from the site in the past but added that any such use had now ceased. The Department stated that the outbuilding was approved in March 2000 as a garage and store with an informative advising that the permission authorised only private domestic use and that they did not accept that the submitted evidence verified the appellant's assertions regarding the extent, scale or duration of any business that operated from the site.
7. The appropriate vehicle for determining whether a land use is established is a Certificate of Lawfulness of Existing Use or Development (CLUD) under Article 83 of The Planning (NI) Order 1991. I have been given no evidence to establish that a CLUD was issued in respect of the previous use of the site by CW Electrics and in the absence of such a CLUD it would not be appropriate for me to assume that CW Electrical was an established economic development use. Notwithstanding this however, Policy PED 4 of PPS 4 states that proposals involving retail will not be permitted. Although the sale and display for sale of motor vehicles does not fall within any class in the Planning (Use Classes) Order (Northern Ireland) 2015, it is a retail use. I do not regard a retail use to be an employment use for the purposes of PPS 4. In this context I further conclude that Annex A of PPS 4 entitled 'Homeworking' offers no support for retail development in the countryside. In these circumstances, the appeal proposal does not constitute the redevelopment of an established economic development use in accordance with PPS 4.
8. Policy PED 2 of PPS 4 is entitled 'Economic Development in the Countryside' and states that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of other listed PPS 4 policies (including PED 4). The appellant made no argument that the proposal complied with any of the PPS 4 policies other than PED 4. I have already concluded there to be no policy support for the proposal in PED 4 and in the light of the appellant's stated case I further conclude there to be no policy support in PED 2 either. However, as PPS 4 is not the correct policy against which to judge the appeal proposal, the Department's second and third reasons for refusal are misplaced.

9. This appeal relates to a proposal for a car sales business and PPS 5 is therefore a relevant material consideration . Paragraph 54 and 55 of PPS 5 state that "Retailing will generally be directed to existing settlements of appropriate size and the development of inappropriate retail facilities in the open countryside will be resisted. However, those retail facilities which may be considered appropriate outside the development limits of settlements include:-
- farm shops, clearly tied to an existing farm holding or occupant;
 - shops designed to serve tourist or recreational facilities and clearly secondary to the main use;
 - small-scale shops attached to existing or approved craft workshops in order to permit direct retailing of the product to the public;
 - and a small-scale shop designed to serve a designated dispersed rural community.

Such retail facilities will normally be required to be located within existing buildings".

10. While the proposal does not constitute one of the acceptable types of retail development in the countryside, I am mindful that this is not an exclusive list. Nonetheless, all four examples of appropriate retailing in the open countryside relate to shops which by definition are buildings. Commercial activity at the site is not obvious from public viewpoints given the absence of signage and the fact that the vehicles are stored behind screen fencing. Furthermore, the appellant stated that the nature of his 'internet based' business was such that customers did not attend the premises as sales were arranged by appointment and viewing took place off site. I am not convinced that a car sales business that advertises its address and postcode and has vehicles displayed on site could reasonably prevent footfall visitors . Notwithstanding this however, I consider a use such as the appeal proposal, which involves outdoor vehicle storage, to be an inappropriate retail facility in the open countryside that PPS 5 seeks to resist.
11. Policy CTY1 of PPS 21 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. The appellant did not advance such a case and I conclude there to be no support for the proposal in Policy CTY 1. The proposal is not acceptable in principle in the countryside.
12. PPS 21 states at Paragraph 5.0 that its policy provisions will prevail unless there are other overriding policy or material considerations that outweigh them and justify a contrary decision. The appellant argued that other factors should be weighed in favour of the proposal and stated that the previous commercial use at the site, a sizeable business with office and workshop , was a relevant material consideration. However given that the Department did not accept that such a use had been established at the site, I attach little weight to this aspect of the site's planning history in the absence of a GLUD.

13. The appellant argued that as the car sales use has been operating unlawfully for over 4 years "no action could be taken under Enforcement Article 678, Planning (NI) Order 1991". However Article 678 of the Planning Order, as amended by the Section 248 of the Planning Act (Northern Ireland) 2011, states that in the case of a breach of planning control consisting of the change of use of any building, no enforcement action may be taken after the end of a period of 5 years beginning with the date of the breach.
14. I was somewhat confused by the appellant's argument in this respect and suspect that he may be including the previous electrical business within the required 5 year period. However, if this is the case, the appellant, by making a planning application, has conceded that a change of use took place in October 2011 and that the current use could not have been operating in breach of planning control for a period of 5 years. Again however the appropriate vehicle for establishing whether the current use is lawful is through a CLUD. Again I attach little weight to this aspect of the site's planning history.
15. Reference was made to the appellant's specific personal and domestic circumstances relating to the adoption of a child. While such circumstances are always material to consideration of development proposals neither they nor the site's planning history, in this case, outweigh the objection in policy terms that I have found sustained. The Department's first and fourth reasons for refusal are sustained and determining in this case.

This decision relates to the following drawings:-

1:1250 scale Location Map numbered 01 and received by the Department on 27th June 2013.

1:500 scale Block Plan/Access/Visibility Splays numbered 02 and received by the Department on 17th December 2014.

COMMISSIONER DAMIEN HANNON



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

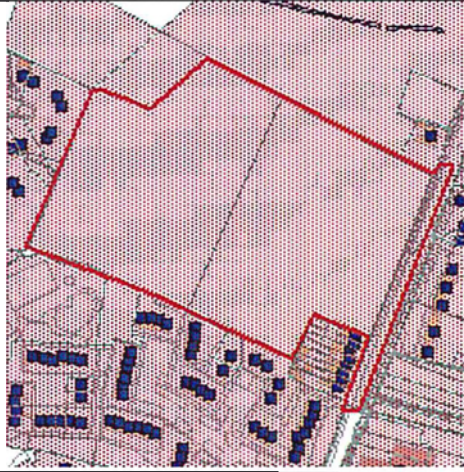
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: 1/2015/0034/0	Target Date: 20/5/15
Proposal: Proposed residential development, open space, landscaping and access from Magherafelt Road.	Location: Lands adjacent to No. 32 Magherafelt Road Moneymore
Referral Route: This is a major application due to the area of the site. (Over2ha)	
Recommendation:	Approval
Applicant Name and Address: Mr J Glover c/o Agent	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type

Non Statutory

Consultee

NI Transport - Enniskillen Office

Response

Substantive Response Received

Non Statutory

NI Water - Multi Units West - Planning Consultations

Substantive Response Received

Non Statutory

Industrial Pollution & Radio Chemical Inspectorate

No Objection

Non Statutory

Water Management Unit

Add Info Requested

Non Statutory

Rivers Agency

Add Info Requested

Non Statutory

NIEA

Substantive Response Received

Statutory

Rivers Agency

Standing Advice

Non Statutory

Rivers Agency

Add Info Requested

Statutory

Rivers Agency

Standing Advice

Representations:

Letters of Support

None Received

Letters of Objection

None Received

Number of Support Petitions and signatures

No Petitions Received

Number of Petitions of Objection and signatures

No Petitions Received

Detail of the proposal:

The proposal relates to outline planning permission for a Residential Development within Moneymore in compliance with Planning Policy Statement 7 (PPS7): Quality Residential Environments.

Characteristics of the Site and Area

The site is located within the limit of development for the settlement of Moneymore as defined within the Cookstown Area Plan 2010. Currently in agricultural use the site is the majority of one large field. Access to the proposed development is proposed from the main Moneymore / Magherafelt Road, which defines the eastern boundary of the site. Gradient within the site is generally east to west with a gradual fall and it is approximately 1metre below the level of the adjacent road, at roadside. Good hedge lines to both eastern and northern boundaries with the southern and part of the western boundary being defined by various fences, hedges and boundary treatments of the adjoining residential land uses. The immediate area has a terrace of dwellings, to part of the southern boundary (Rochview Terrace) as well as a small cul de sac within Rochview Park. To the north a detached bungalow is located on the opposite side of the site boundary this dwelling has direct access onto the Magherafelt Road. To the east and on the opposite side of Magherafelt Road is a development of newly constructed and under construction dwellings, on a former quarry site with a petrol filling station and shop further south. The general area has other settlement land use including car sales, residential and industrial estates and small shops leading to the settlement centre.

Relevant Site Histories:

Relevant planning history on this site includes the most application I/2013/0192/F approved 14th March 2014 for a light Industrial Unit. This permission has as yet not been implemented.

Representations:

No representations received from press notice or neighbourhood notification in relation to this site. Consultation with a number of bodies including Transportni, NIEA, River Agency and Northern Ireland Water has raised no concerns, subject to conditions and informatives.

Planning Assessment of Policy and Other Material Considerations

The site is located within the limit of development for Moneymore as defined by the Cookstown Area Plan 2010 (CAP) where Planning Policy Statement 7 (PPS 7): Quality Residential Environments applies. As this application is for outline permission there is no requirement for detailed proposal however a concept plan is required and has been submitted. This plan sets out an approach to the site development in general terms only and it may not be the only concept available for the land. In my opinion the proposal respects the surrounding context, character and topography in terms of layout, scale and proportions. No features archaeological or built heritage have been identified, and identified landscape features will be protected and integrated in a suitable manner into the overall design and layout of the development by way of condition; adequate provision is made for public and private open space and landscaped areas. The movement pattern can support 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 will incorporate traffic calming measures; adequate and appropriate provision can be made for parking; the design of the development will be required to draw upon the best local traditions of form, materials and detailing; 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 it can be designed to deter crime and promote personal safety.

Other Policy and Material Considerations:

Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation is a material consideration for this proposal. The Concept Plan indicates, in general terms those issues to be considered in the development of the site and open space provision has been identified to be provided.

Through the western portion of the site Cookstown Area Plan has identified the line of a proposed bypass, this proposal was to be undertaken over the plan period as resources permitted (TRAN 1: CAP). In my opinion this is a site constraint which can be accommodated through discussion with Transportni during the preparation of the detailed layout.

The site is located within an area which is designated as "land unsuitable for housing due to adjacent industrial process". The industrial process referred to was that of the quarrying operations on the opposite side of the Magherafelt Road. That use has now ceased and an article 40 Agreement was put in place to allow housing on that site, with the quarry operations ceasing and restoration in accordance with specific conditions.

Neighbour Notification Checked

Yes

Recommendation:

That outline planning permission be granted subject to conditions.

Conditions:

- As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-

i. The expiration of a period of 5 years from the grant of outline planning permission; or

ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

- 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 Mid Ulster Council, in writing, before any development is commenced.

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

- The development shall incorporate such a mix of dwelling types and such a range of unit sizes as may be approved by the Council.

Reason: To provide a comprehensive mix of housing units in accordance with the provision of Planning Policy Statement 7: Quality Residential Environments.

- All existing trees, shrubs and hedges/natural screening on the boundaries of the site shall

be permanently retained unless otherwise agreed in writing with the Council. If any such tree, shrub or hedge is removed, uprooted, destroyed, dies or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species shall be planted at the same place during the next planting season, unless the Council gives its written consent to any variation.

Reason: To ensure the development integrates in a satisfactory manner into the locality.

- The development shall include delineated areas of private and public open space (the public open space comprising not less than 10% of the total site area), incorporating planted areas, play areas and informal recreational areas, laid out and maintained in accordance with a Landscape Scheme, comprising planting details including species, size at time of planting, siting and planting distances with a programme of planting. The Scheme shall also include a Management and Maintenance Schedule which includes the long term objectives, performance indicators and management responsibilities for all landscaped areas, including privately owned domestic gardens, where they are used as an integral part of the overall landscaping scheme. Trees and shrubs dying within 5 years of planting shall be replaced with trees and shrubs similar in size to that dying. The Landscape Scheme shall be submitted to and agreed with the Council at Reserved Matters stage and the details shall be carried out as agreed.

Reason: To ensure that there is a satisfactory standard of open space provided and maintained in perpetuity in accordance with the provisions of Planning Policy Statement 8 (PPS8) - Open Space, Sport and Outdoor Recreation.

- The open space areas referred to in condition 5 above shall be managed in perpetuity by a Management Company the details of which shall be submitted to and agreed with the Council at reserved matters stage. (See informative no 2).

Reason: To ensure that the open space provision is managed in perpetuity in accordance with Planning Policy Statement 8 (PPS8) Open Space, Sport and Outdoor Recreation.

- No dwelling shall be occupied in the proposed development until the Landscape Scheme referred to in Condition 5 above has been agreed in writing by the Council.

Reason: To ensure that there is provision for the long-term maintenance of common open space.

- No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Mid Ulster Council and these works shall be carried out as approved. These details shall include: proposed finished levels/existing and proposed contours/means of enclosure.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

- Prior to the commencement of any other development on the site, hereby approved the developer shall submit to the Mid Ulster Council details of all boundary treatments defining both the site boundary and the curtilage of each unit and receive approval in

writing. The boundary treatments shall be constructed as per the approved drawing(s) and provided prior to the occupation of any unit within the development.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with Planning Policy Statement PPS 7 - Quality Residential Environments.

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

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

Informatives:

- Your attention is drawn to the Minister's Statement in January 1996 on the Quality Initiative. A high standard of design, layout and landscaping is required and you are therefore, advised to discuss and agree with the Council, a comprehensive design scheme which sets out the broad details of the scheme and the process by which it was conceived, prior to the submission of a further application in accordance with the publication "Creating Places: achieving quality in residential developments".
- The design concept plan submitted 4th February 2015 is considered to be generally acceptable for the development of the site, however it should be noted that the line of the proposed Moneymore bypass crosses part of the western portion of the site and discussion with Transport NI Strategic Road Improvement (SRI) team in county Hall Omagh is advised. Please note that the lands for this scheme may be subject to a Vesting Order. The Concept Plan may not be the only concept design that would be considered acceptable to the Council. If the developer wishes to discuss alternative proposals, then the Council will enter into discussions based on PPS7 - Quality Residential Environments, PPS8 - Open space, Sport and Outdoor Recreation and other relevant publications .
- Rivers Agency informative:

Please note that the responsibility for the accuracy, acceptance of the Flood Risk Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors (refer to section 5.1 of PPS 15).

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

Planning Informatives

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.

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.

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.

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.

Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

- NIEA: Water Management Unit comments:

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

Recommended conditions and informatives are set out in DOE Standing Advice Note No. 2 – Multiple Dwellings (April 2015). Standing Advice Notes are available at:

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

Water Management Unit's comments are on the basis that foul sewage infrastructure from the development connects to the main Northern Ireland Water foul sewer which terminates at Moneymore Waste Water Treatment Works.

Informatives:

Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4 – Pollution Prevention Guidelines (April 2015).

Water Management Unit recommends the storm drainage of the site adheres to the precepts contained in DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015).

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

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

- Northern Ireland Water comments:

Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served.

Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Available capacity in receiving Waste Water Treatment Works / Sewer network.

The water requirements for you proposal may be eligible for the provision of a public watermain if it will serve more than 1 property and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.

The sewers within your proposal may be eligible for consideration for adoption under Article 161 of the above order if they meet the criteria as set out in the current Sewers for Adoption specification;

No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage. Reason: To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

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

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

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served.

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

Signature(s)

Date:

ANNEX	
Date Valid	4th February 2015
Date First Advertised	18th February 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Gallon View Magherafelt Road Moneymore Londonderry The Owner/Occupier, 25 Mountview Heights Desertmartin Road Moneymore Londonderry The Owner/Occupier, 25 Rockview Park Moneymore Londonderry The Owner/Occupier, 27 Mountview Heights Desertmartin Road Moneymore Londonderry The Owner/Occupier, 27 Rockview Park Moneymore Londonderry The Owner/Occupier, 29 Mountview Heights Desertmartin Road Moneymore Londonderry The Owner/Occupier, 29 Rockview Park Moneymore Londonderry The Owner/Occupier, 3 Gallon View Magherafelt Road Moneymore Londonderry The Owner/Occupier, 3 Rochview Terrace Magherafelt Road Moneymore Londonderry The Owner/Occupier, 32 Magherafelt Road Moneymore Londonderry The Owner/Occupier, 4 Gallon Heights Magherafelt Road Moneymore Londonderry The Owner/Occupier, 4 Gallon View Magherafelt Road Moneymore Londonderry The Owner/Occupier, 4 Rochview Terrace Magherafelt Road Moneymore Londonderry The Owner/Occupier, 47 Rockview Park Moneymore Londonderry The Owner/Occupier, 49 Rockview Park Moneymore Londonderry The Owner/Occupier, 5 Gallon View Magherafelt Road Moneymore Londonderry The Owner/Occupier, 5 Rochview Terrace Magherafelt Road Moneymore Londonderry The Owner/Occupier, 51 Rockview Park Moneymore Londonderry The Owner/Occupier, 53 Rockview Park Moneymore Londonderry The Owner/Occupier,	

55 Rockview Park Moneymore Londonderry The Owner/Occupier, 6 Gallon View Magherafelt Road Moneymore Londonderry The Owner/Occupier, 6 Rochview Terrace Magherafelt Road Moneymore Londonderry The Owner/Occupier, 7 Gallon View Magherafelt Road Moneymore Londonderry The Owner/Occupier, 7 Rochview Terrace Magherafelt Road Moneymore Londonderry The Owner/Occupier, 8 Gallon View Magherafelt Road Moneymore Londonderry The Owner/Occupier, 8 Rochview Terrace Magherafelt Road Moneymore Londonderry	
Date of Last Neighbour Notification	17th February 2015
Date of EIA Determination	13th February 2015
ES Requested	No
Planning History Ref ID: 1/2004/0918/0 Proposal: Residential development, access and associated site works Address: 31 Magherafelt Road, Moneymore. Decision: Decision Date: 11.09.2009 Ref ID: 1/2014/0249/F Proposal: Proposed change of house type to Sites 42 and 43 (previously approved under 1/2011/0409/F and 1/2009/0527/RM) including one additional dwelling (Site 43a) and all other associated site works Address: Lands at 31 Magherafelt Road, Moneymore, Magherafelt, Decision: PG Decision Date: 06.02.2015 Ref ID: 1/2013/0192/F Proposal: Proposed light industrial unit Address: 40m SW of 32 Magherafelt Road, Moneymore, Decision: PG Decision Date: 25.03.2014	
Summary of Consultee Responses No objections subject to conditions and informatives.	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster

District Council

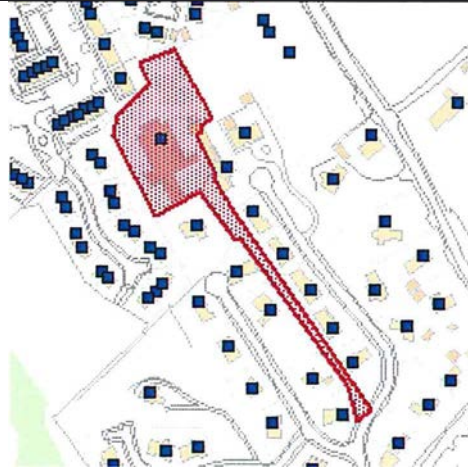
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7m July 2015	Item Number:
Application ID: M/2015/0049/F	Target Date:
Proposal: Extension to factory building, replacement of existing factory, building roofs, part reconstruction of factory building and replacement officeblock/showroom	Location: Viewfort Killymeal Road Dungannon BT71 6LP
Referral Route: Case officer does not agree with Transportni's recommendation for refusal	
Recommendation:	Approval
Applicant Name and Address: Dungannon Window Company Ltd Viewfort Killymeal Road Dungannon BT71 6LP	Agent Name and Address: J Aidan Kelly Ltd 50 Tullicullion Road Dungannon BT70 3LY
Case Officer: Cathy Hughes	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	Substantive Response Received
Statutory	NI Transport - Enniskillen Office	
Statutory	NI Transport - Enniskillen Office	
Statutory	NI Transport - Enniskillen Office	

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

Transportni have concerns about the existing access.

Characteristics of the Site and Area

This application site is occupied by Dungannon Window Company and is 0.56 hectares. It is accessed off the Killymeal Road via an existing laneway approximately 180 metres from where it joins the roadway of Viewfort housing development. The site sits on an elevated position above the Killymeal Road and it rises to the north.

Currently the buildings on site occupy an area of 1322 m² and some materials are stored outside in the rear yard area. The main part of the building on site is two storey with a corrugated roof and external access to the showroom and offices at first floor level. A single storey

perpendicular to this extending southwards. Large agricultural styled shed are attached to the rear of the main building northwards to the rear of the site. A large yard area to the rear and in the northern part of the site is used for the external storage of materials.

The eastern boundary of the site runs alongside a single storey unit which also utilises the same access. The access is enclosed on both sides by a close board fence and vegetation with 11 dwellings at Viewfort sitting either side of it.

The western boundary is a 2.5 metre concrete wall and separates the site from dwellings at Dunavan Heights. The rear boundary of the site sits adjacent to residential properties at Kindrum and Dunavan Park. The southern boundary separates the site from the curtilage of No 29 Viewfort and is vegetated.

The site is located within the development limits of Dungannon and is whiteland as designated in the Dungannon and South Tyrone Area Plan. It is within a mainly residential area with some social and community facilities close by. The housing developments bordering the site comprise a mixture of house types and densities.

Planning application M/1982/0356/F was granted planning permission in November 1982 for a window frame manufacturing workshop.

Proposal Description

This is a full application for an extension to factory building, replacement of existing factory, building roofs, part reconstruction of factory building and replacement office block/showroom at Viewfort, Killymeal Road in Dungannon.

This application proposes to create an additional 431 m² of floorspace and demolish the rectangular block occupied by the office, showroom and reception area at the southern elevation and replace with a larger showroom and offices.

The workshop abutting the southern boundary of the site will be demolished and this space utilised for parking and a projection on the western elevation will also be demolished.

The main extension will be on the western elevation of the existing building. This will measure 12.4 metres wide and follow out to be flush with the existing rear wall of the factory some 55.5 metres.

A loading platform is proposed on the northern elevation, with some internal alterations and the existing buildings reroofed. The double curved roof will be replaced by a grey pitched roof.

Representations and Consultations:

The Environmental Health Department of Mid Ulster Council has no objections to this proposal and included a condition and informative to be included on any approval of planning permission.

Transportni were consulted on this application. They have concerns over the existing access which is sub-standard and in the interests of road safety and traffic progression, the minimum visibility splays of 2 metres by 33 metres be applied. They stated if the Council considered limiting the uses on site to that of 82/83 Class Use, they would defer to the approving authority.

A total of 44 neighbour notification letters were sent and there was no response to this or the advertisement process.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy for Northern Ireland 2035 (RDS)
Dungannon and South Tyrone Area Plan 2010
Planning Strategy for Rural Northern Ireland
Planning Policy Statement (PPS) 1 - General Principles
PPS 3 - Access, Movement and Parking
PPS 4 - Planning and Economic Development
Development Control Advice Note (DCAN) 15 - Vehicular Access Standards

Policy PED 1 - Economic Development in Settlements in PPS 4 states that any proposal for Class 82 Light industrial and 84 storage or distribution units will be permitted where it is demonstrated that the scale, nature and design of the proposal is appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

This proposed extension falls into Use Class 82 (Light Industrial) which is for any industrial process that can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Policy states a proposal will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/ employment area provided it is of a scale, nature and form appropriate to the location. Although the site is entirely surrounded by residential properties, the use on this site is long established and it is therefore regarded as an existing area of employment and therefore complies with Policy PED 1.

Policy PED 9 General Criteria for Economic Development

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

(a) it is compatible with surrounding land uses;

Although the surrounding land use of the site is residential, the applicant's business is long established on this site approximately 30 years and therefore is considered acceptable.

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

A total of 44 neighbouring dwellings adjacent to the site were notified and there were no letters of objection to this proposal.

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

There are no natural or built heritage issues with this proposal.

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

The site is not located within any designated flood plain.

(e) it does not create a noise nuisance;

Environmental Health have been consulted and have no objections to the proposal. They acknowledge there is no increase in production and recommended an informative regarding the Clean Neighbourhood and Environment Act 2011 be attached to any approval.

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

From the information submitted this proposal does not involve the discharge of any emissions 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;

Transportni initially responded to this application with concerns that visibility from the existing access is substandard in a north easterly direction and there appeared to be insufficient control of land to provide the required visibility splays of 2.4 metres by 33 metres.

They asked if there was a reasonable prospect of the applicant being able to acquire control of the land to provide the visibility splays.

The agent responded that the applicant has no control over additional land and that the factory was in operation before Viewfort housing development was constructed. They also highlighted as indicated on the P1 form there is no expected increase in traffic due to this proposal and the site is a trade operation, not public sales.

Transportni responded with concerns as the addition of 431 m² of space was an increase in floor area of 32% and has potential to increase traffic volumes in excess of the 5% intensification level as stated in Para 1.2 of DCAN 15.

Although not demonstrated how the proposal would impact upon existing parking and servicing arrangements, Transportni accepts the site is sufficiently far away from the adopted road network that it would have no significant impact.

They acknowledged as indicated on the P1 form there will be no additional traffic generated, however in the interests of road safety and traffic progression, the minimum visibility splays of 2 metres by 33 metres be applied. They state if the Council considered limiting the uses on site to that of 82/83 Class Use, they would defer to the approving authority.

In response to this the agent submitted a Transport Assessment. They stated how the existing facilities were substandard with movement, storage and manufacturing capabilities thus restricted. The proposed extension would allow the company to invest in new equipment and have adequate space to operate more efficiently and safely. A solicitor's letter dated November 2008 was also submitted which showed the applicant's objection to the housing development with concerns over access.

In their final response Transportni stated their main concern is the potential for traffic generation and that the existing access is not safe and is substandard. They stated some informatives to attach to any approval were the Council of the view to grant planning permission for this proposal.

(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;

As this site is located within Dungannon town, public transport is available along the main road and the site is very accessible by car.

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

In terms of layout and design, the proposed extension and reroofing of the existing buildings are of appropriate design. No landscaping is proposed and in my opinion, is not necessary.

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

The site is enclosed by fencing and this proposal would reduce the need to store materials outside as is currently present on site.

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

Fencing currently surrounds the site.

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

This proposal is within the settlement limits of the village of Dungannon.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning PERMISSION be granted subject to conditions

Conditions

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

Reason: Time Limit

2. The premises shall be used only for Class 82 Light Industry and Class 83 General Industrial Use of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

Informatives

- This notice relates to drawing Nos 01, 03, 04 and 05 which were received on 30th January 2015.

- 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.

- 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.

- The Clean Neighbourhood and Environment Act 2011

The applicant is advised to ensure that all plant and equipment associated with the proposed is so situated operated and maintained as to prevent the transmissions of noise.

- The Department for Regional Development's TransportNI has pointed out that the existing vehicular access to the development is sub-standard and that, in your interests and that of other road users, measures should be taken to provide the acceptable visibility splays of 2 metres by 33 metres.

- Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon.

A deposit will be required.

- 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.

- 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 and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

- This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Signature(s)

Date:

ANNEX	
Date Valid	30th January 2015
Date First Advertised	11th February 2015
Date Last Advertised	12th February 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Killymeal Road Drumcoo Dungannon The Owner/Occupier, 10 Killymeal Road Drumcoo Dungannon The Owner/Occupier, 10 Viewfort, Mullaghadun, Dungannon, Co Tyrone The Owner/Occupier, 11 Killymeal Road Drumcoo Dungannon The Owner/Occupier, 11 Viewfort, Mullaghadun, Dungannon, Co Tyrone The Owner/Occupier, 12 Dunavon Heights Mullaghadun Dungannon The Owner/Occupier, 12 Viewfort, Mullaghadun, Dungannon, Co Tyrone The Owner/Occupier, 12A Killymeal Road Drumcoo Dungannon The Owner/Occupier, 13 Dunavon Heights Mullaghadun Dungannon The Owner/Occupier, 13 Killymeal Road Drumcoo Dungannon The Owner/Occupier, 14 Dunavon Heights Mullaghadun Dungannon The Owner/Occupier, 14 Viewfort, Mullaghadun, Dungannon, Co Tyrone The Owner/Occupier, 15 Dunavon Heights Mullaghadun Dungannon The Owner/Occupier, 15 Viewfort, Mullaghadun, Dungannon, Co Tyrone The Owner/Occupier, 16 Dunavon Heights Mullaghadun Dungannon The Owner/Occupier, 16 Viewfort, Mullaghadun, Dungannon, Co Tyrone The Owner/Occupier, 17 Dunavon Heights Mullaghadun Dungannon The Owner/Occupier , 17 Viewfort, Mullaghadun, Dungannon, Co Tyrone The Owner/Occupier, 18 Dunavon Heights Mullaghadun Dungannon	

The Owner/Occupier,
 18 Killymeal Road Drumcoo Dungannon
 The Owner/Occupier ,
 19 Dunavon Heights Mullaghadun Dungannon
 The Owner/Occupier,
 19 Viewfort, Mullaghadun, Dungannon, Co Tyrone
 The Owner/Occupier,
 20 Killymeal Road Mullaghadun Dungannon
 The Owner/Occupier,
 20 Viewfort, Mullaghadun, Dungannon, Co Tyrone
 The Owner/Occupier,
 21 Kindrum Mullaghadun Dungannon
 The Owner/Occupier,
 21 Viewfort,Mullaghadun,Dungannon,Tyrone,BT71
 6LP, The Owner/Occupier,
 22 Kindrum Mullaghadun Dungannon
 The Owner/Occupier,
 23 Kindrum Mullaghadun Dungannon
 The Owner/Occupier,
 24 Kindrum Mullaghadun Dungannon
 The Owner/Occupier,
 41 Dunavon Park Mullaghadun Dungannon
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 42 Dunavon Park Mullaghadun Dungannon
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 43 Dunavon Park Mullaghadun Dungannon
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 51 Dunavon Park Mullaghadun Dungannon
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 8 Killymeal Road Drumcoo Dungannon
 The Owner/Occupier,
 8 Viewfort, Mullaghadun, Dungannon, Co Tyrone
 The Owner/Occupier,
 9 Killymeal Road Drumcoo Dungannon
 The Owner/Occupier,
 9 Viewfort,Mullaghadun,Dungannon,Tyrone,BT71 6LP,

Date of Last Neighbour Notification	11th February 2015
Date of EIA Determination	N/A
ES Requested	No
Planning History <p>Ref ID: M/2015/0049/F Proposal: Extension and alterations to factory Address: Viewfort , Killymeal Road, Dungannon, BT71 6LP, Decision: Decision Date:</p> <p>Ref ID: M/1986/0649 Proposal: PRIVATE HOUSING DEVELOPMENT Address : MULLAGHADUN LANE, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1978/0764 Proposal: LOW HOUSING DEVELOPMENT . APPROXIMATELY 9 NO DWELLINGS Address: MULLAGHADUN, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/2004/0857/F Proposal: Refurbishment of existing domestic flats Address: 48-59 Dunavon Park, Dungannon Decision: Decision Date: 15.09.2004</p> <p>Ref ID: M/2008/1192/RM Proposal: Proposed two no semi-detached dwellings Address: Rear of 9 Viewfort, Killymeal Road, Dungannon, Co Tyrone Decision: Decision Date: 08.04.2009</p> <p>Ref ID: M/1982/0356 Proposal: WINDOW FRAME MANUFACTURING WORKSHOP Address: VIEWFORT, KILLYMEAL ROAD, DUNGANNON Decision: Decision Date:</p>	

Ref ID: M/1979/0500
Proposal: HOUSING DEVELOPMENT (PHASE 2)
Address: MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1980/0241
Proposal: 33/11 KV CHANGE OVER
Address: MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1993/0152
Proposal: Extension to Dwelling
Address: 21 VIEWFORT KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1992/0120
Proposal: Erection of Dwelling
Address: SITE 21 VIEWFORT KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1980/0155
Proposal: ERECTION OF DWELLING
Address: KILLYMEAL ROAD, MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1991/0132
Proposal: Erection of dwelling
Address: SITE 21. VIEWFORT KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1983/0219
Proposal: BUNGALOW
Address: 12 VIEWFORT, KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0140
Proposal: DWELLING
Address: 18/19 VIEWFORT, KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/0500
Proposal: Proposed retirement dwelling
Address: 9 VIEWFORT DUNGANNON
Decision:
Decision Date:

Ref ID: M/2004/0818/0
Proposal: 2 No Semi - Detached Dwellings
Address: Rear of 9 Viewfort, Killymeal Rd, Dungannon
Decision:
Decision Date: 05.12.2005

Ref ID: M/2005/2341/0
Proposal: Proposed 2 No semi-detached dwellings
Address: Rear of 9 Viewfort, Killymeal Road, Dungannon
Decision:
Decision Date: 09.07.2007

Ref ID: M/1977/005901
Proposal: 22 DWELLINGS. PRIVATE HOUSING DEVELOPMENT
Address: KILLYMEAL ROAD, MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1977/005902
Proposal: 5 NO DWELLINGS
Address: SITES 6, 7, 10, 11 AND 25 VIEWFORT, KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1977/0059
Proposal: PRIVATE HOUSING DEVELOPMENT
Address: MULLAGHADUN, KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1981/0087
Proposal: ERECTION OF 2 NO DWELLINGS
Address: VIEWFORT, KILLYMEAL ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1994/0216
Proposal: Erection of dwelling
Address: SITE NO 16 VIEWFORT KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1996/4088
Proposal: Kiosk Type Sub-Station
Address: VIEWFORT KILLYMEAL ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1979/0689
Proposal: 11KV O/H LINE
Address: MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1982/0383
Proposal: PUBLIC AUTHORITY DEVELOPMENT
Address: MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1974/047002
Proposal: PRIVATE HOUSING DEVELOPMENT
Address: MULLAGHADUN, DUNGANNON
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Drawing No. 03
Type: Site Layout Pland
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

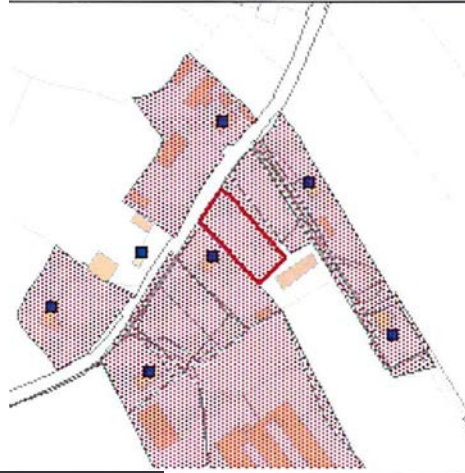
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0051/F	Target Date: 4/7/15
Proposal: Proposed dwelling and garage in a gap site	Location: 50m SW of 45 Mullanahoe Road Ardboe BT71 SAT
Referral Route: Applicant is a councillor in Mid Ulster District Council	
Recommendation:	Approval
Applicant Name and Address: Ronan McGinley 45 Mullanahoe Road Ardboe	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	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

Detail of the proposal:

The proposal is for a rural dwelling in compliance with the exception to Policy CTY 8 of Planning Policy Statement 21 (PPS) 21.

Characteristics of the Site and Area

The site is located approximately 0.75km south west of St Patricks Church Ardboe. Located alongside and accessed from the Mullinahoe Road it is currently used for agricultural purposes. The site level, at roadside is on or about Mullinahoe Road level and then slopes gently to the rear of the site in a south easterly direction. The area is rural in form with some development close by, on both sides of the Mullinahoe Road. Remainder of field lies to the north east with a dwelling and shed on opposite side of lane further east, with a dwelling down lane to south east. A detached dwelling is located within the adjacent field to the south west and a small field beyond that. Further south west and across lane which services poultry houses is a detached dwelling. On the opposite side of Mullinahoe Road is a farm complex and dwelling.

Relevant Site Histories:

Previous application 1/2013/0217/0 on the adjacent site was withdrawn. That application was submitted to comply with CTY 8 of PPS 21, however the pattern of development did not meet with the criteria required, at that time.

Representations:

No representations received from press notice or neighbourhood notification.
Consultation with Transport NI or NIEA has raised no concerns.

Planning Assessment of Policy and Other Material Considerations

The description of the proposal is "proposed dwelling and garage in a gap site" therefore the applicant wishes the application to be considered under the provisions of CTY 8 – Ribbon Development.

CTY 8 states quite clearly that an application for permission will be refused for a building which creates or adds to a ribbon of development however an exception to this will be allowed where there exists a small gap site sufficient to accommodate up to a maximum of two houses within a substantially and continuously built up frontage. The definition of a substantially and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. It is my opinion that the proposal complies with the exception to CTY 8. To the south west of the site is an existing dwelling, an approval for a dwelling (1/2014/0135/0, outline permission granted 12/3/15) and another dwelling along the same side of the Mullinahoe Road and to the north east a dwelling with an associated building which is gable end onto the Mullinahoe Road. The site proposed could, at road frontage accommodate one dwelling with another site remaining with the same field. These sites would be similar in size to those within the vicinity. Single and one and a half storey dwellings are evident within the immediate area and this in my opinion would be suitable for this site.

Other Policy and Material Considerations:

In my opinion a dwelling could be accommodated on this site without resulting in a loss of neighbouring amenity or deterioration of highway safety, no other issues have been identified. This application being for full permission provides details of the dwelling to be constructed. A 6.1m ridge height dwelling with porch and side extension which is both stepped back and has a lowered ridge height of 5.9metres. Design and external material are in my opinion acceptable at this location.

Neighbour Notification Checked

Yes

Recommendation:

That full approval be granted with conditions.

Conditions:

- 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.

- The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Mid Ulster Council, in writing within 7 days.

Reason: To ensure the development integrates into the countryside.

- All landscaping comprised in the approved details of landscaping, drawing no 02 dated received 31st March 2015 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved and any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the development integrates into the countryside .

- The vehicular access, including visibility splays of 2.4m x 90m in both directions, shall be in place in accordance with Drawing No. 02 bearing the date stamp 31st March 2015, prior to the commencement of any other works or other development hereby permitted.

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

- 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.

Informatives:

- 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.
- **Transportni Informatives**

The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Regional Development is empowered to take measures to recover any reasonably incurred

expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.

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 .

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

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

It is the responsibility of the developer to ensure that

- 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 ORD Roads Service drainage system.

- **NIEA Comments:**

HED Historic Monuments Unit has considered the impacts of the application and on the basis of the information provided is content with the proposal.

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

Conditions:

Recommended conditions and informatives are set out in DOE Standing Advice Note No.1 – Single Dwellings (April 2015). Standing Advice Notes are available at:
http://www.planningni.gov.uk/index/advice/northern_ire_land_environment_agency_guidance/standing_advice .htm

Discharge consent under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

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

Signature(s)

Date:

ANNEX	
Date Valid	13th April 2015
Date First Advertised	27th April 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 45 Mullanahoe Road Tamnavally Dungannon The Owner/Occupier, 47 Mullanahoe Road Tamnavally Dungannon	
Date of Last Neighbour Notification	23rd April 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: 1/2013/0217/0 Proposal: Proposed gap site for dwelling and garage Address: 40 metres west of 45 Mullinahoe Road, Ardboe., Decision: WITHDR Decision Date: 10.07.2014 Ref ID: LA09/2015/0051/F Proposal: Proposed dwelling and garage in a gap site Address: 50m SW of 45 Mullanahoe Road, Ardboe, BT71 SAT, Decision: Decision Date:	
Summary of Consultee Responses No objection subject to conditions and informatives.	
Drawing Numbers and Title	

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

Drawing No. 02
Type: Proposed Plans
Status: Approved

Drawing No. 03
Type: Proposed Plans
Status: Approved

Notification to Department (if relevant)

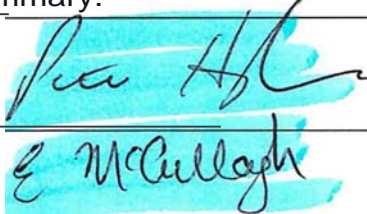
Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: 1/2015/0077/F	Target Date: 16/6/2015
Proposal: Proposed general purpose domestic store/double garage to facilitate exist dwelling	Location: 21 High Cross Road Tullhogue Cookstown
Referral Route:	
Objection	
Recommendation:	Approval
Applicant Name and Address: Keith Wallace 21 High Cross Road Tullyhogue Cookstown BT80 8UZ	Agent Name and Address: Gibson Design & Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 OBR
Executive Summary:	
Signature(s):	
	17-5-15 17-6-15

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received

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 letter of objection has been received from the residents of number 20 High Cross Road, Cookstown. They have raised issues regarding neighbouring dwellings not detailed on site location map and not notified; suggested the access is not identified correctly; the proposal will involve intensify traffic volume using laneway; deterioration of road condition; environmental impact of noise and smell nuisance.

Characteristics of the Site and Area

The site consists of a rectangular plot of land located at number 21 High Cross Road, Tullyhogue Cookstown. The site includes a detached dwelling finished in white dash with white upvc windows and doors. a dark roof tile and a small front projection on the Western side. There is a detached double garage to the East with the same finishes' and a sweeping stoned driveway. The dwelling has a decent size lawn on either side of the driveway. A private laneway runs along the rear boundary of the site and joins the High Cross Road just North of the dwelling.

The area is predominantly rural, with agricultural fields surrounding the site to the North, South and West. There are three dwellings (including one farmstead) located opposite the site and a number of other dwellings scattered along the roadside in either direction.

Details of the proposal

The proposal seeks planning permission for a general purpose store/garage. The proposed store is 20m by 13m approx, the roof is to be finished in green insulated cladding and walls are concrete block finished with smooth sand cement render.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010 - located in the rural remainder
PPS7 - (Addendum) Residential Extensions and Alterations
PPS21 - Sustainable development in the countryside.

The application is seeking planning consent for the erection of a 260m² general purpose domestic store/garage and as such the proposal must be assessed in accordance with the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations.

It is considered that Policy EXT1 of this statement is relevant to this proposal. Policy permits development where the following criteria are met:

- The scale, massing, design and materials are sympathetic with the built form and area,
- The proposal does not unduly affect privacy or amenity,
- The proposal will not cause unacceptable loss or damage to the environment,
- Where sufficient space remains within the curtilage of the property for recreational purposes.

The proposal is for a large detached garage located adjacent to an existing dwelling at number 21 High Cross Road, Cookstown. The garage is approx 5.2m in height and considering the existing dwelling is 5.5 metres in height, and the positioning of the garage to the rear of the dwelling, it is considered to have little further visual impact to the built form of the area than the existing dwelling. In addition to this the proposed garage whilst relatively large would generally match the materials of other similar buildings in the area. It is also considered that there is little impact on the character or appearance of the surrounding area. It is considered that the design and siting of the garage would ensure that there would be no overlooking or infringement upon the privacy of the neighbouring dwelling. Furthermore it is considered that there is sufficient

amenity space remaining for the dwelling and shall thus not have a detrimental impact on the residential amenity of this or of neighbouring dwellings.

Other Material Considerations

If approved the garage can be conditioned for domestic use only. The access can also be conditioned to ensure the existing access is used and no additional access onto the laneway to the rear is commenced.

Consideration of Objectors

One letter of objection has been received from the residents of number 20 High Cross Road, Cookstown. They have raised issues regarding neighbouring dwellings not detailed on site location map and not notified; suggested the access is not identified correctly; the proposal will involve intensify traffic volume using laneway; deterioration of road condition; environmental impact of noise and smell nuisance.

With regards to the first issue of neighbours, the council has carried out neighbour notification in line with current requirements, numbers 18, 20 and 22 High Cross Road which are immediately adjacent to the site have all been notified.

With regards to the issues of Access, Traffic volume and Road Subsidence, the proposed plans show no new access to be created, as there is no new access and no proposed increase in dwelling occupation level we have no concerns. TransportNI were also consulted and have no objections.

With regards to the environmental impact with no changes to the level of occupation of the dwelling and the proposal conditioned to ensure domestic use of the garage only we have no concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Permission should be granted subject to the following conditions:

Conditions:

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the

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

Reason: Time Limit.

2. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

Reason: To ensure there is no trade or business use carried out from the building.

3. The vehicular access, including visibility splays of 2.4m x 45m in both directions, shall be in place, 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.

4. 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.

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. Roads Service Informatives

The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Regional Development 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 deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

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

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

address is Roads Service, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the developer to ensure that

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 ORD Roads Service drainage system.

Signature(s)



Date:

17-8-15.

ANNEX	
Date Valid	5th March 2015
Date First Advertised	18th March 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 High Cross Road, High Cross, Tullyhogue, Stewartstown, Tyrone, BT80 8UZ, The Owner/Occupier, 20 High Cross Road, High Cross, Tullyhogue, Stewartstown, Tyrone, BT80 8UZ, Shane Beckett 20, High Cross Road, Stewartstown, Tullyhogue, Tyrone, Northern Ireland, BT80 8UZ The Owner/Occupier, 21 High Cross Road, High Cross, Tullyhogue, Stewartstown, Tyrone, BT80 8UZ, The Owner/Occupier, 22 High Cross Road, High Cross, Tullyhogue, Stewartstown, Tyrone, BT80 8UZ,	
Date of Last Neighbour Notification	31st March 2015
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: 1/2015/0077/F

Proposal: Proposed general purpose domestic store/double garage to facilitate exist dwelling

Address: 21 High Cross Road, Tullyhogue, Cookstown,

Decision:

Decision Date:

Ref ID: 1/1997/00208

Proposal: Proposed dwelling

Address: APPROX. 30M OFF 18 HIGH CROSS ROAD TULLYHOGUE COOKSTOWN

Decision:

Decision Date:

Ref ID: 1/1997/0020

Proposal: Site for Dwelling

Address: APPROX. 30M WEST OF 18 HIGH CROSS ROAD TULLYHOGUE COOKSTOWN

Decision:

Summary of Consultee Responses

A consultation was sent to TransportNI who responded with no objection subject to conditions.

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

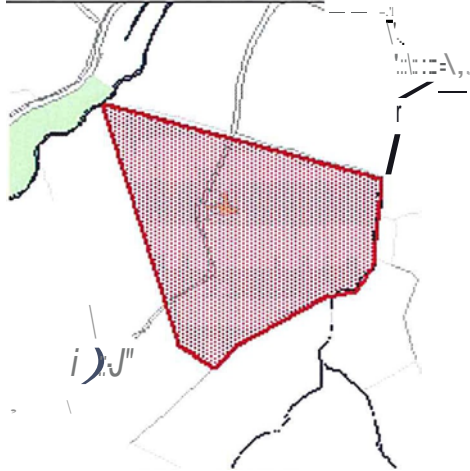
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2015/0117/F	Target Date: 17m June 2015
Proposal: Proposed amended siting arrangement of dwelling to that initially approved under Application No M/2014/0351/RM	Location: Site 490m NE of 90 Derryfubble Road Dungannon
Referral Route: Refusal is recommended for this re-siting of a dwelling as the initial siting approved is more favourable and meets policy requirements of CTY 21.	
Recommendation:	Refusal
Applicant Name and Address: Mr Alan Weir c/o Agent	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Case Officer: Cathy Hughes	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site contains a large field which sits east of Derryfubble Road, part of a field south of this and a cut out of a larger field on the opposite side of the road.

A group of farm buildings sits along the roadside and in the centre of the application site. They sit gable to the road with two outhouses closest to the road, a silo adjacent to these and a newer agricultural shed to the east. A concreted yard area is located south of these buildings.

The roadside boundary is a post and wire fence with no defined natural boundaries on the immediate site.

The land does not appear to have changed from the initial approval was granted apart from the presence of a mobile home along the northern boundary close to the roadside. The Enforcement section have been made aware of this unauthorised development and a case has been opened under LA09/2015/0010/CA.

The immediate area is rural in character with single dwellings located along the roadside and along laneways. The undulating nature of the road network obstructs long term views from along the public road. The surrounding area is agricultural with the site identified as greenbelt in the Dungannon South Tyrone Area Plan.

Planning History

M/2014/0072/0 was granted permission for a dwelling and domestic garage on 26th March 2014 on this site. Condition no 4 of this permission stated
The proposed dwelling shall have a ridge height of 5.5metres or less above finished floor level.

Condition No 5 restricted the footprint to no more than 120 metres squared measured internally. Condition No 6 stated the dwelling must be sited north and adjacent to the existing farm buildings.

Planning application M/2014/0351/RM was granted approval in October 2014. A Minor Amendment to change the tool shed to living area and the garage and carport to three bedrooms (one en-suite) and a bathroom was accepted on 23rd December 2014.

Proposal Description

This planning application seeks full planning permission for amended siting arrangement of dwelling to that initially approved under Application No M/2014/0351/RM.

It seeks to site the dwelling 80 metres from the existing farm buildings as opposed to the approved siting which was 12 metres north of the buildings.

Planning Assessment of Policy and Other Material Considerations

This proposal was advertised in the local press and there were no neighbours to be notified. There were no objections to this proposal.

It was noted while processing this application that the agent had put the incorrect address on the P1 form and the drawings – it read "450 m NE of No 90 Dunseark Road, Dungannon" This was amended to "490 m NE of No 90 Derryfubble Road, Dungannon" and the correct address was re-advertised.

Transportni have no objections subject to the provision of 2 metres by 45 metres visibility splays and any forward sight distance.

As this principle of a dwelling has already been approved at outline and reserved matters stages, this report will just look at the amended siting.

This amended siting is 80 metres from the farm buildings as opposed to 12 metres which was approved. The agent has now stated this is not suitable as the gable end (northern elevation) has the doors to the silo, which requires a decent turning circle.

It is noted that the agent (who has been the same throughout the submission of various applications on this site) included a substantial parcel of land within the red line of M/2014/0072/0 and it was the agent who specified the siting of the dwelling to be adjacent and north of the farm buildings.

I am not convinced by the agent's opinion that a dwelling on the approved site would prevent access to the farm buildings. I would find it quite peculiar that a farmer would transport silage through an agricultural field some 150 metres to the silo when the silo could be accessed via the concreted yard area south of it.

CTY 10 – Dwellings on Farms in PPS 21 states that a new building must visually cluster or is sited to cluster with an established group of buildings on the farm.

Furthermore, consideration may be given to an alternative site elsewhere on the farm provided there are;

- no other sites available at another group of buildings on the farm
- demonstrable health and safety reasons
- verifiable plans to expand the farm business at the existing building group.

The agent has not provided any information to demonstrate this re-siting of the dwelling on a farm meets any of the exceptions to CTY 10 for an alternative siting.

If this application were approved, there would be the potential for another dwelling to be proposed in the gap that would be created which may prove difficult to resist under CTY 8. It would also result in the dwelling becoming visually detached from the existing farm buildings. It was this group of buildings used to justify the original granting of planning permission for a dwelling on this farm.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having taken into consideration the information submitted by the agent, I am of the view that the applicant's rationale for re-siting the dwelling is not sufficiently substantive. I am not convinced of the opinion that re-siting is needed in order to access farm buildings and in my opinion the approved siting is preferable, therefore I recommend this application for refusal.

The re-siting of the dwelling does not comply with the policy requirements of CTY 10 in that the proposal is not sited to cluster with the established group of buildings on the farm and thus it fails Part g of CTY 13 in PPS 21 also.

Reasons for Refusal:

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 new building is sited to cluster with an established group of buildings on the farm.

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

Signature(s)

Date:

ANNEX	
Date Valid	4th March 2015
Date First Advertised	18th March 2015
Date Last Advertised	1st June 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2015/0117/F Proposal: Proposed amended siting arrangement of dwelling to that initially approved under Application No M/2014/0351/RM Address: 450m NE of 90 Dunseark Road, Dungannon, Decision: Decision Date: Ref ID: M/1983/0224 Proposal: FARM DWELLING Address: THE CREW, DUNGANNON Decision: Decision Date: Ref ID: M/2014/0351/RM Proposal: Proposed dwelling and domestic garage Address: 450m NE of 90 Dunseark Road, Dungannon, Decision: MAA Decision Date: 28.10.2014 Ref ID: M/2014/0072/0 Proposal: Proposed dwelling and domestic garage Address: Site 450m NE of 90 Dunseark Road, Dungannon, Decision: PG Decision Date: 26.03.2014	

Summary of Consultee Responses

Transportni have no objections subject to the provision of 2 metres by 45 metres visibility splays and any forward sight distance.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Proposed

Elevations Status:

Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

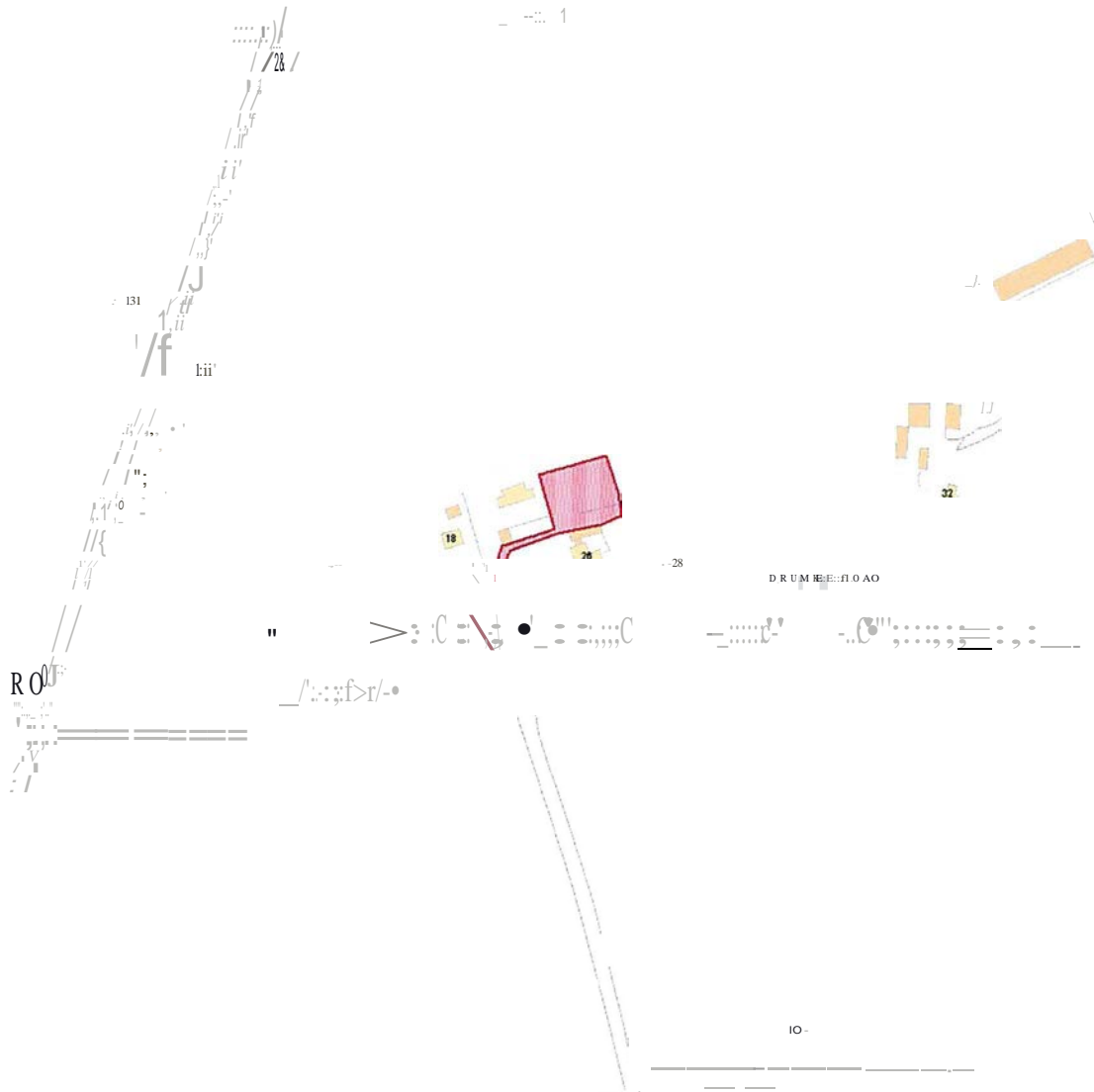
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2015/0158/0	Target Date: 03.07.2015
Proposal: Proposed Dwelling (CTY8 Ribbon Development)	Location: Between 22 and 26 Drumkee Road Dungannon
Referral Route: Recommendation of refusal.	
Recommendation:	Refusal
Applicant Name and Address: Mr Aidan Dolan c/o agent	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The applicant has applied for a single dwelling in the countryside under policy CTY 8 – Ribbon Development. I am not of the opinion that the road side frontage is neither substantially nor continuously built up as required by policy and therefore I recommend refusal.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	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

None received.

Characteristics of the Site and Area

The site is overgrown land adjacent to 22 Drumkee Road, Dungannon. The northern boundary of the application site is defined by mature native species hedgerow approximately 2- 3m high. The eastern boundary of the application site is defined by same hedgerow approx. 4-5m high. The southern boundary of the application site is also defined by mature hedgerow approx 2-3m high. The western boundary of the site is undefined on the ground. The site is flat overgrown grass garden area. An existing bungalow and outbuilding lie to the west. A third party dwelling lies beyond the southern hedge. The site lies off Drumkee Road approx. 55m at its nearest point and is not readily visible from the road.

The area is one of two main land use types, the first being agricultural land and the second is that of single residential dwellings in spacious plots at road side. The plots in the immediate vicinity of the site are well landscaped and integrated into the flat landscape. Those further west are somewhat more recent additions in the landscape and less vegetation is evident around the plots.

Planning Assessment of Policy and Other Material Considerations

The application site lies outside of any settlement limit as defined in the Dungannon & South Tyrone Area Plan 2010. As such the relevant policy consideration is PPS 21 - Sustainable Development in the countryside.

The agent has included CTY 8 in the proposal and therefore I will consider the proposal against PPS 21 CTY 8 - Ribbon Development.

The purpose of CTY 8 is to protect against the unregulated sprawl of ribbon development in the countryside. CTY 8 recognises this form of development in the countryside is unwelcome and serves to extend development, eroding the rural character of the area.

CTY 8 does allow for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. The extrapolation of CTY 8 states that the gap site must be 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 application site lies between 50-100m off Drumkee Road with no 26 Drumkee Road and an open area of land between the application site and the main road. The site is not readily visible from the main road and there are only fleeting glances of the existing dwelling to the immediate west. No.26 is also extremely well screened from the public road and there are very limited views of it from the public road. On the western side of the access lane to the site there is then a field of approx. 60m wide with no development on it. The total width of frontage therefore with little, if any development on it, is approx. 150m. I cannot agree that this frontage is substantially nor continually built up therefore as required by CTY8. No 18 is also set back off the road over 50m lessening any discernible impression of 'roadside frontage' as alluded to in CTY 8.

CTY 8 defines a substantial and built up frontage as a line of 3 or more buildings along a road frontage without accompanying development to the rear. I would argue that the 150m stretch of land with no development on it effectively rules out any possibility of a site along this stretch of road satisfying the criteria of CTY 8.

Standing at roadside frontage at the front of no 28 looking west, there is no discernible impression of build up along road frontage along the northern side of the road. Only the gable elevation of no 16 is visible between this point and site frontage of no 28 , a distance of approx 185m.

This, combined with the fact the application site does not lie on the public road itself AND doesn't have any development to its immediate east to 'bookmark' the site, in my opinion, means the policy requirement of CTY 8 fails.

In terms of CTY 13 (integration and design of buildings in the countryside), the site is well screened from the public road. A dwelling located on this site would integrate well, given the set back distance off the road and the intervening vegetation both on all sides of the site and to the front of the site to the south, affording an excellent sense of enclosure.

Similarly, CTY 14 (Rural Character) is not deemed to be critical at this location, a dwelling on this location would not be a prominent feature in the landscape, it would not result in a suburban style build-up of development when viewed from existing buildings, it is located on a similar size plot to those around it and it does not create or add to a ribbon of development.

No third party representations were received.

Transport NI had no objection subject to condition.

I therefore recommend to the committee that the application be refused as being contrary to CTY 1 and CTY 8 of PPS21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The applicant has applied for a dwelling under CTY 8 – Ribbon Development. CTY 8 lays out a number of criteria, all of which must be met in order to achieve approval. The proposal is not a gap site within an otherwise substantial and continuously built up frontage as required. It is a backland, end of cluster site. To allow permission would be to allow the extension of the cluster of development found at this 't' junction into the countryside and exacerbate build-up of development at this location.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 01 and 08 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the application site does not comprise a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage.

Signature(s)

Date:

ANNEX	
Date Valid	20th March 2015
Date First Advertised	1st April 2015
Date Last Advertised	03rd April 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Drumkee Road, Drumkee, Dungannon, Tyrone, BT71 6JA, The Owner/Occupier, 26 Drumkee Road Drumkee Dungannon The Owner/Occupier, 28 Drumkee Road Drumkee Dungannon The Owner/Occupier, 29 Drumkee Road Drumkee Dungannon	
Date of Last Neighbour Notification	31st March 2015
Date of EIA Determination	None required.
ES Requested	No
Planning History Ref ID: M/2015/0158/0 Proposal: Proposed Dwelling (CTY8 Ribbon Development) Address: Between 22 and 26 Drumkee Road, Dungannon, Decision: Decision Date: Ref ID: M/2006/2163/RM Proposal: Dwelling House. Address: Adjacent to 26 Drumkee Road, Killyman , Dungannon Decision: Decision Date: 13.03.2007 Ref ID: M/2004/0047/0 Proposal: 1 No. Dwelling House (Renewal of previously approved application no:- M/2001/0056/0) Address: Adjacent to 26 Drumkee Road, Killyman, Dungannon. Decision: Decision Date: 03.03.2004	

<p>Ref ID: M/2001/0056/0 Proposal: Proposed dwelling Address: Adjacent to 26 Drumkee Road Killyman Decision: Decision Date: 27.03.2001</p> <p>Ref ID: M/1992/0202 Proposal: Extension and improvements to Dwelling Address: 26 DRUMKEE ROAD DUNGANNON Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>No objection.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site location plan. Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: not applicable. Response of Department:</p>

C



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: EmmaMcCullagh	
Application ID: 1/2012/0368/F	Target Date:
Proposal: Proposed 250kw wind turbine with a tower height of up to 46m for auto-production comprising use of existing unaltered entrance, use of existing hard surfaced area of gravel pit, proposed new access track of 4m width, turbine assembly area, NIE ring main kiosk and all ancillary development and associated site works (Visual Assessment received)	Location: Core Aggregates 870 metres south east of no. 11 Crancussy Road Evishacrancussy Cookstown Co. Tyrone
Applicant Name and Address: J Loughran 155 Drum Road Cookstown BT80 9DW	Agent name and Address : Clyde Shanks Ltd 3 Oxford Street Belfast BT1 3LA
<u>Summary of Issues:</u> This application was presented to Cookstown Council in June 2014 with a recommendation to refuse based on reasons from NIEA (detailed in report), all other issues relating to the proposal were considered at this time. The application was subsequently deferred at Council. Then in December 2014 it was recommended as an approval at the internal group meeting as it was decided since the proposal was located in an active quarry it was not contrary to NH5 of PPS2. However it was pulled from the council schedule by the Area Planning Manager to further explore the issues surrounding NIEA. These have now been resolved and Mid Ulster Council recommend approval. There has been a large number of objections raised during the course of this application and these issues are as follows, which will be addressed as part of the consideration; <ul style="list-style-type: none"> Detrimental impact on wellbeing of nearby residents. Detrimental impact on landscape character of the area. Habitat destruction Road Traffic disruption 	

Impact on property values

Absence of Environmental Impact Study

Impact of shadow flicker on residents

Minimum separation distance of 500m should be achieved.

Lack of neighbour notification letter issued.

Potential Ice Throw/Blade throw from turbine.

Noise issues

Concerns raised for the safety of quarry staff and integrity of foundations

Validity of application queried

ROMP'S

Unauthorised activity

Characteristics of the Site and Area:

The application is located approximately 870m south east of 11 Crancussy Road, Cookstown. The site lies within Landscape Character Area 43 – Carrickmore Hills as per 'Wind Energy Development in NI Landscapes'. The site lies within the land boundary of an active quarry – 1/1977/0072/F. The siting of the turbine is on an area of upland bog, located to the south of the confines of the working quarry.

The site is located approximately 1 km south of the Omagh to Cookstown Road, approximately 6 km north of Pomeroy. The site occupies an elevated location overlooking land to the north. The site is accessed via an existing laneway that serves the operational quarry. The site is located approximately 350m from the minor Crancussy Road. The land rises further beyond the site, to the south until it reaches the summit of Evishanoran Mountain.

The site is located within an AONB and an ASSI (Lough Doo) lies approx. 200m to the north and north east.

Background:

This application was presented as a refusal in June 2014 to Cookstown District Council for the following reasons;

1. The proposal is contrary to the Department's Planning Policy Statement 18: Renewable Energy, Policy RE1, in that development would, if permitted, occur on active peatland.

2. The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage, Policy NH5, in that development would, if permitted, have an unacceptable adverse impact on blanket bog priority habitat within the site.

3. The proposal is contrary to the Department's Planning Policy Statement 2: Natural Heritage, Policy NH2, in that development may, if permitted, harm bats, which are protected under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), and no information has been submitted to establish otherwise.

It was subsequently deferred at Council who wanted the issues discussed further. A letter was submitted by the agent received on 30 October 2014. It stated permission had been granted for a wind turbine under 1/2012/0367/F, adjacent to this current turbine, both of which are located on land to which existing planning approval is present for extraction of gravel and extraction is ongoing with this approval (within Phase 1). Also they mention the differing NIEA responses between the two applications. On consultation responses dated 25 Feb 2013 for both (1/2012/0367/F and 1/2012/0368/F) NIEA: NH had no objection, but on 1/2012/0368/F following a re-assessment of the site 1/2012/0368/F they stated the initial site visit do not cover the correct area and they were seriously concerned with the impact of the proposal, as outlined in their refusal reasons dated 25 Feb 2014. Also a bat survey was required, which the agent submitted on 30 October 2014.

Then in December 2014 it was recommended as an approval at the internal group meeting, as it was decided since the proposal was located in an active quarry it was not contrary to NH5 of PPS2. However it was pulled from the council schedule by the Area Planning Manager to further explore the issues surrounding NIEA.

Following many discussions with NIEA on the current application and considering all objectors comments, they have stated there will be no likely significant effects on designated sites. The impact of the proposal on bats has been considered and they are content with the submitted bat survey, that it will not have a significant impact on local bat populations.

NIEA acknowledge the proposed wind turbine access track contains active peat lands habitats and so therefore would be contrary to PPS18:RE1 and PPS2:NH2 and NH5, however this area is located within an area which has been approved for quarrying under 1/1977/0072/F, and they acknowledge the site for the proposed turbine and access route has been cleared of peat to allow for the permitted quarrying activities in this area and therefore they no longer object.

On 5 June 2015 the consultation response from NIEA shows there will be no likely significant effects and they have fully considered the impacts of the proposal and on the basis of the information provided they are now content with the proposal.

Since the NIEA issues, which had previously been the only reasons for refusal, have now been addressed and clarified as above, Mid Ulster Council now are satisfied these have been fully investigated and recommend Approval.

Policy Consideration:

Policy RE1 of PPS18 sets out the relevant policy for renewable energy development. Applications for wind energy development will be required to demonstrate all of the following;

- (i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

The visual impact of the proposal has been considered against PPS 18 and the Best Practice Guidance. There are no landscapes into which a wind turbine will not introduce a new and distinctive feature however given the rising topography it is my view that the most prominent views of the development will be medium to long term views whilst travelling on Drum Road and these will be intermittent. The objector has raised issues relating to the detrimental impact on landscape character of the area which have been considered.

- (ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;

The cumulative impact of a number of neighbouring developments is an important material consideration. There are a number of recently approved turbines and those under consideration, namely 1/2012/0398/F, 1/2012/0367/F, 1/2011/0095/F and 1/2011/0127/F. A visual assessment of these was submitted by the agent. It is considered due to the dispersed nature of their siting, and the location of this turbine within an active quarry and the existing landform, the proposed turbine will not have a detrimental impact on the character of this landscape.

- (iii) that the development will not create a significant risk of landslide or bog burst;

In light of the latest comments dated 5 June 2015 from NIEA the Council feel this would not be of significant risk. NIEA state the turbine is within an area of active blanket bog and the proposed access track crosses degraded wet heath, modified blanket bog and active blanket bog. They state that although the site contains active peatlands habitats, they acknowledge the site is located in an area approved for quarrying and that the site for the proposed turbine and access has been cleared of peat to allow for permitted quarrying activity in the area and so they no longer object to the proposal.

- (iv) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems;

No part of the development will give rise to this. Ofcom in their response raised no potential issues.

- (v) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;

Roads Service raised no objections to the proposed scheme with regards roads safety. Objector raised the issue of Road Traffic disruption which was considered by Transport NI.

- (vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

Shadow flicker was assessed by the agent within the initial report and the site location plan showed the x10 rotor diameter annotated. The agent and the Council consider the separation distance to be approximately 460m to the nearest receptor. Given that this separation distance is greater than x10 times rotor diameter (i.e. 300m) a shadow flicker impact assessment was not considered necessary.

PPS 18 – Best Practice, para. 1.3.52 states that the best practice separation distance of 10 times rotor diameter to occupied property should comfortably satisfy safety requirements. This has been complied with in this instance.

The Best Practise Guide to PPS18 states as a footnote to paragraph 1.3.77 that shadow flicker recommendations are based on research by Predac, a European Union sponsored organisation promoting best practice in energy use which draws on experience from Belgium, Demark, France, the Netherlands and Germany. This 'Update of UK shadow flicker evidence Base' report concludes current guidance to assess shadow flicker which states that impacts occur within 130 degrees either side of north from a turbine, and the 10 rotor diameter rule, has been found to be an acceptable and robust measure of assessment.

The blade diameter is 30m giving a minimum separation distance of 300m. The nearest property is approx 460m to the NE of the site and it is apparent no property falls within the rotor diameter test. According to the Best Practise Guide shadow flicker only has been reported occasionally and been recorded only once in the UK. In relation to ice throw, which is unlikely in most sites in NI, even where icing does occur the turbines own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.

PPS 18 Best Practice Guidance states that a minimum separation distance of 500m should be achieved between dwellings and wind farms. This proposal is for a single wind turbine and the Council are satisfied that a lesser separation distance is acceptable in this instance. Supplementary guidance states that in terms of safety for smaller wind turbines a fall over distance plus 10 percent is often used as a safe separation distance, which in

this case would be 61m (to tip height) plus 6.1m (10 %) equating to 67.1m, and the closest dwellings fall well outside the this distance.

Environmental Health state their consultation response dated 30/10/13, the technical assessments submitted with this application demonstrates that the turbine proposed meets the technical guidelines specified in ATSU-R-97 - 'The assessment and rating of noise from wind farms'. EHO have no objection subject to compliance with the projected noise levels as shown on their conditions.

Objections were raised in relation to noise and disturbance of nearby residents. The Department requested the objector's acoustic data so that it may be forwarded to Environmental health for their comments however this information was not forth coming. The most recent comments of EHO 31st October 2013 states that they are now content with the scheme subject to planning conditions. In relation to No.31 Crancussy Road EHO have considered the cumulative noise impact of this turbine and those approved and already erected.

Objections were raised relating to shadow flicker, ice throw and noise and were fully considered in this assessment and the relevant consultees aware of them.

- (vii) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

There was mention by the objector about the integrity of the foundations for this type of development in an active quarry, in terms of the types of vehicle etc that would be driving over the turbine foundations.

As the turbine will be located within an area that has active planning permission and due to the objection, HSENI were Consulted who advised the applicant would need advice in relation to the extent of the sterile zone to be maintained around the foundation of the turbine. The sterile zone should also take into consideration the provision of a safe means of access for future maintenance.

Central Procurement Directorate were consulted for their geotechnical advice and in principle they have no objection, they state that although a standard foundation specification has been provided for a V27N29 Windmill tower, ground conditions at the location would need to be confirmed by a qualified engineer prior to proceeding with construction. Conditions have been provided relating to work to be carried out to protect the health and safety of operatives and to ensure stability of the works. The following conditions will be put on any approval for the turbine;

- The applicant should ensure the design and installation of the wind turbine including its foundation is certified by an appropriately qualified chartered engineer. The design should be Eurocode compliant or equivalent.
Reason: to ensure stability of construction works, adequacy of design and quality of construction.

- The applicant should ensure that appropriate geotechnical advice is sought to develop a management plan with regard to the extent of permissible excavation adjacent to the wind turbine and access road. This plan should be approved by an appropriately qualified chartered engineer.

Reason: To protect the health and safety of site operatives and ensure the long term global stability of the works.

Clyde Shanks (agent) replied on 16 June 2015 to rebut the objector's comments. They state a Ground Assessment report was carried out by Whiteford Geoservices who stated they had no concerns about the security and safety of the position of the turbine, and the comments made by the objector were reviewed by Whiteford who said it made no difference to their reply (in letter dated 13 June 2015)

PPS18 goes on to state that development that generates energy from renewable resources will only be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

In relation to the restoration of the site a condition is to be attached to the approval stating;

- The development hereby approved shall be removed from the land and the site restored to its former condition within 6 months of permanent cessation of electricity generation by the turbine.

Reason: To restore the habitat and maintain the landscape quality of the area.

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

In light of the latest comments of Environmental Health Council consider the proposal acceptable in terms of PPS 18. There are no landscapes into which a wind turbine will not introduce a new and distinctive feature however given the undulating nature of the surrounding topography it is my view that the most prominent views of the development will be short to medium term views from the local minor road network, in particular on Crancussy Road. There will also be more long term views of the turbine from the main Omagh/Cookstown Road to the north and from further north across the valley towards Dunnamore. The views from the main Omagh / Cookstown Road will be longer distance filtered views. The Wind Energy Development in Northern Ireland Landscaped document states that 'where the landscape is already affected by gravel extraction it may be better able to accommodate wind energy development'. Council consider the height and location of the turbine to be acceptable in terms of Planning Policy Statement 18.

The policies used for assessment of this type of development state that very few accidents have occurred involving injuries to humans, those that have are to do with failure to observe manufactures and operators instructions. Paragraph 1.3.51 of the Best Practise Guide goes on to state the only source of danger to human or animal life would be the loss of a piece of the blade or exceptionally the whole blade. Many blades are composite structure with no bolts, so blade failure is therefore most unlikely.

Central Procurement Directorate were consulted for their geotechnical advice and in principle they have no objection, they state that although a standard foundation specification has been provided for a V27N29 Windmill tower, ground conditions at the

location would need to be confirmed by a qualified engineer prior to proceeding with construction. Conditions have been provided relating to work to be carried out to protect the health and safety of operatives and to ensure stability of the works .

(b) visual amenity and landscape character;

The site of the proposed turbine is located within an existing, operational quarry. It is on an existing hard standing area and is elevated in relation to the level of Crancussy Road. The site is located within Landscape Character Area no.43, Carrickmore Hills. This Landscape Character has been designated as a High to medium sensitive landscape as identified in the document "Wind Energy Development in Northern Ireland's Landscapes". The site is located off the summit of Evishanoran and as a result there are some medium to long term views of the site from the north. In particular from Drum Road, however, these will be intermittent, long term views and the proposal will benefit from the rising land of Evishanoran Mountain that lies approximately 500m to the south. Whilst the site is located within A.O.N.B, it is also located within close proximity to an established quarry. Given the turbine set back and restricted nature of interrupted views by landscape and its siting within an area affected by man-made influences , this turbine can fit on site without a negative impact on the LCA.

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

A report was submitted on 30 March 2014 by the objector, relating to the impacts on biodiversity by wind energy developments , NIEA were consulted with this and concluded the impact on bats and birds by the proposal would not be significant.

On 5 June 2015 the consultation response from NIEA shows there will be no likely significant effects on the designated sites and they have fully considered the impacts of the proposal and on the basis of the information provided they are now content with the proposal.

Since the NIEA issues, which had previously been the only reasons for refusal, have now been addressed and clarified as above, Mid Ulster Council now are satisfied these have been fully investigated.

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

No issues.

(e) public access to the countryside.

Transport NI have no objections to the proposals.

Supplementary planning guidance 'Wind Energy Development in NI Landscapes' has also been taken into account in the assessment of the proposal.

Other Material Considerations:Further issues raised by theobjector; Unauthorised activity

The objector mentions that on the approval I/1977/0072/F for the Quarry, the washing and crushing plant has been located 200m from its approved location. This has been investigated by Mid Ulster Enforcement who have confirmed they have evidence that the equipment has been on site for over 6 years and so is immune from enforcement action.

Validity of application queried

The Department is satisfied that the application is valid as The statutory provisions found in the Planning (Northern Ireland) Order 1991 Order (the 1991 Order) and the Planning (General Development) Order (Northern Ireland) 1993 (the GOO). The Department considers that the application is valid within this legislative context.

Lack of neighbour notification letter issued.

The Departments published guidance for neighbour notification states that the dwelling must be on adjoining land and be within 90m of the application site. No properties fell within these parameters. I am content that the neighbourhood notification process was carried out correctly.

Absence of Environmental Impact Study

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

Impact on property values

Para. 52 of PPS 1 sets out the Departments position on this matter - The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. The Department is satisfied that in this instance that the amenities of neighbouring properties would not be affected. No evidence has been submitted by any of the objectors to support these claims.

ROMP'S (Review of old mineral permissions)

Concerns were raised by the objector in relation the proposal being within an active quarry, and claims that it is an illegal operation, as the planning conditions associated with this approval cannot be relied on. It is mentioned that DOE in June 2006 introduced legislation through the Planning Reform Order of 2006 to require the initial review of old mineral permissions (ROMPs). This legislation provides a mechanism to review existing planning conditions, thus providing an opportunity to secure improved operating standards within the quarrying industry. The objector feels the conditions on this historical approval are no longer relevant or meeting modern standards.

The Department intended to start a review of these quarry applications but since the RPA move to Council on 1 April 2015 this will now be the responsibility of each council area and will be an ongoing process. Currently the Quarry benefits from planning approval (1/1977/0072/F) and is operating in line with the conditions. This application deals with a proposal for a 46m single wind turbine only, within the Quarry, which is fully authorised, The ROMP's review is a separate issue and it would be unreasonable not to allow permission for one proposal solely on the grounds that a developer has failed to meet conditions on another development.

Conditions:

1. As required by Article 61 of the Planning Act (NI) 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 level of noise emissions from the wind turbine (including the application of any tonal penalty) when determined in accordance with the procedures described in the attached Guidance Notes, shall not exceed the values set out in the Table below. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Table below, shall be those of the physically closest location listed in the Table, unless otherwise agreed by the Department.

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

3. Within 28 days from receipt of a written request from the Department, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at his/her expense, employ a consultant approved by the Department to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The Department shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

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

Noise levels **dBLA** 90 10minute

PROPERTY	Standardised wind speed at 10m height (m/s within the site averaged over 10-minute periods						
	4	5	6	7	8	9	10
31 Crancussy Road	30.3	30.8	31.2	31.7	33.1	33.2	33.4

4. The applicant should ensure the design and installation of the wind turbine including its foundation is certified by an appropriately qualified chartered engineer. The design should be Eurocode complaint or equivalent.


Reason: to ensure stability of construction works, adequacy of design and quality of construction.

5. The applicant should ensure that appropriate geotechnical advice is sought to develop a management plan with regard to the extent of permissible excavation adjacent to the wind turbine and access road. This plan should be approved by an appropriately qualified chartered engineer.

Reason: To protect the health and safety of site operatives and ensure the long term global stability of the works.

6. The development hereby approved shall be removed from the land and the site restored to its former condition within 6 months of permanent cessation of electricity generation by the turbine.

Reason: To restore the habitat and maintain the landscape quality of the area.

Signature(s): 

Date: 26/6/15

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: H/2014/0155/F	Target Date: <add date>
Proposal: 2 no. Dwellings.	Location: Site Nos 14 & 16 between 12 & 18 Martinvale Park Maghera BT46 5BF
Applicant Name and Address: Tom Scullion 2 Fallaghlool Road Maghera BT46 5JS	Agent name and Address: M J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX
Summary of Issues: Overdevelopment, private amenity, character of the area, parking, affect on property values, setting of a precedent.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: Proposal site is situated within an established housing development within the development limits of Maghera. Currently the plot is a corner vacant plot with a detached chalet bungalow on each side of the plot. To the north of the site is a further residential development which sits at a considerably lower level. To the east of the site is agricultural land that is outside the development limits of Maghera. Terracing has been started to the rear of the plot which was evident when inspecting the site. Martinvale Park has a distinctive style of dwelling all being detached chalet type.	
Deferred Consideration: Policy Context: Magherafelt Area Plan 2015; PPS 1 - General Principles; PPS 3 - Access Movement and Parking ; PPS 7 - Quality Residential Environments; PPS 7 Addendum - Safeguarding the character of established residential areas; Creating Places - Achieving quality in residential environments; DCAN 8 - Housing in Existing Urban Areas; PPS 12 - Housing in Settlements This application was originally for a pair of semi-detached dwellings with attached garages. Amended plans have been received, together with an amended description, and now planning permission is being sought for a pair of semi-detached dwellings.	

The site is on land that is unzoned in the Magherafelt Area Plan. It is situated within an established residential area known as Martinvale Park and is located just within the settlement limit of Maghera. Martinvale Park is primarily characterised by chalet style detached dwellings, though there is another pair of semi-detached dwellings within Martinvale Park to the south west of the application site which are similar in design to the dwellings as amended.

The application was previously recommended as a refusal to the then Magherafelt District Council based on the following reasons:

- The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, harm the character, amenity and design of the area;
- The proposal is contrary to PPS7 QD1 and Policy LC 1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its:
 - A) scale, layout, design and massing which are out of character of the area;
 - B) impact on the amenity of the neighbouring dwellings

There are predominantly 2 types of dwelling design in Martinvale Park and there are no attached garages in this development. The amended drawings now show a design that is much more reflective of the chalet style dwelling in the development and the attached garages have now been removed. In terms of design it is my opinion that this is much more in keeping with the character of the area in terms of the scale, layout, design and massing. This is a relatively large site when compared with the other plot sizes in the area and a pair of semi-detached dwellings will fit neatly into this plot.

From an assessment of the amended plans there is now a separation distance of 5.5m from the side elevation of Unit 1B to the common boundary with No 18 Martinvale Park. The front elevation of Unit 1B is set behind the building line of No 18 and with only 1 small window serving an en-suite which will have frosted glass this addresses any previous concerns held with regards to the impact on amenity of No 18. It is acknowledged that No 18 Martinvale Park has a sunroom which comes tight to the common boundary but, as previously addressed, I do not consider there to be any impact on their private amenity. In the immediate vicinity of the site dwellings are as little as 1m from the common boundary with the adjacent dwelling and at most 4m. Thus a separation distance of 5m is not out of character with this area.

With regards to the relationship between Unit 1A and No 12 Martinvale Park there is a minimum separation distance of 7m to the common boundary and again an en-suite frosted window in the side elevation at first floor level. There are no windows in the side elevation of No 12 and so no rooms in the dwelling will suffer from a loss of private amenity should this application be approved.

The proposed dwellings are on substantial plots with Unit 1A having 554sq.m of private amenity space and Unit 1B having 206sq.m. of private amenity space. Creating Places seeks a minimum of 70sq.m. and thus this proposal is well in excess of this requirement.

Ample space is provided for car parking and Transport NI have no objection to the proposal. Likewise there are no objections from any other consultee.

There are 11 objections to this application which raise the following concerns;

- High density / over development of site;
- Inadequate parking and access which proposal would only add to;
- Increase in traffic volumes in Martinvale Park;
- Harm to the character as due to differing size and shape of dwelling;
- If the proposal is approved this will set a precedent for the area;
- Negative Impact on the value of the neighbouring properties;

- Overlooking onto No 7 McKenna Rise which will result in a loss of privacy within both the dwelling and the outside space for the residents;
- Possible inaccuracies in the submitted plan as the neighbours have built conservatories which have not been shown thus resulting in proposed development actually being closer to the existing development.

Following the submission of the amended plans letters of objection were received from the residents of Nos 18 and 22 Martinvale Park, of which only 18 Martinvale Park abuts the boundary of the application. No letters of objection have ever been received from 12 Martinvale Park.

The residents are concerned with the loss of privacy they currently enjoy, loss of light, overshadowing, overdevelopment of this site, ability of the sewerage network to cope with the extra capacity, extra traffic will be a danger to the residents, disruption to the character of the area through the introduction of semi-detached dwellings, risk of subsidence to No 18, lowering of property values and setting a precedent for semi-detached dwellings.

I have previously addressed the issues of loss of privacy and amenity, overdevelopment of the site, traffic, and character of the area. With respect to the loss of light issue, it is clear from an assessment of the sunlight path there will be no loss of light to No 18 Martinvale Park. There is a pair of semi-detached dwellings already within Martinvale Park which are also reflective of the style of dwelling that is largely within this immediate area. It is only now that an acceptable design and layout has been submitted that satisfies planning policy is an approval being considered on this site for a pair of semi-detached dwellings. The impact on property values is not a material consideration that carries any determining weight.

With regards to possible subsidence, it is clear from the survey drawing there are areas of the site to the rear with the boundary of McKenna rise that will be infilled but the majority of the site will have a proposed ground level lower than the existing ground level. Full details of a retaining wall have been submitted and it's proper construction is not a determining factor in reaching a decision on this application. The neighbour to the rear of the site at No 7 McKenna Rise was very concerned with the details submitted but these issues have been addressed by the agent through the submission of an amended plan date stamped received 28 January 2015. In this plan it shows quite clearly a cross section both going through the site and across the site and the sections and scaled block plan detail the heights of the wall and the details of the wall. An amended plan was received from the agent, dated 9 March 2015. However I did not seek for the occupant of No 7 McKenna Rise to be re-notified as the details of the wall remained exactly the same. It is my opinion there will be less of an impact of the new dwellings to No 7 McKenna Rise, the proposed depth of the rear garden is 20m, which is significantly greater than the 10m required in Creating Places. The windows to the rear of the first floor serve bedrooms and as such they are not rooms serving main living areas which further reduces any impact on residential amenity.

Having assessed all the information it is my opinion that the proposal, as amended, fulfils planning policy and I recommend an approval of this planning application.

Conditions:

Time, landscaping.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Dr Boomer	
Application ID: H/2014/0273/O	Target Date: <add date>
Proposal: Proposed dwelling & garage on a farm	Location: 35m SW of 46 Tirgan Road Moneymore Magherafelt
Applicant Name and Address: Kevin & Claire Vallely C/o Agent	Agent name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Summary of Issues: 6 year rule	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: <p>This site is located in the countryside off a narrow dead end road approximately 2.5 miles south west of Desertmartin. The site comprises an irregular shaped cutout of an agricultural field. The site is defined by mature trees approximately 12 metres high along its eastern and north eastern boundaries. The northern boundary is defined by a post and wire fence with a laneway beyond this. The site is relatively flat. To the east of the site is a single storey dwelling and a farm group. The site is served by a laneway which also serves the adjacent dwelling and farm group.</p>	
Deferred Consideration: <p>The proposed dwelling is site to cluster with an existing farm group. There is no relevant planning history on the remainder of the farm holding.</p> <p>In their consultation response DARD stated that the Business ID has not been in existence for more than 6 years and the business has not claimed SFP, LFACA or Agri Environment schemes in the last 6 years.</p> <p>During the course of this application it has been established that the applicant's Business ID number was allocated in July 2014 and therefore it doesn't meet the 6 year rule in CTY 10 of PPS 21.</p> <p>The application was previously taken as a refusal to Magherafelt District Council and deferred for a series of office meetings with both myself and the Planning Manager. Additional evidence has</p>	

been submitted by the applicants to demonstrate that the land has been maintained in good agricultural condition but has been let out to other farmers and payments have been claimed by those other farmers who have taken the land in conacre.

In a meeting with Dr Boomer the case was put to him that the land had been inherited by applicant's mother/mother-in-law in 2001 and had historically been farmed by the family. However due to the grandfather's ill health it became necessary to rent the farm out in conacre which continued when the applicant's mother inherited the land in 2001. However it had always been the intention of the applicants to begin farming the land themselves. They reasserted that the land had been let to local farmers in conacre for a long period and although there was proof of this and hedge cutting etc., it was accepted by the applicants that they themselves had not been actively farming the land.

It is my opinion that Policy CTY 10 of PPS 21 does not adequately address cases involving inheritance and if the wording as written was rigidly applied this application would be refused. However, it is clear that the intention of the policy is to allow a dwelling on every farm every ten years. I do not think it was the intention of the policy makers to deliberately prevent someone from erecting a dwelling on the farm holding where the circumstances dictated that farming by landowners needed to temporarily cease farming albeit for a long period. It is clear in this case that the family always intended to re-establish the farm which is demonstrated by the evidence they have provided of maintaining the land for those renting it in conacre. The Vallely's case appears genuine in that they are willing to accept conditions requiring proof that active farming by then has commenced when they submit the reserved matters application which will be in 2016 when the letting agreement expires with the tenant. They are also prepared to accept a personal condition. In light of these circumstances it is the Planning Manager's view that an exception to policy be made on the following conditions:

1. proof of active farming by the Vallely's has commenced and to be submitted along with the reserved matters;
2. the applicant lives in the dwelling not less than 5 years;

It is also considered necessary to include the following informatives:

1. The time restriction in CTY 10 will apply for any additional dwelling sought under this policy.
2. If the dwelling was repossessed by a bonafied bank or building society or member of the Council of Mortgage Lenders then the occupancy condition will be subject to a planning application to remove it.

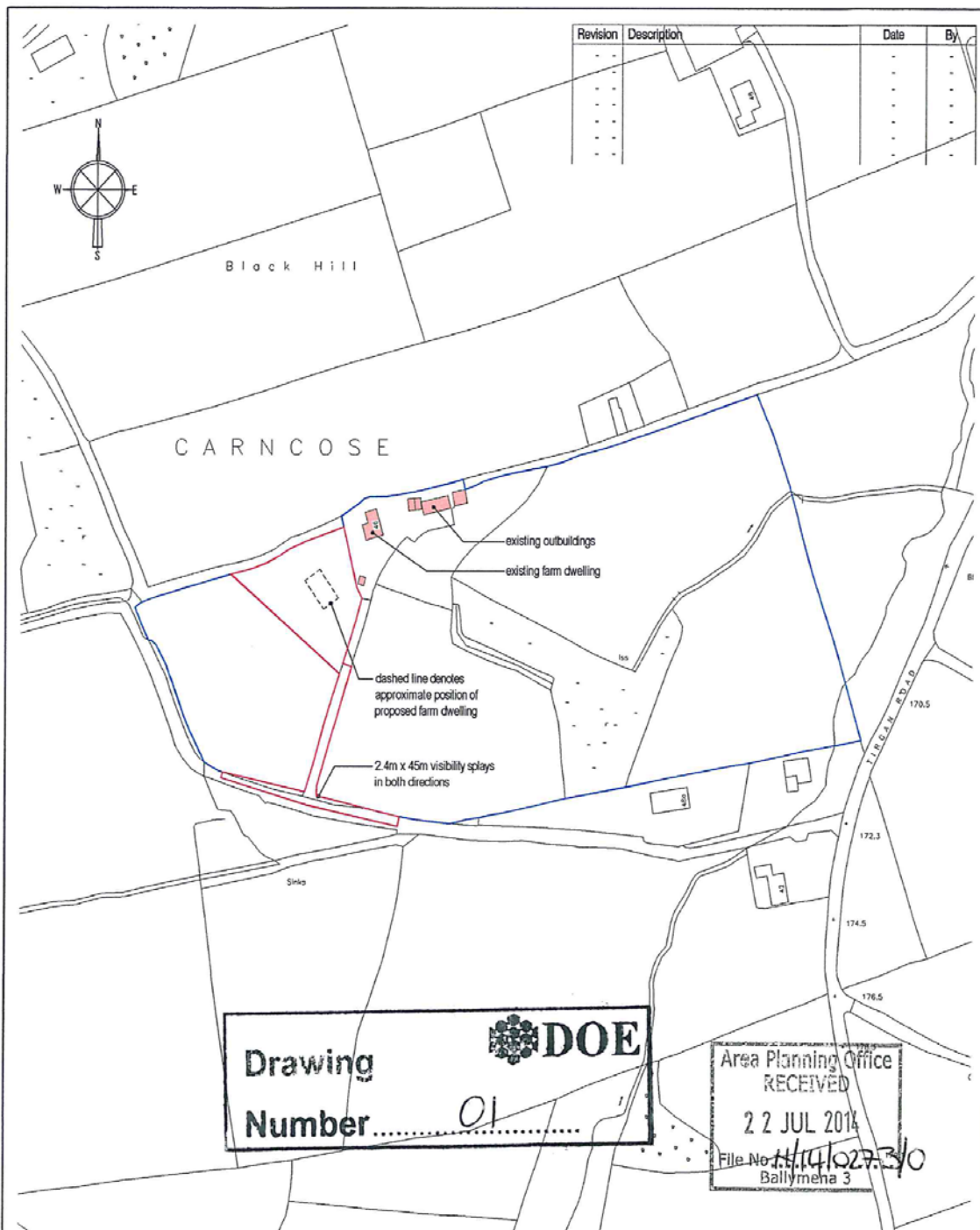
Conditions including time, siting, height and landscaping are also considered appropriate in this case.

Recommendation:

Approval subject to conditions

Signature(s):

Date



Drawing
Number.....01.....



Area Planning Office
RECEIVED
22 JUL 2014
File No. 14/027-3/0
Ballymena 3

Client						
Mr & Mrs K Vallely						
Project						
Outline Planning Application at 35m South West of 46 Tigran Road, Moneymore, Magherafelt, BT45 7RX						
Drawing Title						Area
Location Plan						0.28 ha
Job no.	Drawing no.	Scale/Sheet	Drawn By	Date	Revision	LG
2564	L01	A4@1:2500	RD	July 2014	-	092125E

vision design
architecture renewable energy project management

31 Rainey Street, Magherafelt, BT45 5DA
info@visiondesign.org.uk www.visiondesign.org.uk
Tel: 028 7930 0866

Deferred Consideration Report

Summary	
Application ID: H/2014/0393/F	
Proposal: Proposed change of access from previously approval H/2012/0316/F for dwelling and garage	Location: 60m North East of no 10 Mullaghnamoyagh Road Clady Portglenone
Appl icant Name and Address: Mr Eugene McErlean c/o Agent	Agent name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Background /Summary of Issues: This application was previously deferred for an office meeting after being recommended for refusal at a meeting of Magherafelt District Council on the 20th Jan 2015. An office meeting took place on the 5th February 2015 .	
Summary of Consultee Responses: No objections from Consultees .	
Characteristics of the Site and Area: Approval for dwelling and garage on a farm was granted on 21st Jan 2013 with the access shown to be using, for a short initial stretch and avoiding entering the farm yard, an existing farm access point also serving No 10 Mullaghnamoyagh Road. The newly proposed separate access to serve the approved dwelling follows a poorly defined field boundary. This field boundary is a post and wire fence. Significant loss of roadside hedging as a requirement of visibility splays will result in significant opening up the site to passing views. The access is flanked on both sides by undulating agricultural land. The site and access are clearly visible from the Mullaghnamoyagh Road but not from the Mayogall R o a d .	



Deferred Consideration:

Having been presented with arguments in support of the application at the deferral meeting and having also visited the site my reassessment of this proposal is as outlined below:

The agent at the office meeting presented me with a letter from a Mortgage lender stating that to meet the bank's lending criteria that the property must have it's own separate access or laneway and as this proposal shares a lane with other properties we cannot progress your application.

In response, this is the first letter of this kind which I have had sight of and it is unclear to me whether this is a requirement across the board from all lenders. I have not been provided with any indication that approaches made to other lenders by the applicant have, or would, raise a similar requirement.

The existing access point was felt to be unsafe and the new access was also being offered as an improvement in road safety terms. In response, the approved access point proposes forward sight distance alterations to the right hand side emerging to the satisfaction of Transport NI and would not, in this proposed altered form, be unsafe. In addition as the left hand side splay was in existence there was no requirement for any additional hedge removal along the road frontage.

I am mindful that in July 2013 DOE Minister Attwood in his review of the operation of PPS21 commented on the matter of the Policy requirement in Policy CTY10 of PPS21 that where practicable access to farm dwellings should be taken via existing laneways. The Minister in the review stated that it was expected that applicants should not be required to access new dwellings through busy working farmyards where an acceptable access can be achieved without detriment to integration.

I wish to make 2 observations in relation to this proposal and the above statement:

1. The access as approved to the dwelling shares only the initial straight 55m of the farm access lane and then turns away from the farm yard therefore not at any point forcing those who would be accessing the new dwelling to enter the farm yard.
2. The proposed access will fail to achieve a satisfactory degree of visual integration as a result of its reliance on a poor quality field boundary, its necessity to deal with rising land to its northern edge and the significant degree to which hedge loss will occur where it makes contact with the public road (approx. 100m in total). Rural ambience is relatively strong at this northerly end of Mullaghnamoyagh Road when compared to the relatively built up and more suburban feel of its southern end, and is therefore worthy of protection.

Having considered the arguments presented to me, and as the environmental impact of this proposed access is likely to be significantly harmful to visual amenity and rural character.

Recommendation: That permission be refused for the following reasons:

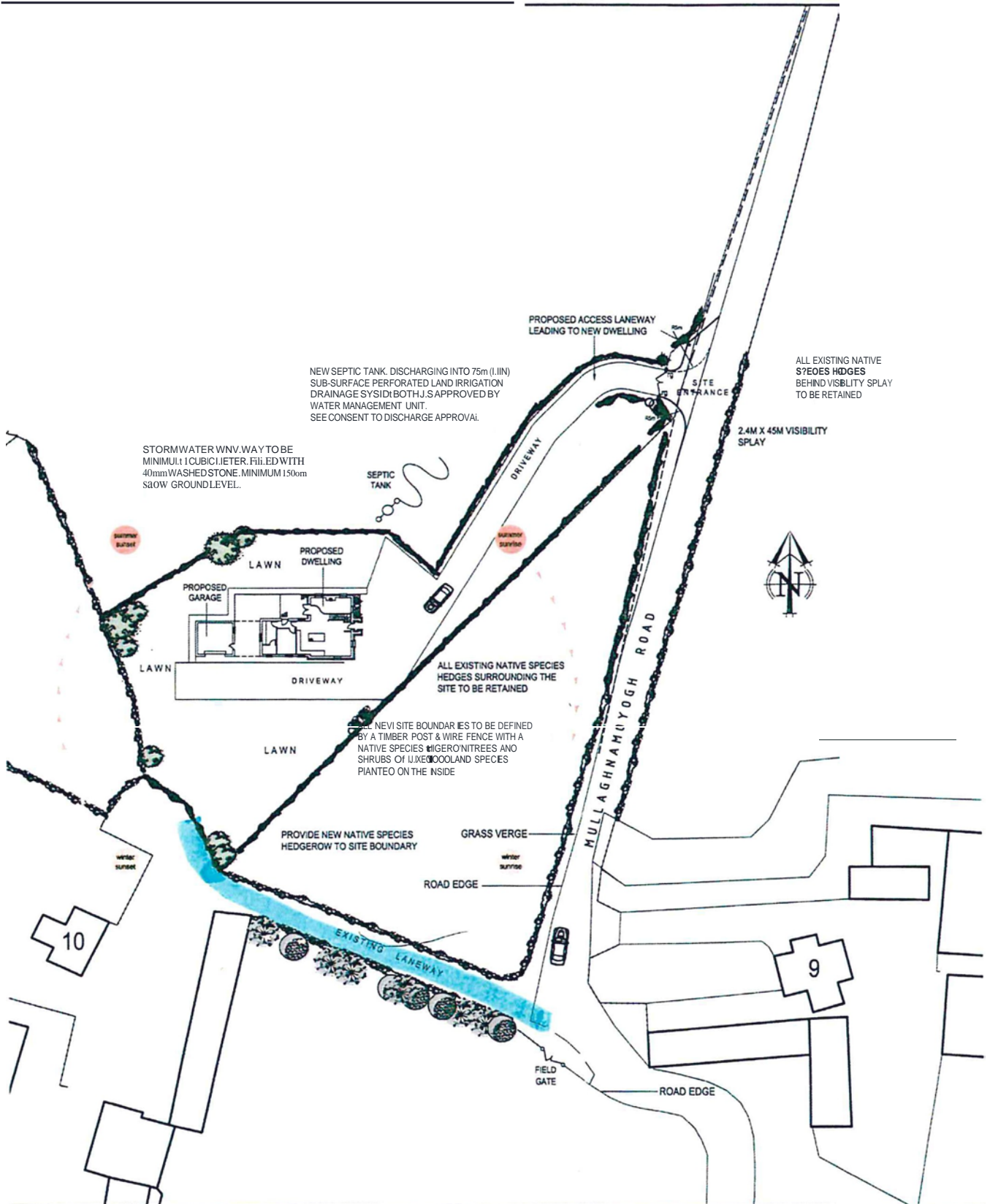


Refusal Reasons

1. The proposal is contrary to Policy CTY1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that no sufficient case has been presented to justify this change of access.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s): Melvin Bowman

Date 23/6/15





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: 1/2015/0056/0	Target Date:
Proposal: Proposed infill dwelling and garage	Location: 15m East of Ba Rogully Road Loup
Applicant Name and Address: Mr Thomas Mc Vey c/o Bannvale Architectural Services	Agent name and Address: Bannvale Architectural Services 104a Ballynease Road Portglenone BT44 8NX
Summary of Issues: The dwelling has been submitted for infill but there is not a continuous built up frontage and a dwelling here will create ribbon development, leading to the erosion of the rural character of the area. It is located on a prominent site and lacks integration.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 1km south east of the Loup settlement. Set within a rural area the site is quite large and comprises part of a larger field. Access to the proposed site is directly proposed from the Rogully Road which defines the south western site boundary. This boundary has good hedge line.	

The site slopes up north east from the Rogully road to a hedge and tree site boundary.

The southern part of the western boundary defines the site from an adjacent dwelling. That boundary being mainly ornate timber fence panels.

The northern part of the eastern boundary again defines the site from an adjacent dwelling. This boundary is defined by leylandii type trees.

The site is elevated to the Rogully Road and can be viewed as one passes through the crossroads to the south east of the site.

Deferred Consideration:

Following an office meeting with Dr Chris Boomer on 14 May 2015 with the applicant and agents, supporting information was submitted.

In terms of CTY8, policy allows for an exception to ribbon development, for an infill opportunity in a substantially built up frontage of 3 or more buildings along a road frontage, for up to 2 dwellings. The site fails on this test, as there is one dwelling and garage to the NW with an extended roadside garden to the side, with a further gap, which holds a small tin shed, before reaching the next dwelling. On the other side of the site, the dwelling relied on as part of the build-up, is accessed from Scotts Road rather than Rogully Road, and is set back from the roadside on an elevated site. The proposal fails under CTY8 in that there is not substantial and built up frontage including a line of 3 or more buildings along a road frontage. A dwelling on this site would result in the creation of ribbon development, which would be detrimental to the rural character of the area.

The site is located along the roadside and there is only a low hedge at the roadside boundary. There is not a suitable degree of enclosure and the elevated nature of the site increases its prominence in the landscape, therefore making it contrary to policy CTY13.

In terms of CTY14 a new building will be unacceptable where it is unduly prominent in the landscape. Here on the elevated site a dwelling would be prominent from Rogully Road and Scotts Road. It would also create a ribbon of development, which is considered always detrimental to the character of an area as it contributes to a localised sense of build-up and fails to respect the traditional settlement pattern of the countryside.

Recommendation: that the application be refused on the grounds: CTY1, CTY8, CTY 13 & 14 as detailed above.

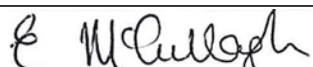
Reasons for Refusal:

- 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 existing pattern of development does not fulfil the criteria to be considered as an exception, and if approved would create a ribbon of development along the Rogully Road**
- 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21,**

Sustainable Development in the Countryside, in that the siting of the proposed dwelling lacks a suitable degree of enclosure and would be prominent in the landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a prominent and suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development along Rogully Road which would result in a detrimental change to the rural character of the countryside.

Signature(s):



Date

21-6-15

D

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0077/F	Disabled facilities extension to rear of house single storey rear return	77 Reclain Road Gabally Dungannon BT70 2PQ	5/7/15	Kevin and Anne Marie Morris 77 Reclain Road Galbally Dungannon BT70 2PQ	McNally Morris Architects 15 Edentrillick Road Hillsborough BT26 6PG
H/2013/0414/F	Alteration to Condition No. 6 of Planning Approval H/2011/0023/F (The existing natural screenings of the site as indicated on the approved plan no 03/3 bearing the date stamp 25th July 2011, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the dept) to replace existing timber fence with blockwork wall along site frontage	37 and 39 Moneymore Road Magherafelt	5/8/15	John Donnelly C/O Agent	Vision Design 31 Rainey Street Magherafelt BT45 5DA
H/2014/0392/O	Proposed site of infill dwelling and garage.	25m North of 25 Tamlaghduff Park Bellaghy	5/8/15	William Mulholland c/o Agent	Diamond Architecture 77 Main Street Maghera BT46 5AB

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
H/2015/0009/F	Additional storey to existing dwelling. Extension and alterations to front facade. A link extension and double garage	45 Magherafelt Road Castledawson Magherafelt	5/8/15	Olivia McAleese 45 Magherafelt Road Castledawson Magherafelt BT45 8DR	Hamill Gallagher Albany House 73-75 Great Victoria Street Belfast BT2 7AF
H/2015/0024/F	Single storey side extension to dwelling	6 Clarkes Road Gulladuff Magherafelt	5/8/15	Jude Donnelly 6 Clarkes Road Gulladuff Magherafelt BT45 8QJ	SD Design 45A Glenshane Road Magherafelt BT45 8QR
H/2015/0034/F	Proposed sun lounge and dining room extensions carport and storage areas	52 Drumbane Road Swatragh BT46 5NW	5/8/15	Mr and Mrs Patrick McEldowney 52 Drumbane Road Swatragh BT46 5NW	D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
H/2015/0035/F	Change of dwelling and garage type to supersede previous approval H/2010/0459/F and extension to approved site curtilage	150m SE of 150 Gulladuff Road Bellaghy	5/8/15	Mr David Mulholland c/o Agent	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2015/0004/L	Conservatory extension to existing dwelling house	43 Magherafelt Road Draperstown Co Derry	5/8/15	Gerard McCullagh C/O Agent	Slemish Design Studio Raceview Mill 29 Raceview Road Broughshane Ballymena BT42 4JJ

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
H/2014/0452/F	Erection of dwelling (change of house type from that previously approved under Planning Ref: H/2013/0236/F)	70m South East of No.79 Moneysharvin Road Maghera	5/11/15	Kevin Mc Closkey c/o Agent	Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA
I/2014/0398/F	Proposed dwelling and garage	25m SW of 127 Ballinderry Bridge Road Cookstown BT80 8AY	5/11/15	Mr Michael Mitchell 10 Lisnahull Gardens Dungannon BT70 1UQ	Taggart Design 133a Coolreaghs Road Cookstown BT80 9QD
I/2015/0020/F	Convert garage into living room, first floor side extension to provide 2 bedrooms and internal alterations to dwelling	78 Morgans Hill Road Cookstown BT80 8HB	5/11/15	Mr & Mrs Keith Patterson c/o agent	Rodney Henry 2 Liscoole Cookstown BT80 8RG
I/2015/0024/F	Extension to dwelling to provide ancillary accommodation.	153 Lough Fea Road Cookstown	5/11/15	Alan and Kyle Bayne c/o Mr Rodney Henry	Mr Rodney Henry 2 Liscoole Cookstown BT80 8RG
I/2015/0042/F	Removal of condition "the occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture etc,"	37 Lismoney Road Cookstown BT80 8RH	5/11/15	John Henry McKenzie 37 Lismoney Road Cookstown BT80 8RH	
M/2015/0063/F	Sunroom to rear of dwelling	24 Hollyfields Dungannon	5/11/15	Diane Bradley 24 Holyfields Dungannon BT71 7BH	Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
H/2014/0419/F	Dwelling and garage (change of house type and garage to previously approved ref H/2014/0267/RM)	130m NW of 24 Five Mile Straight Draperstown	5/12/15	Mr A Gallagher c/o Agent	CMI Planners Ltd. Unit C5 80-82 Rainey Street Magherafelt BT45 5AG
H/2014/0450/F	Proposed dwelling on a farm	Approx 40m North West of 12 Tamneymartin Road Maghera	5/12/15	Mr David Anderson 12 Tamneymartin Road Maghera BT46 5ET	D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
H/2015/0008/F	Rear Extension to Engineering Workshop for Storage Purposes	2 Tamlaght Road Kilrea Coleraine BT51 5UL	5/12/15	JMS Engineering C/ o Agent	Park Design Associates Parkmore House Parkmore Heights Ballymena BT43 5DB
H/2015/0038/F	Proposed bungalow with domestic double garage with attic store (change of house type from that approved under planning rref. H/2013/0191/RM)	60m North West of 4 Carnaman Road Knockloughrim Magherafelt BT45 8PN	5/12/15	John Goddard and Joanne McCloy 4 Ardmoneen Court Magherafelt BT45 5NX	M J Fullerton 12 Rainey Court Magherafelt BT45 5BX
I/2014/0238/F	Erection of single wind turbine - 30.4m hub height with 14.55m blades, associated access and 2 no. electricity cabinets	Lands 315m East of 37 Sessiagh Road Cookstown	5/12/15	Mr D Tener c/o Agent Strategic Planning	Strategic Planning 4 Pavilions Office Park Kinnegar Drive Holywood BT18 9JQ

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
I/2014/0390/O	Site for infill dwelling and garage	30m NE of 23 Shivey Road Cookstown BT70 3JQ	5/12/15	Mr D Mulholland 31 Shivey Road Cookstown BT70 3JQ	
M/2015/0050/F	Change of Use from licensed bar (Sui Generaleis) to hot food takeawya (Sui Generis) at ground floor basement and ancillary offices/storage at the upper floors, the installation of extraction/ventilation equipment and alterations to shop front	70 Scotch Street Dungannon	5/13/15	D P Realty Ltd c/o agent	Pegasus Group Equinox North Great Park Road Almondsbury Bristol BS32 4QL
H/2015/0041/F	Proposed replacement dwelling and garage for residential purposes	30m South West of 22 Sixtowns Road Draperstown	5/14/15	Mr Michael O'Kane C/o. agent	Diamond Architecture 77 Main Street Maghera BT46 5AB
I/2014/0156/F	Demolition of extension to rear of building and conversion of the public house and function room into 4 no. flats	18 Stonard Street Moneymore BT45 7PN	5/14/15	Mr David Patrick 16 Lough Fea Road Cookstown BT80 9QL	
M/2015/0074/F	Proposed loft conversion including 2No.dormer type windows and 3No.velux type windows	62 Killyliss Road Dungannon BT70 1NX	5/14/15	Jean Louis Devin 62 Killyliss Road Dungannon BT70 1NX	Barry Maguire 39 Carland Road Dungannon BT71 4AA

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0091/F	Removal of existing 14.5m mast and equipment and replacement with 15m mast, 3 no antennae, 2 no radio dishes and extension to existing compound	199 Killyman Road Dungannon	5/14/15	Telefonica UK Limited 260 Bath Road Slough SL1 4DX	Taylor Patterson Building A First Floor 89 Holywood Road Belfast BT4 3BD
M/2015/0119/F	Amendment to Previously Approved Vehicular Access under M/2014/0350/RM	Adjacent to and North of 171 Trewmount Road Moy Dungannon	5/14/15	Mr Mervyn Gilmore c/o Agent	Sam Smyth Architecture Unit 45d Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
I/2015/0011/A	Proposed sign	2-4 Dungannon Road Cookstown	5/15/15	Tyre Safety Centre Ltd 2-4 Dungannon Road Cookstown	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
I/2015/0040/F	Proposed extension to premises for storage, office and display area (renewal of existing planning permission)	57 Drum Road Cookstown	5/15/15	Reasound Ltd c/ o Agent	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2014/0597/F	Wind Turbine	Lands 335m NE of 23 Esker Hill Aghnagor Dungannon	5/18/15	Mr Padraig Mc Kane c/o CD Consulting	CD Consulting Unit 54 Enniskillen Business Centre 21 Lackaghboy Road Enniskillen BT74 4RL
M/2015/0036/F	Proposed domestic dwelling.	90m East of 9 Ravella Road Aughnacloy	5/18/15	Brian McCartan c/o ACA	Paul McMahon Paul McMahon Great Northern Road Omagh BT78 5EJ
M/2015/0048/O	Replacement dwelling	42 Derrylaughan Road Coalisland	5/18/15	Mr Paul and Collette Donnelly 40 Derrylaughan Road Coalisland BT71 4QR	P G Quinn Ltd 15 Derrytresk Road Coalisland BT71 4QL
M/2015/0078/O	Proposed dwelling and domestic garage	Lands adjacent to 64 Cabragh Road Dungannon	5/18/15	Mr Kevin McElvogue 64 Cabragh Road Dungannon	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
M/2015/0083/F	Extension to rear of dwelling	1 Bunowen Drive Coalisland BT71 4SR	5/18/15	Shane Corr 1 Bunowen Drive Coalisland BT71 4SR	Nathan Wilson NIHE Landlord Services - Design 10-16 Hill Street Belfast BT1 2LA

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0095/F	Removal of existing 14.5m mast and equipment and replacement with 15m mast, 3No. antennae, 2No. cabinets, 1No. radio dish and extension to existing compound.	Ewing Bros. 28 Killyliss Road Dungannon BT70 1QQ	5/18/15	Telefonica UK Ltd 260 Bath Road Slough SL1 4DX	Taylor Patterson Building A First floor 89 Holywood Road Belfast BT4 3BD
M/2015/0159/F	Proposed ground floor extension of dwelling to include a single shower room only	7 Bramble Wood Lane Dungannon	5/18/15	Mrs Audrey Keith 7 Bramble Lane Dungannon BT71 6FF	Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4LP
I/2015/0107/F	Proposed change of use from first floor office space to domestic living accommodation and all associated renovation works	19 James Street Cookstown	5/19/15	Columba Eastwood c/o Agent	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2015/0100/N	Proposed replacement dwelling and domestic garage	Site approx. 60m West of 270 Orritor Road Cookstown	5/19/15	Mr Leslie T Carson 270a Orritor Road Tamlaght Cookstown BT80 9NE	T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
M/2014/0497/O	Proposed dwelling	Adjacent to 23 Rossmore Road Dungannon BT71 4BJ	5/19/15	John Ewing 139 Derryfubble Road Dungannon BT71 7PP	Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0066/F	Proposed construction of a new submersible WwPS and upgrade of perimeter fence within the existing site. Demolish the existing control building and replace with control kiosk and hose reel kiosk.	Clabby Road WwPS Meadowview Clabby Road Fivemiletown BT75 0PZ	5/19/15	Northern Ireland Water (Peter Ferguson) Westland House 40 Old Wetsland Road Belfast BT14 6TE	AECOM 9th Floor Clarence West Building 2 Clarence Street West BT2 7GP
LA09/2015/0195/N	Proposed Replacement Dwelling	11 Annahavil Road Dungannon	5/20/15	Mr Philip Brown 11 Annahavil Road Dungannon BT71 4BU	
I/2014/0407/F	Proposed dwelling and domestic garage (Change of house type from that previously approved under I/2006/1083/RM)	Site 110m West of 33 Montober Road Cookstown	5/21/15	Paul and Rosemary Stewart 1 Drumearn Road Orritor Cookstown BT80 9JY	Mark Nelson Architecture 2 Craigmount Orritor Cookstown BT80 9LW
I/2015/0026/F	Garage	100m SE of 22 Woodhouse Road Killycolpy Dungannon	5/22/15	Mrs Siobhan Mc Keever 40 Gortnaglough Road Coalisland	Mr Seamus Donnelly 80a Mountjoy Road Aughrimderg Coalisland BT71 5EF
I/2015/0027/O	Dwelling and garage on a farm	200m NW of 43 Ballinderry Bridge Road Coagh	5/22/15	Mr T Mc Guckin c/o CMI Planners Ltd	CMI Planners Ltd 80-82 Rainey Street Magherafelt BT45 5AG

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
I/2015/0038/F	Proposed provision of an educational modular single unit nursery on lands adjacent to existing Phoenix Integrated Primary School	Lands adjacent to Phoenix Integrated Primary School 80 Fountain Road Cookstown BT80 8QF	5/22/15	Phoenix Integrated Primary School 80 Fountain Street Cookstown BT80 8QF	Architecture and Property Service 3 Charlemount Place The Mall Armagh BT61 9AX
I/2015/0041/F	Replacement dwelling and reuse of existing building to domestic store/garage	10m North of 61 Kinrush Road Ardboe	5/22/15	Deborah Quinn 61 Kinrush Road Ardboe	
I/2015/0058/F	Construction of front porch, rear sunroom and demolition of 1 no existing outbuilding	77 Old Coagh Road Cookstown	5/22/15	Mr Pat O'Neill 77 Old Coagh Road Cookstown BT80 8DQ	Mr Joseph Corr 79 Sweep Road Cookstown BT80 8JT
I/2015/0101/F	Proposed change from existing storage area at 1st floor to 4 no 2 bedroom apartments	11 Burn Road Cookstown	5/22/15	DAC Appliances c/o Agent	APS Architects LLP Unit T3 CEC Sandholes Road Cookstown BT80 9LU
I/2014/0307/F	Retention of inert excavated material and proposed re-grading of existing land and retained material for farmland improvement	Lands adjacent to and immediately East of 23 Oaklea Road Magherafelt	5/26/15	Mr Thomas O' Brien c/o Clyde Shanks	Clyde Shanks 5 Oxford Street Belfast BT1 3LA

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
I/2014/0410/O	Erection of a two storey dwelling and detached domestic garage on a farm	Approx 150m North of 27 Drumgrass Road Cookstown	5/26/15	Lissan House Trust Lissan House Drumgrass Road Cookstown	Studio Forty Four Town and Country Planning 44a New Street Enniskillen BT74 6AH
I/2015/0028/F	Proposed new community building incorporating sports, leisure cultural and office accommodation	Kildress Wolf Tone Grounds Loughdoo Road Kildress Cookstown	5/26/15	Kildress Community Group Loughdoo Road Kildress	McKeown and Shields 1 Annagher Road Cookstown BT71 4NE
I/2015/0043/F	Proposed change of use from garage to dwelling with associated extension	Adjacent to 78 Mullanahoe Road Dungannon	5/26/15	Rory McVey C/o agent	FMK Architecture Unit 5 Ahoghill Business Centre Ahoghill BT42 1LA
I/2015/0063/F	Erection of replacement domestic garage (for disabled use)	45 Milburn Street Cookstown BT80 8EG	5/26/15	Ben Wenlock 45 Milburn Street Cookstown BT80 8EG	
H/2015/0022/F	Replacement dwelling and domestic detached garage	30 Leitrim Road Castledawson	5/27/15	Mrs Cherith Rea C/O Agent	Diamond Architecture 77 Main Street Maghera BT46 5AB

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
H/2015/0027/F	Proposed single storey rear extension to existing dwelling	18 Moyola View Creagh Toomebridge Co Antrim	5/27/15	Mrs Laura Hughes 31 Teesdale Southfields Northampton NN3 5DH	Vision Design 31 Rainey Street Magherafelt BT45 5DA
H/2015/0042/F	Proposed Dwelling and Garage (change of house type and garage to supersede planning approval H/2005/1177/RM)	160m NW of 131 Innishrush Road Upperlands Maghera	5/27/15	Mr M Armstrong 23 Hillhead Road Kilrea BT51 5XS	DM Kearney design 2A Coleraine Road Maghera BT46 5BN
H/2015/0045/F	Alterations and extension to dwelling to include one and a half storey extension and renovation of existing dwelling	12 Brackagh Road Desertmartin Moneymore BT45 7RR	5/27/15	Mr J McCabe C/o.agent	Paul Moran Architect 18B Drunsamney Road Desertmartin BT45 5LA
H/2015/0030/F	Alterations to existing domestic road access (new private access to serve dwelling)	Lands at 17 Rocktown Lane Knockloughrim Magherafelt BT45 8QF	5/28/15	Colm and Sarah McMullan 17 Rocktown Lane Knockloughrim Magherafelt BT45 8QF	3rd Dimension 27 Gracefield Road Magherafelt BT45 6LD
H/2015/0051/F	New 2 storey dwelling to replace existing 2 storey dwelling with new vehicular access	76 Ballynagarve Road Magherafelt BT45 6LA	5/28/15	Mr and Mrs Alan Derby c/o Agent	M J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX

Delegated Planning Applications Decisions Issued

Decision Issued From: 5/1/2015 1 To: 5/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
H/2015/0046/F	Single storey side extension to dwelling for en-suite shower room. NIHE Scheme	17 Coolnasillagh Road Maghera	5/29/15	Bridget Convery 17 Coolnasillagh Road Maghera BT46 5LJ	Architectural Services 5 Drumderg Road Draperstown BT45 7EU
H/2015/0048/F	Proposed change of house type to previous approval H/ 2012/0334/RM and new detached domestic garage	Adjacent to 18 Drummuck Road Maghera	5/29/15	Mr Alex Dempsey C/ o.agent	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2015/0233/N	Minor changes to house types to include the following: Footprints reduced, balcony and gable feature removed, mainly brick finish changed to half brick and render, internal layouts altered.	19 21 23 25 27 29 31 33 35 37 39 41 43 45 47 49 51 53 55 57 59 and 61 Westfort Westland Road Cookstown	5/29/15	McAleer Contracts Ltd 130a Drum Road Cookstown BT80 9DN	Teague and Sally Ltd 18 Loy Street Cookstown BT80 8PE
M/2015/0105/F	Proposed change of house type to that previously approved on sites No5 and 20 including detached garages	Lands opposite 67 Gortgonis Road Coalisland	5/29/15	Peter O'Neill O'Neill's Of Clonoe 80 Moor Road Coalisland BT41 4QD	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE

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Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mr Simon Kirk
Director of Strategic planning Division
4th Floor
Causeway Exchange
1-7 Bedford Street
Belfast
BR2 7EG

9th June 2015

Your ref: T/2014/0012/CA

Dear Simon

OFFICIAL SENSITIVE: Unauthorised Sand Extraction, Lough Neagh. Issue of Enforcement Notice by Department - Section 139, Planning (Northern Ireland) Act, 2011

You will recall that in response to your letter dated 8th May 2015, Anthony Tohill Chief Executive of Mid Ulster District Council contacted you to advise that this matter would need to be considered by the Council's Planning Committee and that the next Committee was on 2nd June 2016. In your letter you requested the council's view on unauthorised sand and gravel activity and consent to continue investigation. In the intervening period, an Enforcement Notice was served against this unauthorised activity, which the Council has duly noted.

Whilst the Council does not condone unauthorised sand extraction, it would like to see authorised sand extraction occur if it can be adequately controlled in a sustainable manner. For Mid Ulster, sand extraction contributes to the wider economy by providing source materials used for manufacturing and construction with related employment benefits. The Council would therefore urge Central Government to commission a study into the Lough to explore how a balanced approach to extracting minerals, protecting the fishing industry, and promoting sustainable tourism and leisure can best be achieved, whilst also protecting this internationally recognised natural habitat.

Yours Sincerely

Dr Chris Boomer
Planning Manager
Mid Ulster District Council



Strategic Planning Division

Mr Chris Boomer
Planning Manager
Mid Ulster District Council
Council Office
50 Ballyronan Road
Magherafelt
BT45 6EN

5th Floor
Causeway Exchange
1-7 Bedford Street
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Belfast
BT2 7EG

Telephone: (028) 90 823423
Email: Clare-louise.o'neill@doeni.gov.uk

Your Ref:
Our Ref: S26-02-2015
Date: 26th May 2015

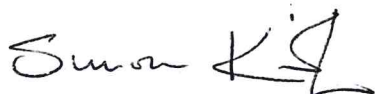
Dear Mr Boomer,

Re: Section 26 of the Planning Act (Northern Ireland) 2011; The Department's jurisdiction in relation to a proposal for the abstraction of sand from the bed of Lough Neagh from the 'pumping grounds', a dedicated area towards the north western shore of Lough Neagh and the landing of the sand at 1 of 8 designated processing facilities.

Please find attached a copy of notice served on the agent in relation to the above proposal.

Please note that Section 242 of the Planning Act (Northern Ireland) 2011 requires the Council to keep a Register containing information as specified with respect to any applications made to the Council or the Department for any permission, consent, approval or determination.

Yours sincerely



Simon Kirk
Director of Strategic Planning Division

c.c
Antrim and Newtownabbey Borough Council
Lisburn and Castlereagh City Council
Armagh City, Banbridge and Craigavon Borough Council

Strategic Planning Division

Mr Andrew Scurfield
Quarryplan Limited
6 Saintfield Road
Crossgar
Downpatrick
Co. Down
BT30 9HY

5th Floor
Causeway Exchange
1-7 Bedford Street
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Telephone: (028) 90 823423
Email: Clare-louise.o'neill@doeni.gov.uk

Your Ref: Aps/sandtraders/loughneagh
Our Ref: S26-02-2015
Date: 26th May 2015

Dear Mr Scurfield,

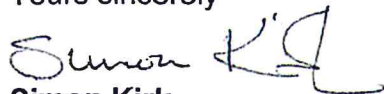
Re: Section 26 of the Planning Act (Northern Ireland) 2011 in relation to a proposal for the abstraction of sand from the bed of Lough Neagh from the 'pumping grounds', a dedicated area towards the north western shore of Lough Neagh and the landing of the sand at 1 of 8 designated processing facilities.

Having considered the information provided, the Department is of the opinion that the above proposal would, if carried out;-

- (a) be of regional significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or
- (b) involve a substantial departure from the local development plan for the area to which it relates;

Therefore, I can confirm that a planning application made for this development should be submitted to the Department.

Yours sincerely



Simon Kirk
Director of Strategic Planning Division