

A

Minutes of Meeting of Planning Committee (Development Management) of Mid Ulster District Council held on Tuesday 1 September 2015 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Kearney, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Mallaghan, McAleer (7.12 pm), McEldowney, McKinney, McPeake, Mullen (7.09 pm), Reid, Robinson, J Shiels

Officers in Attendance

Mr Tohill, Chief Executive
Dr Boomer, Planning Manager
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McNally, Solicitor
Miss Thompson, Committee Services/ Senior Admin Officer

Others in Attendance

Councillors Ashton, Forde, Gillespie

Applicant Speakers

M/2015/0340/F	Mr Montgomery
	Ms Jackson
M/2014/0593/O	Mr Wylie
LA09/2015/0352/	Ms Harkin
	Mr Loughran
LA09/2015/0519/F	Mr Loughran
I/2012/0463/F	Mr Loughrey
	Mr Rolston

The meeting commenced at 7.04 pm.

P97/15 Apologies

None.

P98/15 Declarations of Interest

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

Councillor Cuthbertson declared an interest in application M/2014/0340/F and advised he would speak on this item later in the meeting.

Councillor Reid declared an interest in application M/2014/0340/F and advised that he would also speak on this item.

Councillor Mallaghan declared an interest in application I/2012/0463/F and also application LA09/2015/0184/O advising he would speak on this item later in the meeting.

Councillor Clarke declared an interest in application I/2012/0463/F and advised he would speak on this item.

Councillor Glasgow declared an interest in application I/2012/0463/F advising he would speak on this item. The Councillor also declared an interest in application LA09/2015/0349/F.

The Planning Manager reminded those Members speaking on an application to withdraw from the meeting after speaking.

Councillor McPeake declared an interest in application H/2014/0086/F. In relation to application I/2014/0361/O the Councillor requested that the applicant be afforded the opportunity to speak on the application due to missing deadline for submitting speaking rights, if this could not be permitted the Councillor requested that this application be deferred.

(Councillor Mullen entered the meeting at 7.09 pm)

The Planning Manager advised that those in attendance at tonight's meeting had all followed protocol in relation to seeking speaking rights and that the agent for this application would be aware of said protocol. The Planning Manager advised he would find it difficult at this stage to grant speaking rights to the applicant/agent for this application, however, the Councillor could still make representation on the matter on behalf of the applicant.

Councillor McPeake advised he would not have all the details relating to the application.

(Councillor McAleer entered the meeting at 7.12 pm)

The Planning Manager advised that the reasons given for requesting speaking rights tonight were not exceptional and would set a precedent.

In relation to application LA09/2015/0232/F Councillor Cuthbertson requested speaking rights on behalf of the applicant who had missed deadline for submitting speaking rights but who was in attendance at the meeting.

The Planning Manager advised that he could not permit the applicant to speak but the Councillor could still make representation on their behalf.

Councillor Reid asked if the quality of the maps being shown on the screen could be improved.

P99/15 Receive and Confirm Minutes of the Planning Committee Meeting held on Tuesday 7 July 2015

Proposed by Councillor J Shiels
Seconded by Councillor McKinney and

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 7 July 2015, (P74/15 – P79/15 & P81/15-P82/15), were considered and signed as accurate and correct.

Matters for Decision

P100/15 Planning Applications for Determination

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

M/2014/0340/F 500kw centralised anaerobic digestion plant, combined heat and power plant (CHP) to include change of use of existing building to facilitate feedstock storage, upgrade of existing access and ancillary site works at lands immediately adjacent and S of 111 Ballynakilly Road, Coalisland for Callan Renewables

Mr Marrion (SPO) presented a report on planning application M/2014/0340/F advising that it is recommended for approval.

The Chair advised the committee that several requests to speak on the application had been received and invited Mr Montgomery in the first instance to address the committee.

Mr Montgomery welcomed the opportunity to address the meeting advising he was speaking on behalf of Ballynakelly residents. Mr Montgomery outlined the concerns of residents regarding this application –

- The application is contrary to PPS11 WM1 and PPS18 RE1.
- Scale and nature of the proposal is out of character in the area and would be more suited to being located in an industrial environment.
- Plant should be located close to source.
- Impact of additional traffic movements in the area.
- Noise issues from the plant and additional traffic movements will be detrimental to the area and are not believed to have been fully assessed.
- Concerns regarding odour and dust from the plant.

Mr Montgomery concluded by asking the committee to take into account the concerns of local residents refuse this application.

Councillor Cuthbertson highlighted the large volume of objections raised in relation to this application and reiterated Mr Montgomery's earlier comment in that a plant such as the one being proposed should be located close to feed source, the Councillor commented that this is also the view taken by the Environment Minister when speaking about such plants. Councillor Cuthbertson advised Members it is not clear where the feed source for this plant is coming from as the detail had not been provided by the applicant and questioned the need for the facility in the area given that a 4 mega watt plant at nearby Granville is not running to its full potential. Councillor Cuthbertson also referred to a similar application in another area which was refused and felt that a precedent had now been set.

Councillor Cuthbertson felt that the application will alter the rural landscape and will bring no benefits to the area. The Councillor also referred to previous planning breaches at this site and felt these needed to be taken into consideration when making a decision regarding this application.

Councillor Reid concurred with previous comments in relation to the health risks of such a plant and added that if planning permission be granted for this application homes in the area will be devalued. The Councillor also referred to vehicle movements and highlighted that such movements coming out of the plant have not been quantified. Councillor Reid also advised that a plant such as the one being proposed requires a high quality feed source which could be difficult to obtain given the current farming crisis.

Ms Jackson, as agent for the proposal, advised that this is a legitimate application which has been robustly assessed by planners, statutory consultees have been consulted and no objections were received and the scale of the proposal is consistent with planning policy. A site meeting had been undertaken at the proposed site in October 2014.

With regard to vehicle movements, Ms Jackson advised that vehicles will enter the plant from the M1 direction thus limiting movements through the village. In relation to feed source for the plant, Ms Jackson advised that this information is economically sensitive and detail does not need to be given.

The Planning Manager advised that planning policy does not require sources of feed to be provided but does state that type of supply should be located close to source and that this detail should be provided. For this reason many types of waste were ruled out in favour of green waste and animal feeds from farms.

Ms Jackson advised that the plant will be fed by an agricultural supply and that there is an abundance of stock available in the area, negotiations for supply of feed cannot be entered into until planning permission is given. Ms Jackson advised that it would not be the intention of the applicant to change waste codes once operational as this would require further planning permission.

Councillor J Shiels felt that sources of supply do need to be given and was not satisfied that PPS18 had been met. The Councillor also concurred with comments regarding visual impact, odour and noise and proposed refusal of the application.

Councillor Bell asked that if the proposal should be approved that a condition could be added stipulating that the feed supply to the plant comes from a local source.

The Planning Manager advised that this would be difficult but that a reasonable assumption would be that green waste would come from local farms. The Planning Manager stated that he understood the concerns of residents in that this is a new technology but advised that decisions need to be made based on evidence and there is no evidence of substantive harm being caused as a result of having such a proposed plant located nearby.

Councillor Bell stated that he would like reassurance that the waste won't be harmful and asked if anyone had seen this type of plant in operation.

The Planning Manager agreed that as this is a new type of technology it would be reasonable to undertake a site visit to a similar type of plant to see it in operation and also visit the site of the proposed application. After the visits Members should be in a position to make a more informed decision.

Councillor Mallaghan agreed that this application is one of the biggest brought before the committee to date and that a site visit would be helpful in coming to a decision regarding the application. The Councillor proposed that a site visit be undertaken.

Councillor McAleer agreed that it would be helpful to speak to someone with experience of the technology.

Councillor Robinson advised he was aware of a similar plant located and operational in another area and stated it requires a large volume of material to keep going. The Councillor felt that more clarification needs to be given to the type and source of material coming to the proposed plant and seconded Councillor J Shiels proposal to refuse the application.

Councillor Glasgow asked who attended the previous site meeting.

The Planning Manager advised that the planning officer involved with the application visited the site previously but felt it would be important for Members to also view the site of the proposed application and see such a plant in operation.

Councillor McPeake agreed that a site visit is important in relation to this application and seconded Councillor Mallaghan's proposal to undertake same.

The Chair, Councillor Kearney advised that the committee now had two proposals before them –

- 1.To refuse the application – Proposed by Councillor J Shiels
Seconded by Councillor Robinson
- 2.To undertake a site visit to a similar operational plant and location of proposed plant – Proposed by Councillor Mallaghan
Seconded by Councillor McPeake

Members voted on Councillor Mallaghan's proposal –

For – 9

The Chair declared Councillor Mallaghan's proposal to undertake a site visit to a similar operational plant and location of proposed plant carried.

M/2014/0593/O 3 no. tourist accommodation chalets to be associated with existing lake /fishery approved under M/2008/0025/F at lands approx. 30m N of 41 Gorestown Road, Dungannon for Mr Gavin Wylie

Mr Marrion (SPO) presented a report on planning application M/2014/0593/O 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 Mr Wylie to address the committee.

Mr Wylie advised Members that the lake was initially developed over 4 years ago, visitors to the fishery were increasing month on month and that the fishery is outperforming expectation. Mr Wylie commented that there is no immediate accommodation close to the fishery and that the proposed chalets will serve to rectify this by improving self-catering accommodation in the area.

The Planning Manager commented that one part of the site had been identified as a location for the chalets and asked if consideration would be given to relocating the chalets within the site.

Mr Wylie confirmed that further consideration could be given to the location of the proposed chalets.

In response to the Planning Manager's question regarding type of structure Mr Wylie advised that the chalets would be bespoke in nature but not a permanent structure, in relation to the number of chalets planning application is for three although Mr Wylie advised this number could possibly be reduced.

The Planning Manager advised that the planning application needs more work and suggested that Mr Wylie further consider his application.

Councillor Gildernew expressed his support of the application stating that the proposed development will definitely attract tourists to the area.

Councillors McKinney, Robinson Mullen and Bell all spoke in support of the application stating that the applicant should be encouraged to progress the development of the fishery and bring tourism to the area.

Councillor Reid referred to recent newspaper article which highlighted the lack of hotel type accommodation in Dungannon and that the chalets being proposed are essential.

Councillor McAleer supported the application and highlighted that for such applications where funding could be sourced planning permission must be attained first.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application M/2014/0593/O be deferred.

(Councillor J Shiels left the meeting at 8.30 pm)

LA09/2015/0352/F Installation of a 20m high lattice tower with 6 antenna and 2 dishes; installation of 6 equipment cabinets and ancillary development within a 2.2m high fence and new access at lands 200m NW of 6 Glenwiggan Road, Draperstown for Argiva Ltd

Ms Doyle (SPO) presented a report on planning application LA09/2015/0352/F advising that it is recommended for approval.

The Chair advised the committee that requests to speak on the application had been received and invited Ms Harkin followed by Mr Loughran to address the committee.

Ms Harkin advised that the installation of this proposed telecommunications tower is part of a government funded project and felt that given the current farming crisis the money could be put to better use. Ms Harkin also expressed concern in relation to visual impact, property value, including not being able to build close by the proposed site in future and health concerns associated with such towers.

Mr Loughran advised that the proposed tower does form part of a publicly funded programme called the Mobile Infrastructure Project (MIP) which seeks to deliver mobile coverage to communities throughout the UK who currently have no mobile coverage. Mr Loughran confirmed that this is a one off opportunity for residents of the area to obtain mobile service of 4G standard and that the proposed site is the only one viable in the area, if this application is refused then telecommunications operators will not return to the area. The installation of the tower will bring benefits to local residents and businesses.

Mr Loughran reminded Members that the programme is coming to an end in March 2016 and that in order to obtain funding the tower will need to be erected before close of the programme.

In response to the Planning Manager's request Mr Loughran explained 4G and its benefits.

Councillor Reid felt that clarification is needed with regard to health concerns and that a guarantee is needed that there are no health risks associated with such towers. The Councillor also commented that rural areas need improved mobile service.

The Planning Manager advised that research shows there are no demonstrable health risks associated with telecommunication towers such as the one being proposed.

Councillor Robinson commented that having good mobile coverage would help to keep young people in an area instead of having to move away to get a similar service.

Councillor McPeake felt that there are equal risks in refusing the application and not having a mobile service in an area ie. Contacting emergency services.

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application LA09/2015/0352/F be approved subject to conditions as per the officers report.

LA09/2015/0519/F Installation of a 20m high lattice tower with 6 antenna and 2 dishes; installation of 7 equipment cabinets and ancillary development within a 2.2m high fence at lands at NI Water compound NW of junction of Sessiadonaghy Cappagh Road, Cappagh for Argiva Ltd

Ms McCullagh (SPO) presented a report on planning application LA09/2015/0519/F advising that it is 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 committee.

Mr Loughran re-iterated that this application also offers a one off opportunity for residents/businesses to receive mobile coverage where previously there has been none. Mr Loughran also referred to previous comments regarding health concerns stating that the proposed towers pose no risk to health.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2015/0519/F be approved subject to conditions as per the officers report.

I/2012/0463/F Wind turbine at site 300m N of 156 Drum Road, Drumard, Cookstown for JJ Loughran

Councillors Clarke, Glasgow and Mallaghan declared an interest in this application.

Ms McCullagh (SPO) presented a report on planning application I/2012/0463/F advising that it is recommended for approval.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Loughrey to address the committee.

Mr Loughrey advised that this application shows an unacceptable linear visual impact stating that there are four other wind turbines along a two mile stretch of road and it was felt that the area has reached saturation point for these type of applications.

Mr Loughrey expressed concern regarding sensitive tourist amenities in the area along with the noise and visual impact from the turbine for residents living close by the proposed site. In relation to the size and output of the proposed turbine it was felt that this application should be treated as a large turbine for commercial use.

Mr Rolston, as agent for the proposal, referred to the length of time this application has been in the system stating that this application has come before Members previously under legacy council. Mr Rolston commented that planners have carried out a robust assessment of the application and that specialist noise consultants have also carried out assessments and the applicant has agreed that noise conditions will be met.

Mr Rolston concluded by advising Members that it is the intention of the applicant that the output from the turbine will feed into the applicant's business in the first instance with any remainder output being fed into the grid.

Councillor Mallaghan advised that he has previously met with both the applicant and objectors regarding this application but would object to the proposal due to the visual intrusion the turbine will have on neighbouring properties and the detrimental effect this will have on its residents. The Councillor also commented that the Lennon family home is not accurately displayed on the map provided by planners and that there are additional wind turbines further along the same stretch of road.

Councillor Mallaghan referred to the size and output of the proposed turbine stating that is clearly of a commercial nature and that guidelines from NIE would dictate that larger type turbines such as the one being proposed would have to feed directly into the grid meaning supply could not be used by the applicants business as proposed.

Councillor Mallaghan concluded by saying that the proposed turbine will be 238 metres away from the closest dwelling with a further two dwellings close by. The Councillor stated that these three families should be able to live in their homes without hindrance.

Councillor Clarke advised that he had previously been involved with this application through the legacy council. The Councillor referred Members to page three of the ETSU document in which there is a disclaimer for what is written in the report.

Councillor Clarke concurred with Councillor Mallaghan's comments regarding proposed use of output power from turbine and stated that, as per NIE, turbines with an output of more than 20kw must be fed directly to the grid.

Councillor Glasgow referred to the applicant's long established business in the area and plans for expansion in the future. The Councillor commented that the proposed turbine will secure the electricity supply of the business and help fund future growth.

Councillor Glasgow commented that the proposed turbine is to be located at the furthest point of the site to lessen any visual intrusion. He stated that the application has been in the planning system for three years and requires a decision to be made and as a resident living in the area he would support the proposal.

Councillor Reid stated that clarification is needed on whether or not the turbine can feed into the business or would have to go the grid.

Mr Rolston advised that confirmation can be provided that the turbine will be able to connect to the business as its primary source of power and that any remainder output will be exported to grid.

The Planning Manager commented that the application is finely balanced but would be happy to concur with the officers recommendation to approve. He went through the grounds of objection to advise as to what could and could not be considered as reasonable and concluded that based on professional advice noise, shadow flicker and impact on countryside could not be considered as reasonable grounds for refusal in this case.

However in relation to objectors concerns regarding the impact on their amenities due to visual intrusion from an over dominant structure, the Planning Manager advised that this was a matter where it would be reasonable to form a different view from officers. Therefore if it was the intention of the committee to refuse the application then this would form the basis of grounds for refusal.

Councillor Bell enquired as to the number of times enforcement action has been taken regarding noise complaints.

The Planning Manager advised that numerous cases have been taken in the past. In relation to this application the Planning Manager advised it should be possible to include, as a condition of approval, an acceptable noise limit for sensitive properties.

Councillor Bell referred to the numerous similar applications made by the same applicant.

The Planning Manager stated that economic reasons are taken into consideration as part of the planning process, however the weight attached to these are matters for the decision maker. In this case there is evidence to suggest that the turbine would create an income stream for the business, however there is no convincing evidence this is necessary for the continued operation of the business.

Councillor Robinson felt that the applicant has waited long enough for a decision to be made regarding this application and that as an employer for the area should be supported with their proposal.

Proposed by Councillor McKinney
Seconded by Councillor Reid

That planning application I/2012/0463/F be approved with delegated powers being given to the Planning Manager with regard to conditions for approval re. noise.

Councillor Bateson felt that the balance of need for turbines in the area had been tipped.

Members voted for the proposal –

For – 4

Against – 5

The Chair declared that planning application I/2012/0463/F be refused.

(Councillor Gildernew left the meeting at 9.55 pm)

Councillor Reid asked for clarification on how the proposal for this application had been handled.

The Chief Executive stated that the proposal was voted on and as there were no further proposals the original proposal was lost and the application was therefore refused.

LA09/2015/0232/F Retention of existing 2 storey building (domestic garage, tool store and workshop to ground floor and storage to first floor) and associated site works at 10 Tamlaghtmore Road, Cookstown for Mr Mark Hamilton

Ms McCullagh (SPO) presented a report on planning application LA09/2015/0232/F advising that it is recommended for refusal.

Councillor Reid proposed that this application be deferred pending further investigation.

Councillor Cuthbertson advised that this was the application he had requested speaking rights for earlier and confirmed that he had since clarified details regarding the application with the applicant. Councillor Cuthbertson requested that an office meeting be held to discuss the application further regarding disputed distances.

The Planning Manager highlighted that the application is for retention of a building already on site and therefore the consequence of a refusal would be that enforcement action would be needed for its removal. Members were provided with a photograph of the building.

Proposed by Councillor Reid
Seconded by Councillor McKinney

To defer this application for the attention of the Planning Manager for further investigation.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson

That the application be approved.

Councillor Bateson felt that this application appeared to be a back door attempt to establish a domestic dwelling.

Members voted on Councillor Reid's proposal

For – 8

The Chair declared that planning application LA09/2015/0232/F be deferred for the attention of the Planning Manager for further investigation.

Members considered the remaining planning applications as per agenda.

H/2012/0052/RM Residential development including site access, associated landscaping and parking at 21 Hospital Road, Magherafelt for M and T Properties

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

Proposed by Councillor Robinson
Seconded by Councillor Bateson and

Resolved That planning application H/2012/0052/RM be approved subject to conditions as per the officers report.

H/2014/0335/F Extension to existing church hall complex at 106 Desertmartin Road, Moneymore for Lecumpher Presbyterian Church

H/2014/0339/LBC Extension to existing church hall complex at 106 Desertmartin Road, Moneymore for Lecumpher Presbyterian Church

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

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning applications H/2014/0335/F and H/2014/0339/LBC be approved subject to conditions as per the officers report.

H/2014/0340/F Erection of dwelling and garage (reposition and amendment to design of previously approved H/2005/0747/F PAC 2007/A0821), at site approx. 65m S of 117A Ballyronan Road, Magherafelt for Mr P Evans

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

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved That planning application H/2014/0340/F be approved subject to conditions as per the officers report.

I/2014/0342/F 2 storey dwelling and garage on a farm adjacent to 47 Drumhubbert Road, Stewartstown for Mr Kevin Devlin

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

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application I/2014/0342/F be approved subject to conditions as per the officers report.

I/2014/0361/O Off-site replacement dwelling and garage with relocated access at approx. 310m SE of 66 Loup Road, Moneymore for Mr Sean McVey

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

Councillor McPeake advised that this was the application he had requested speaking rights for earlier and confirmed that he had since clarified details regarding the application with the applicant. Councillor McPeake asked that this application be deferred to allow applicant to provide more information.

Proposed by Councillor McPeake
Seconded by Councillor Bell and

Resolved That planning application I/2014/0361/O be deferred.

I/2014/0383/F Removal of stockpiles of boulders within previous sand and gravel working to facilitate regrading and restoration in accordance with approval I/2010/0086/F at land approx. 1000m N of 49 Blackrock Road, Dunamore for Blackhill Aggregates Ltd

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

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application I/2014/0383/F be approved subject to conditions as per the officers report.

I/2014/0386/F Extension to existing factory for new automated plant at Derryloran Industrial Estate, Cookstown for BA Kitchen Company

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

Proposed by Councillor Mallaghan
Seconded by Councillor Robinson and

Resolved That planning application I/2014/0386/F be approved subject to conditions as per the officers report.

H/2015/0023/O Replacement dwelling and garage at 134 Mayogall Road, Portglenone for Ronan and Shauna Kehoe

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

Proposed by Councillor Bateson
Seconded by Councillor McAleer and

Resolved That planning application H/2015/0023/O be approved subject to conditions as per the officers report.

H/2015/0071/F 2 dwellings at site opposite 5 Brough Road, Castledawson for NM Developments

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

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved That planning application H/2015/0071/F be approved subject to conditions as per the officers report.

M/2015/0108/O One and a half storey dwelling and garage on a gap site between 7 and 9 Annaloughan Road, Augher for Mr Brian Conway

M/2015/0109/O One and a half storey dwelling and garage on a gap site between 7 and 9 Annaloughan Road, Augher for Mr Brian Conway

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

Proposed by Councillor McAleer
Seconded by Councillor Robinson and

Resolved That planning applications M/2015/0108/O and M/2015/0109/O be approved subject to conditions as per the officers report.

M/2015/0150/O Dwelling on a farm at 150m NW of 36 Murley Road, Fivemiletown for Mr Stephen and Mrs Karen Houlihan

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

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan and

Resolved That planning application M/2015/0150/O be approved subject to conditions as per the officers report.

LA09/2015/0030/F 2 storey dwelling adjacent to 17 Meetinghouse Avenue, Maghera for Mr Tom Scullion

Members were advised this application had been withdrawn.

LA09/2015/0049/F Car park adjacent to existing minor playing field at O'Neill Park, Ballymaguigan for Mid Ulster District Council

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

Members present declared an interest in this application.

Proposed by Councillor Mallaghan
Seconded by Councillor Reid and

Resolved That planning application LA09/2015/0049/F be approved subject to conditions as per the officers report.

LA09/2015/0184/O Domestic dwelling with remainder of site used for domestic garden at 30m S of 46 Tullagh Road, Cookstown for Paul and Louise Byrne

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

Councillor Mallaghan asked that this application be deferred as applicants were not aware that the application was up for refusal at tonight's meeting. Councillor Mallaghan advised that the applicants intend to provide further information regarding the application.

Proposed by Councillor Mallaghan
Seconded by Councillor Reid and

Resolved That planning application LA09/2015/0184/O be deferred.

LA09/2015/0349/F Proposed re-location of carry out hot food unit at land opposite 89 Westland Road South, Cookstown for Rea Development Ltd

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

Councillor Glasgow declared an interest in this application.

Councillor Mallaghan advised he had been made aware of objection submitted regarding this application which had been misplaced by Roads Service. The Councillor asked that this application be deferred to consider content of objection.

Resolved That planning application LA09/2015/0349/F be deferred.

LA09/2015/0356/F Variation of condition 2 of previous approval I/2006/0836/F to add 2 additional waste streams at civic amenity site at Molesworth Road, Cookstown for Mid Ulster District Council

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

Members present declared an interest in this application.

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved That planning application LA09/2015/0356/F be approved subject to conditions as per the officers report.

H/2014/0086/F Extension to existing building to provide dry feed store at 25m SW of 8a Naval Lane, Tyane, Portglenone for Mr Stephen Duffin

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

Councillor McPeake declared an interest in this application.

Proposed by Councillor Bateson
Seconded by Councillor Clarke and

Resolved That planning application H/2014/0086/F be refused on grounds stated in the officer's report.

P101/15 Appeal Statements Received

The Planning Manager referred to appeal statements received for applications I/2013/0018/O, H/2014/0173/LDP, M/2014/0346/O, I/2015/0006/F as previously circulated.

The Planning Manager advised that an additional appeal statement for application M/2013/0246 had been received and sought delegated authority to progress statement for this application to Planning Appeals Commission.

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved That delegated authority be given to Planning Manager to progress appeal statement for application M/2013/0246/ to Planning Appeals Commission.

P/102/15 Report on regionally significant applications – O/2009/0792/F and O/2013/0214/F

Mr Marrion (SPO) presented a report on regionally significant planning applications O/2009/0792/F and O/2013/0214/F. DoE have jurisdiction in relation to these planning applications and a duty to consult with the Council on the applications.

Councillor McPeake expressed concern that DoE had asked for a response to the consultation within 21 days stating that this is not an appropriate timescale during a holiday period. In relation to the response, Councillor McPeake felt that comment should also be included giving consideration to conservation issues, archaeological interests and community objections.

Councillor Reid felt that Blackwater Regional Partnership may also be able to offer comment on these planning applications.

The Planning Manager advised that the draft response before Members states that Council are in support of the proposal in principle but if Members wanted to take up individual concerns in relation to the applications they can do so.

Councillor Robinson proposed that the Committee agree the response to DoE as set out in report.

Councillor Bell expressed concern that the planning applications are moving forward without the public being aware.

Councillor Reid asked that Members be provided with a copy of the Planning Manager's response for consideration before being submitted to DoE.

Proposed by Councillor McAleer
Seconded by Councillor McPeake and

Resolved That draft letter of response with regard to planning applications O/2009/0792/F and O/2013/0214/F be brought before September Council for Members' consideration.

Matters for Information

P103/15 Report of Delegated Decisions Issued in July 2015

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

P104/15 Appeals received 1 April 2015 – 31 July 2015

Members noted the content of the report of appeals received 1 April 2015 – 31 July 2015.

P105/15 Correspondence from Department of the Environment – Section 26 Information regarding an 11 turbine wind farm at Corlacky Hill, 3km West of Swatragh, in the townlands of Corlacky and Knockoneill

Members noted correspondence from Department of the Environment regarding 11 turbine wind farm at Corlacky Hill, 3km West of Swatragh, in the townlands of Corlacky and Knockoneill.

CONFIDENTIAL BUSINESS

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved That item P/106/15 be taken as confidential business.

P/107/15 Duration of Meeting

The meeting was called for 7.00pm and ended at 11.07 pm.

Chair _____

Date _____

B



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

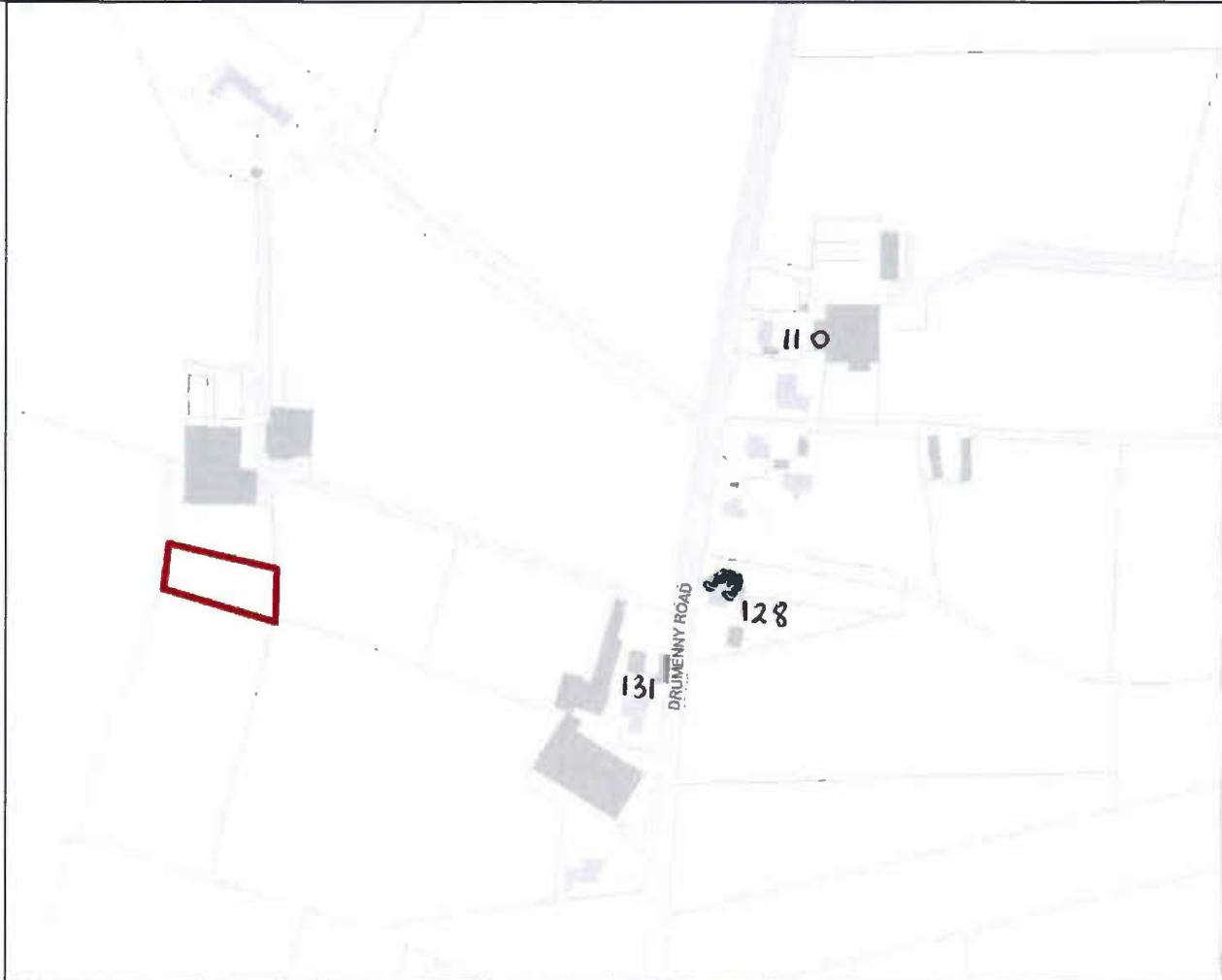
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: I/2013/0311/F	Target Date:
Proposal: Erection of 1 no lagerwey 50kw wind turbine - maximum height 32m - on a tubular mast	Location: 230.0m west of no 131 Drumenny Road Ardboe Dungannon BT71 5BD
Referral Route: Recommended for Refusal	
Recommendation:	Refusal
Applicant Name and Address: Kate Quinn 131 Drumenny Road Ardboe Dungannon BT71 5ED	Agent Name and Address: T.S. Architects 158 Ballinderry Bridge Road Cookstown
Executive Summary: The application had been previously presented as a refusal to Cookstown Council in Jan 2015 due to lack of information relating to noise. No further information has been submitted since this date, following numerous requests, so the impact on surrounding properties cannot be properly assessed. Environmental Health recommend approval is not granted until further information is received.	
Signature(s): <i>Emma McCullagh</i>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	National Air Traffic Services	No Objection
Non Statutory	Belfast International Airport	Substantive Response Received
Non Statutory	Env Health Cookstown District Council	Add Info Requested

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 Insufficient noise impact assessment submitted to fully consider the impact on residential properties nearby.	
Characteristics of the Site and Area The application site is 230m west of no. 139 Drumenny Road, Ardboe. The site of the wind turbine is in the corner of an agricultural field. The site is accessed via an existing concrete laneway. The site of the proposed turbine and access has been recently cleared and there are mounds of soil adjacent to the site. The site is set approx. 220m back from the road. The site is flat in topography and at the same level as the road. Views from the site are of surrounding agricultural and neighbouring agricultural sheds approximately 80m to the north of the site. There is a newly constructed 2 storey dwelling approximately 220m to the north of the site.	
Planning Assessment of Policy and Other Material Considerations Planning History I/2008/0533/F – Full planning permission was granted for the erection of a telescopic and collapsible – adjustable height wind turbine with wind – orientating propellers up to 100KW, maximum height 36.81m on lands 220m north west of no. 139 Drumenny Road, Ardboe, Dungannon, BT71 5BD on the 23rd March 2009. It was conditioned that the proposal be removed and the land restored to its former condition within 2 years from the date of the decision notice so to facilitate that applicant's business need and requirement to test the prototype for the wind turbine. I/2010/0520/F – Permission was sought for the removal of the above mentioned condition and permission was granted on 14th February 2011. This application was refused based on insufficient information relating to Noise. It was subsequently deferred and the agent advised the information would be forthcoming, Reminders were issued 04/02/15, 10/03/15, 02/07/2015 and 27/08/15, and no information has been submitted. Assessment 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 points; The publication Best Practise Guidance to PPS18 'Renewable Energy' was also taken into account in assessing this proposal. (a) Public safety, human health or residential amenity Under the issue of Safety, Paragraph 1.3.50 of PPS18 states that, the very few accidents that have occurred involving injuries to humans have been caused by failure to observe manufacturers and operators instructions. Paragraph 1.3.51 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 structures with no bolts, blade failure is therefore most unlikely. (b) Visual amenity and landscape character	

This planning application is for a single wind turbine. There is an existing wind turbine located 40m to the east. The proposed turbine is set 220m back from the roadside. The site is located within West Lough Neagh Shores Landscape Character Area which is of medium sensitivity. The proposed turbine has a maximum height of 32m including the propellers when at full height. The proposed turbine will be finished in grey steel. The surrounding landscape is relatively flat and as a result the existing turbine is not widely visible or prominent in the wider landscape.

(c) Biodiversity, nature conservation or built heritage interests.

No issues.

(d) Local natural resources, such as air quality.

No issues raised.

(e) Public access to the countryside

Access is existing and used by current turbine located to the east.

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; and
- (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 inclusion of a second turbine in relatively close proximity to the first will not in my view detract from the visual amenity of the area. These two turbines will read together from short to medium views along Drumenny Road. The turbine will also benefit from large scale agricultural sheds that will go some way to anchor the proposed development into the landscape.

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

N/A

- (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 and Belfast International Airport have no objections.

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

No part of the development will have an unacceptable impact on these issues.

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

Shadow flicker refers to the flickering effect caused when rotating wind turbine blades periodically cast shadows over neighbouring properties or observers. It can be experienced by

residents living near wind turbines when turning blades are between an angle of sunlight and a property. PPS18 sets out the principles for assessing shadow flicker.

In relation to ice throw, PPS18 states it is unlikely in most sites in NI and even where icing does occur the turbines own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.

Environmental Health requested a full noise impact assessment to take into account;

- determining a study area and identifying all potentially affected properties
- undertaking a background noise level measurement survey consisting of simultaneous measurement of background noise levels at representative properties, with wind speed and direction at the proposed turbine site
- analysing data to remove rain affected and atypical data, and derivation of noise limits for day-time and night across wind speeds up to 12 m/s
- prediction of the noise impact of the turbine (including the cumulative noise impact of any other existing or proposed wind energy developments) at noise sensitive property
- demonstration of compliance with the limits across the wind speed range.

A generic noise assessment was submitted by the applicant on 07/02/04, but EHO advised it did not constitute a satisfactory noise assessment for an application of this type.

On four separate occasions information was requested from the agent/applicant and nothing has been forthcoming.

Refuse as previously - The Council has insufficient information, as requested under The Planning (General Development) Order, in that a full acoustic technical assessment has not been provided to show nearby noise receptors will not be unduly affected by noise and disturbance. This proposal is therefore contrary to PPS21 and PPS18, RE1 as detailed in the report above.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal Reason

1. The proposal is contrary to PPS21 and consequently policy RE1 of Planning Policy Statement 18 Renewable Energy in that insufficient information has been provided to assess the noise impact of the turbine on residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	14th October 2013
Date First Advertised	23rd October 2013
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	21st October 2013
ES Requested	Yes /No
Planning History Ref ID: I/2008/0533/F Proposal: Erection of a telescopic & collapsible-adjustable height wind turbine with wind-orientating propellers up to 100kw, maximum height 36.81m Address: 220.0m north west of No 139 Drumenny Road, Ardboe, Dungannon. BT71 5BD Decision: Decision Date: 23.03.2009 Ref ID: I/2010/0520/F Proposal: Removal of condition 1 on planning approval I/2008/0533/F - (1 The proposal hereby permitted shall be removed and the land restored to its former condition within 2 years from the date of this decision notice) Address: 220m North West of no.139 Drumenny Road, Ardboe, Dungannon BT71 5BD Decision: Decision Date: 22.02.2011 Ref ID: I/2013/0311/F Proposal: Erection of 1 no lagerwey 50kw wind turbine - maximum height 32m - on a tubular mast Address: 230.0m west of no 131 Drumenny Road, Ardboe, Dungannon BT71 5BD, Decision: Decision Date:	

Summary of Consultee Responses
Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

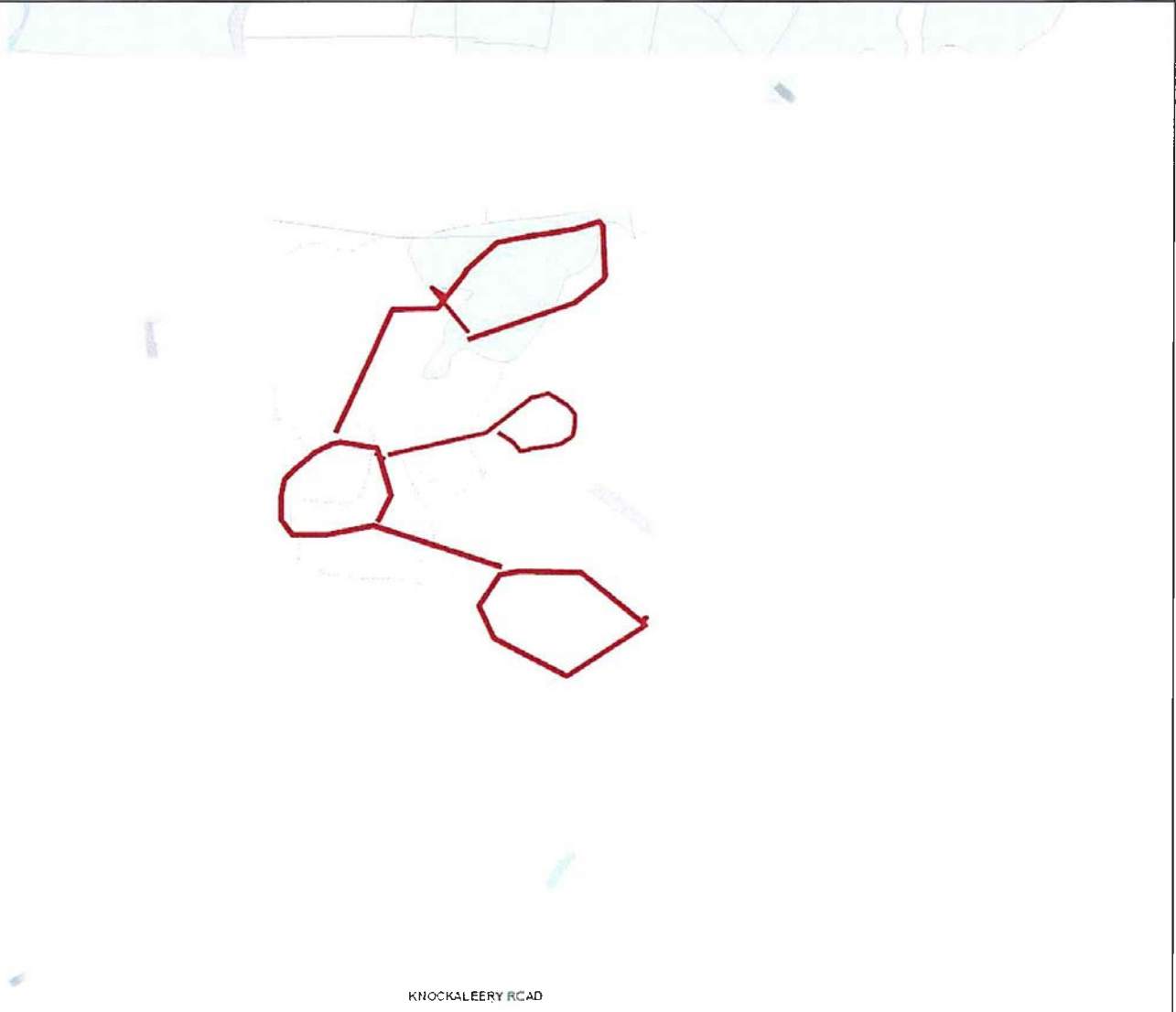
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: I/2013/0325/F	Target Date:
Proposal: Regularisation of existing washing plant site	Location: Magheraglass sand and gravel pit 270m north of 65 Knockaleery Road Knockaleery Magheraglass Cookstown
Referral Route: Major application	
Recommendation:	Approval
Applicant Name and Address: Cregagh Concrete Products Ltd Blackpark Road Toomebridge Antrim	Agent Name and Address: Quarryplan Ltd 10A Vale Road Crossgar Downpatrick BT30 9JN
Executive Summary:	
Signature(s): Emma McCullagh	

Case Officer Report

Site Location Plan



KNOCKALEERY ROAD

Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Cookstown District Council	Add Info Requested
Non Statutory	Industrial Pollution & Radio Chemical Inspectorate	Considered - No Comment Necessary
Non Statutory	Natural Heritage	Substantive Response Received
Non Statutory	Water Management Unit	Substantive Response Received
Non Statutory	Env Health Cookstown District Council	Add Info Requested
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received

Statutory	Environmental Health Mid Ulster Council	Content
Statutory	Environmental Health Mid Ulster Council	
Statutory	NI Transport - Enniskillen Office	Content
Statutory	Environmental Health Mid Ulster Council	
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 Application is for a regularisation of existing washing plant site - includes feed hopper, stocking conveyor crusher, rinsing screen, dewaterer, thickener, control cabin and water tank. Assessment was carried out against relevant MIN policies.		
Characteristics of the Site and Area The site is located at Magheraglass sand and gravel pit, 270m North of 65 Knockaleery Road, Cookstown. The site is approx 290m away from existing waterways and 3km upstream from Upper Ballinderry River SAC/ASSI.		
Planning Assessment of Policy and Other Material Considerations Assessment of Policy and Other Material Considerations ----- The Council must have regard to the Area Plan and any other material considerations. The Regional Development Strategy: Building a Better Future 2035 The Strategy makes reference to the regions natural resources within its aims, specifically; Support our towns, villages and rural communities to maximise their potential. Our rural areas including our towns and villages have a key role in supporting economic growth. They offer opportunities in terms of their potential for growth in new sectors, the provision of rural recreation and tourism, their attractiveness as places to invest, live and work, and their role as a reservoir of natural resources and highly valued landscapes.		
Consideration: The proposal is for the regularisation of an existing washing plant site. Cookstown Area Plan 2010 The Plan makes reference to Cookstown District providing a large volume of sand and gravel in a Northern Ireland context.		
Consideration: The plan makes specific reference to sand and gravel deposits and active mineral extraction in the Sperrin AONB, in this case the site is c4.7km NW of the AONB. and 3km from Upper		

Ballinderry River SAC/ASSI.

A Planning Strategy for Rural Northern Ireland

Policy MIN 1 Environmental Protection

To assess the need for the mineral resource against the need to protect and conserve the environment.

Consideration:

In considering this application the Department consulted several Government Departments within the Northern Ireland Environment Agency (NIEA), the competent authority, to assess the impact the proposed development will have on the natural and built environment.

In terms of environmental protection in the context of this proposal, the site, the application and its environmental impacts have been subject to rigorous scrutiny. Impacts the development may have on the local ecology, hydrology, hydrogeology and archaeology have been assessed and the comments sought from the relevant Department within NIEA.

With regards the ecology of the site, the Department would note that no significant trees or natural resources will be impacted on by the proposal. The site is approx 290m away to existing waterways and 3km upstream from Upper Ballinderry River SAC/ASSI. NIEA: NH carried out a test of likely significance on the potential impact of the proposal on the features of these sites and consider that provided all necessary permissions are obtained there should be no significant impact arising from this proposal. A restoration plan should be submitted within 6 months of commencing any restoration works and a condition to this effect will be attached to any approval.

The Department has sought comments from Water Management Unit, Geological Survey of Northern Ireland, Northern Ireland Water and Rivers agency regarding the water environment at the proposal site. The site is not located within a flood plain and the development is not expected to have an impact on the NI water infrastructure. Water Management Unit had no objection to the scheme provided the relevant statutory permissions are obtained and any mitigation measures are carried out.

NIEA: Industrial Pollution Inspectorate state the site is not subject to regulation by them as the process involves the extraction and processing of aggregated rather than crushing of hard rock. If the company should ever propose to crush hard rock then a PPC permit would be required.

Policy MIN 2 Visual Implication

To have regards to the visual implications of minerals extraction.

Consideration:

The washing plant is located within the permitted boundaries of the applicants 1981 approval for the extraction of sand and gravel. It is located within the footprint of this. The proposal will benefit from the existing landform and features created by the topography as such there are no direct views of the site from the public road due to the degree of separation between the road and the quarry. It is considered that the visual impact of the proposal will be minimal.

The site includes 3 lagoons which collect rain water.

Policy MIN 3 Areas of Constraint

To identify Areas of Constraint on Mineral Developments

Consideration:

The application does not lie within an Area of Constraint on Mineral Development.

Policy MIN 4 Valuable Minerals

Applications to exploit minerals with some uncommon or valuable property will be considered on their merits.

Consideration:

This application does not seek to exploit any valuable minerals.

Policy MIN 5 Mineral Reserves

Surface development which would prejudice future exploitation of valuable mineral reserves will not be permitted.

Consideration:

The surface development proposed in this planning application will not prejudice the future exploitation of mineral reserves.

Policy MIN 6 Safety and Amenity

To have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings.

Consideration:

The principal impact to residents from the proposed development is considered to be noise and dust generated from the physical extraction of materials, the processing of materials within the proposed plant and the loading and movement of HGVs.

Environmental Health have confirmed that no complaints have been received in respect of the operation of the plant. Further details have been requested and the agent has forwarded a NIA for their re-consideration. EHO replied on 06/09/15 and after consideration of the Noise Impact Assessment it is their view that in the context of this planning application it is expected that the levels to be experienced at the nearest noise sensitive receptor will not have an impact on the residents. They have conditioned plant and equipment operation hours to Monday-Friday 0700 - 19.00 and Saturday 07.00 - 15.00hrs.

Policy MIN 7 Traffic

To take account of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations.

Consideration:

Transport NI required amended drawings of the access with the public road, detailing the visibility splays and drainage accommodation at the access. These were provided and transport NI have no objections subject to conditions.

Policy MIN 8 Restoration

To require mineral workings to be restored at the earliest opportunity.

Consideration:

No restoration plans have been submitted with this submission. NIEA:NH should be reconsulted on any restoration plans to assess them within 6 months of commencing any restoration works and a condition detailing this will be attached to any approval.

Planning Policy Statements

PPS 1 General Principles

Planning Policy Statements set out the policies of the Department on particular aspects of land-

use planning and apply to the whole of Northern Ireland.

The PPS states that the key themes underlying the Department's approach to planning are sustainable development, mixed use, quality development and design.

Consideration:

The Department has taken account of the principles within this PPS and has determined that the proposal will adhere to these principles. The proposed development will support current onsite operations, assist local business and contribute to a working countryside.

PPS 2: Planning and Nature Conservation

This Planning Policy Statement describes the statutory framework that helps to protect designated areas, including those of international importance and advises on the treatment of nature conservation issues in development plans. The Department will strive to ensure the effective conservation of wildlife and natural features as important elements of a clean and healthy natural environment whilst making adequate provision for development and economic growth.

Consideration:

With regards the ecology of the site, the Department would note that no significant trees or natural resources will be impacted on by the proposal. The application does not affect AONBs, wetlands, coastal zones or nature reserves. The site is currently a mixture of a working sand and gravel quarry and agricultural land. Once operations have ceased the applicant has proposed returning the land to its agricultural state, this will be conditioned on any issuing decision notice. NIEA Natural Heritage has no objections regarding the proposal but require conditions to comply with Habitats Regulations.

PPS 3 Access, Movement and Parking

PPS 3 sets out matters pertaining to roads to be considered in determining a planning application. PPS 3 states that the potential impacts that a development may have on the efficiency of the public road network or on road safety is an important material consideration.

Consideration:

The application proposed the use of an existing unaltered access to the public road. Transport NI have no objection subject to conditions.

As such the proposed development will not adversely affect the safety and convenience of road users or the amenity of persons living on roads close to the proposal.

PPS 6 Planning, Archaeology and the Built Heritage

This Planning Policy Statement, PPS 6 Planning, Archaeology and the Built Heritage sets out the Department's planning policies for the protection and conservation of archaeological remains and features of the built heritage and advises on the treatment of these issues in development plans. It embodies the Government's commitment to sustainable development and environmental stewardship.

Consideration:

There are no known archaeological sites within the proposed development area.

PPS 21 Sustainable Development in the Countryside

PPS 21 sets out planning policies for development in the countryside. For the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in development plans. The provisions of this document will apply to all areas of Northern Ireland's countryside.

Consideration:

Policy CTY1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY specifically makes reference to minerals development, advising that minerals development must be considered in accordance with the MIN Policies of PSRNI. The proposal is not contrary to any of the MIN Policies contained within PSRNI and as such complies with Policy. Approval is recommended.

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

Policy considerations have been met and relevant conditions are to be applied.

Conditions

1. A restoration plan shall be submitted to Council prior to any restoration works commencing on site within 6 months of this decision notice. The restoration plan shall be agreed in writing by Council prior to any restoration works commencing on site.

Reason: to minimise the impact of restoration works on Upper Balinderry River SAC/ASSI and to compensate for loss of biodiversity on site

2. Plant and equipment shall not operate outside the hours of:

Monday-Friday: 07:00hrs - 19:00hrs

Saturday: 07:00hrs - 15:00hrs

Reason: To protect the amenity of nearby properties.

3. The vehicular access, including visibility splays of 2.4m x 70m in both directions, shall be in place in accordance with Drawing No. 05 bearing the date stamp 18th May 2015 for 3 months of the date of this approval.

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 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 alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

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

3. The applicant's attention is drawn to the fact that the site is linked to the boundary of name of Upper Balinderry SAC/ASSI and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

The applicant is informed that it is an offence under Article 7 of the Water (Northern Ireland) Order 1999 (as amended) to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata. The penalty if found guilty of an offence under this Article can be imprisonment for a term not exceeding 2 years or a fine or both.

For further information on pollution prevention please contact Northern Ireland Environment Agency, Water Management Unit (Telephone: 028 9262 3100).

The applicant's attention is drawn to the Water (Northern Ireland) Order 1999 (as amended), which states that the consent of the Department of the Environment is required to discharge any trade or sewage effluent or any other potentially polluting matter (including site drainage liable to contamination) from commercial, industrial or domestic premises to waterways or underground strata.

For further information please contact Northern Ireland Environment Agency, Water Management Unit (Telephone: 028 9262 3100).

4. 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 transportni 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 DRD transportni drainage system.

Signature(s)

Date:

ANNEX	
Date Valid	29th October 2013
Date First Advertised	2nd December 2013
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/1980/0282 Proposal: EXTRACTION OF SAND AND STONE Address: KNOCKALEERY, COOKSTOWN Decision: Decision Date: Ref ID: I/2013/0325/F Proposal: Regularisation of existing washing plant site Address: Magheraglass sand and gravel pit, 270m north of 65 Knockaleery Road, Knockaleery, Magheraglass, Cookstown, BT80 9EJ, Decision: Decision Date: Ref ID: Proposal: Regularisation of existing washing plant site Address: Magheraglass sand and gravel pit 270m north of 65 Knockaleery Road Knockaleery Magheraglass Cookstown BT80 9EJ Decision:	

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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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/2013/0430/F	Target Date: January 2014
Proposal: Change of use from existing dwelling to 4 no. apartments	Location: 10 and 10a Circular Road Dungannon
Referral Route: Objections received and application recommended for refusal.	
Recommendation:	Refuse
Applicant Name and Address: Mr Robert Carson 9 Old Caulfield Road Dungannon BT70 3NE	Agent Name and Address: Manor Architects Ltd Stable Buildings 30a High Street Money more BT45 7PD
Executive Summary:	
Signature(s): P. Marrion	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Protecting Historic Monuments	Substantive Response Received
Non Statutory	Protecting Historic Buildings	Substantive Response Received
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	No Objection
Non Statutory	NI Water - Multi Units West - Planning Consultations	No Objection

Representations:

Letters of Support	None Received
Letters of Objection	54
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Application previously brought before Dungannon District Council with an opinion to refuse and

an opinion to approve.

Whether or not there were ever 2 houses here

Loss of Amenity due to overlooking

Intensification of Use of substandard access

Lack of adequate car parking provision and location of parking in front garden

Land ownership issues

Access during construction

Change in Character of the Conservation Area by allowing apartments

Design of extension will affect the character of the conservation area

Public Health concerns in relation to vermin

Loss of privacy by opening up access at the rear

Characteristics of the Site and Area

This application relates to a 2 storey dwelling inside Northland Row Conservation Area. It is at the end of a terrace of 4 properties and has 2 extensions to the rear, one is 3 storey which extends back 21 metres and has a single storey part at the very rear, the other extends back 5 metres at the side of the entry. There is a large garden to the rear that has a boundary with Castle Hill and a small front garden with railings around it. The front part of the dwelling is occupied with the applicant stating this is an established house in multiple occupation. The rear extension is claimed as a separate dwelling and is not currently used. There is a block of 3 terraced properties on the opposite side of a narrow entry. The entry accesses off Circular Road and services the rear of 4 of the properties.

The immediate area is a mix of housing and other uses, specifically Dungannon Leisure Centre, St Patricks RC Church and car park, the Council Offices and South Tyrone Regional College.

Planning Assessment of Policy and Other Material Considerations

The proposal is for a change of use from a dwelling to 4 no apartments and includes partial demolition and reconstruction of the rear extension as well as refurbishments to the building including the removal of all pvc windows and replacement with hardwood sliding sash windows. The existing front door and fan light are to be repaired and painted. Finishes appropriate to the Conservation Area have been provided and can be conditioned in accordance with the requirements of the Conservation Area Design Guide. The proposal also includes provision of 4 car parking spaces to the rear of the property, this will involve excavation of part of the garden to provide 2 car parking spaces and widen the access to the adjoining property. The proposed development is contained within Northland Conservation Area where the demolition of a building requires Conservation Area Consent. Case Law in *Shimizu UK Ltd v Westminster City Council* set out that Conservation Area Consent is not required for partial demolition of an unlisted building in a conservation area. The local residents have all had sight of the proposal and are well aware of what the proposed scheme relates to. There is no prejudice to anyone by not

referring to the partial demolition and rebuilding in the description.

Dungannon & South Tyrone Area Plan

The site is located inside a Protected Housing Zone within Dungannon Town Centre where Policy HOUS2 is supportive of this proposal as it will remain as a residential use.

As the site lies within the Conservation Area and close to Castle Hill, a recognised Historic Monument, I sought advice from NIEA and they have provided advice in relation to policies contained in Planning Policy Statement 6. As the car parking area to the front of the building has been removed and it is proposed to finish the building externally with appropriate materials there is no concern from them about the proposal. As there may be below ground remains it is appropriate, if permission is granted, to attach a condition to ensure any works are supervised in the event of any historic remains being discovered.

The addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas and Planning Policy Statement 7 Quality Residential Environs sets out the main planning considerations for this type of development. Generally housing schemes should reflect the character of development around it, in terms of height of buildings, density and type of residential use. However due to the location of this site within the town centre and its location on the arterial route, planning policy encourages and is supportive of higher density development and as such I do not consider apartments could be refused in principle.

Members are advised this is an established residential area within a conservation area, where planning policy usually resists intensification of the use of a site. There are exceptions to that policy which I consider this proposal meets. These exceptions relate to the appropriateness of the extension and the sympathetic conversion of a larger dwelling. The proposed development is to partially replace the existing large rear extension with an extension that is of a similar appearance in terms of its height and mass, but 4 metres longer. There will be no significant change to the appearance of the extension and it is in keeping and in scale with the existing dwelling. The development involves conversion of a large, approx 400 sqm dwelling and whether or not this is a sympathetic conversion is subjective. The conversion proposes the re-instatement of wooden sliding sash windows and repair and repainting of the front door and distinctive fan light. This will enhance the appearance of this part of the Conservation Area and can be appropriately conditioned to ensure the works are carried out and permanently maintained. If planning permission was granted for the apartments, they would not have Permitted Development Rights to remove/replace the windows without the Council's consent. A landscaping plan and maintenance scheme can be conditioned and agreed that will ensure the garden areas, which are extensive to the rear of the property and in full public view at the front, are maintained to a high standard.

Planning policy is not supportive of apartments that are located wholly to the rear of buildings and without access to the street. In this case 2 of the proposed apartments are located wholly to the rear, the reason for the policy appears to come from guidance documents that such units should have a pleasant outlook and natural light. Due to the orientation of this building, with south and east facing windows in the rear there will be adequate natural light in the upper apartment at the rear, which will also have an outlook into the rear garden. I consider is within the spirit of the guidance. The lower apartment does not have a pleasant outlook as it will have opaque glazing into the rear yard area for no 8 and it looks into the car-parking area and entry. While it does not have a pleasant outlook, it will fulfil a very valuable role in providing passive

surveillance of the car parking area and the access to the apartments. I consider this outweighs the lack of outlook and any resident will be aware of the outlook before they occupy the apartment.

Members are advised there is a general need to consider a number of impacts on residential amenity of existing properties and other possible sources of nuisance from this scheme. The extension is of a similar height to the existing and will therefore have no significant impact on overshadowing or loss of light. There are existing and proposed windows in the side elevation facing into the rear yard for No 8 and into the right of way. Where these are habitable rooms, such as kitchens/dining and living areas and could cause overlooking then I consider if planning permission were to be granted it is appropriate to mitigate against overlooking. This can be done by attaching conditions that these windows are either non opening or restricted opening and fitted with opaque glazing. Noise from residential development should not be any greater than associated with any other residential property and I do not consider this would be a justifiable reason to refuse planning permission. The proposal incorporates a bin store and it is in the interests of the residents of the development to establish a bin strategy to prevent issues or vermin that resident's complaint of at the site. Access to the site and the surrounding area during the construction phase are issues that could arise due to normal maintenance for the property and it is a matter of courtesy for the developer to involve other affected parties in reaching agreement on this.

In light of all of the above I consider this will be a sympathetic conversion of the larger dwelling and the proposed extension is appropriate.

Local residents have raised concerns that the parking spaces encroach on a right of way, will not be adequate for the development which will result in the right of way being blocked and will intensify the use of an unsafe access. Planning guidance sets out standards for car parking provisions in relation to all types of development and if the standards were applied strictly in this case, there would be a need for 7 car parking spaces. These standards can be reduced in this case due to its town centre location and proximity to the main arterial route. It is reasonable to require 1 parking space per unit to be provided. The proposal provides 4 car parking spaces as well as bicycle parking facilities to encourage other modes of transport and I consider 4 parking spaces is reasonable. It is debatable if 2 of the car parking spaces being provided encroach onto the right of way, plans submitted indicate all the spaces are within the existing built area. I would like members to note that the proposal will increase the size of the right of way by enlarging the carriageway under the building that leads into the neighbouring private yard of No 8. Concerns have been raised that this will open up the rear private yard to public views, I consider public views are limited due to the location of the yard behind the building line where it is reasonable to expect there would be no significant public access. There is also the opportunity to provide a gate up to 2 metres in height, without the need for planning permission to screen the area.

Roads engineers have raised concerns about the safety of the access to accommodate this development and this relates to policies contained in Planning Policy Statement 3 – Access, Movement and Parking. Due to the amount of traffic on Circular Road, the roads engineer has asked for visibility standards of 2.0m by 60.0m and I consider is appropriate due to the amount of traffic and the speed of traffic on the road. The width of the access is also substandard as there is a need to allow 2 vehicles to pass to ensure vehicles are not reversing out onto the road or waiting on the road and restricting the movement of traffic on this main arterial route. Planning Policy allows substandard access to be used if it can be proven there is no intensification of the use of the access. The agent has said this is 2 dwellings and one of these operates as a House of Multiple Occupation (HMO). Residents have stated there are only one dwelling here and that the property has not been established as a HMO. I have considered the following information: that there are 2 electricity meters, a Land and Property Service bill for 10A as a

vacant dwelling and a letter dated 5 December 2008 from NIHE stating they were aware the property was operating as a HMO. In considering the scheme I also visited the site with Mr Carson on 7 March 2013 and acknowledged the front part of the house appeared to be being used as a HMO on that date. However no documentation has been provided to demonstrate that it was being used as a HMO on a continual basis for 5 year before that date or since and that it is established. The rear return is not currently used and is in a poor state of repair internally with exposed walls, ceilings removed in some rooms and missing treads in some staircases. It was obvious this is independently accessible from the rear garden and the internal rear courtyard. It has a permanent separation by a concrete block wall at first floor level, however there is a lockable door within the frame in the rear return behind the block wall and I conclude it was not always separate. There are electrical points and lights in the ground and first floor and fireplaces in 4 rooms. This rear building has been used for residential purposes, though it is not obvious if this was independent to or in connection with the main dwelling. The Post Office Database and Land and Property Service do not have any records of No10A Circular Road. I do not consider there were 2 dwellings here or that one is an established HMO and as such I would consider it reasonable to conclude there will be an intensification of the use of the access. It is acknowledged by all parties that the access is substandard and as such I consider if planning permission was granted for this development it would adversely impact on road safety and convenience of road users.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is refused for the attached reason.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of (2.0 metres x 60.0 metres) from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.

Signature(s)

Date:

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ANNEX	
Date Valid	27th September 2013
Date First Advertised	16th October 2013
Date Last Advertised	11th March 2015
Details of Neighbour Notification (all addresses) Edwin and Janet Brennan 'Edgehill', 18 Circular Road, Dungannon Ben Robinson 12 Circular Road Drumcoo Dungannon T A & J Patterson 14 Circular Road Drumcoo Dungannon R & C Banks 16 Circular Road Drumcoo Dungannon E Brennan 18 Circular Road Drumcoo Dungannon Paul McGlone 2 Circular Road Drumcoo Dungannon Dabhedc Shields 20 Circular Road Drumcoo Dungannon The Occupier 22 Circular Road Drumcoo Dungannon Donaghy 22A Circular Road Drumcoo Dungannon The Owner/Occupier, 24 Circular Road Drumcoo Dungannon Conor Mallon 26 Circular Road Drumcoo Dungannon Ronan Murphy 28 Circular Road Drumcoo Dungannon AP Murphy 30 Circular Road Drumcoo Dungannon SallyAnn Dickie 32A Circular Road, Dungannon, BT71 6BE SallyAnn Dickie 36 Circular Road Killylack Glebe Dungannon Column Curry 4 Circular Road Drumcoo Dungannon The Occupiers 42 Circular Road Drumcoo Dungannon Mel Hughes 52 Mullaghmore Road Mullaghmore Dungannon Seamus White 6 Circular Road Drumcoo Dungannon Brendan Hughes	

62 Ballygawley Road Killymaddy (Knox) Dungannon
 Fergal McCluskey
 67 Killeaton Crescent Derryaghy Dunmurry
 Fidelma and Cathal McCluskey
 8 Circular Road Drumcoo Dungannon
 Fidelma McCluskey
 8 Circular Road, Dungannon, Tyrone, Northern Ireland, BT71 6BE
 Ann Robinson
 81 Waterloo Road Taghnabrick Lisburn
 of Circular Road Dungannon
 Circular Road, Dungannon, BT71 6BE
 The Owner/Occupier,
 Dungannon Leisure Centre, Circular Road, Dungannon, Tyrone, BT71 6BE
 Arnie Patterson
 arnie.patterson@hotmail.co.uk

Date of Last Neighbour Notification	27th February 2015
Date of EIA Determination	Not applicable
ES Requested	N/A

Planning History

Ref ID: M/2009/0529/F

Proposal: Redevelopment of existing open land to provide new landscaped publicly accessible gardens and interpretive facilities for the Knox Hannington Towers/O' Neill Castle Site

Address: Lands at Castle Hill Castle Hill Dungannon, BT70 1JP

Decision:

Decision Date: 16.09.2009

Ref ID: M/2006/1830/O

Proposal: Erection of new dwelling

Address: Site for dwelling to the rear garden of 10 Circular Road, Dungannon

Decision:

Decision Date: 22.10.2007

Ref ID: I/1996/4031

Proposal: Renovations to Dwelling

Address: 8 CIRCULAR ROAD DUNGANNON

Decision:

Decision Date:

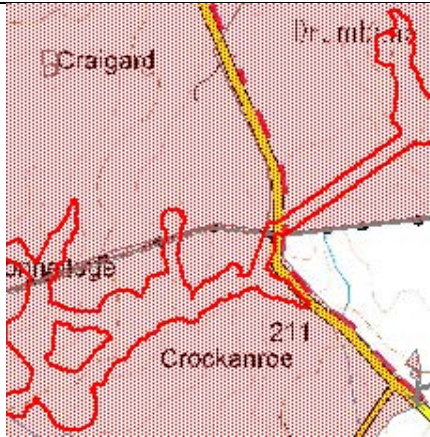
Protecting Historic Monuments – attach conditions to monitor
Protecting Historic Buildings – request amendments
NI Transport - Enniskillen Office – recommend refusal
Env Health Dungannon and South Tyrone Borough Council – no objections
NI Water - Multi Units West - Planning Consultations – no objections

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2014/0241/F	Target Date:
Proposal: Proposed extension to the approved Brockaghboy Windfarm (Ref: C/2007/1186/F) comprising 4 wind turbines, up to a maximum of 125m base to blade tip height (up to 80m hub height and up to 93m blade diameter) associated transformers, a permanent anemometer mast, construction of new site access tracks, gates, substation and site control room, electrical cabling, a temporary site compound, a new site entrance, road improvement works at the site entrance, and all other associated ancillary works.	Location: Land approximately 1.76km south of Dowlings Bridge Drumbane Road Garvagh Coleraine Co Londonderry
Referral Route: The application will generate up to 12 MW of energy and is a Major application.	
Recommendation:	Approve
Applicant Name and Address: Brockaghboy 2 Windfarm Ltd c/o TCI Renewables Ltd The Old Throne Hospital 244 Whitewell Road Belfast BT36 7EN	Agent Name and Address: TCI Renewables Ltd The Old Throne Hospital 244 Whitewell Road Belfast BT36 7EN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Council For Nature Conservation And The Countryside	No Objection
Non Statutory	Natural Heritage	Substantive Response Received
Non Statutory	Lonmin (Northern Ireland) Ltd	No Objection
Non Statutory	Magherafelt District Council	Substantive Response Received
Non Statutory	Coleraine Borough Council	No Objection
Non Statutory	Arqiva Services Limited	No Objection
Non Statutory	Belfast International Airport	No Objection
Non Statutory	City of Derry Airport	No Objection
Non Statutory	Cable And Wireless Worldwide PLC	Considered - No Comment Necessary
Non Statutory	Vodafone (Cable And Wireless)	Issues to be addressed in future ES
Non Statutory	DARDNI - Countryside Management Branch	Substantive Response Received
Non Statutory	DARDNI - Forestry Division	Substantive Response Received
Non Statutory	DARDNI - Fisheries Division	No Objection
Non Statutory	DCAL- Inland Fisheries Group	Substantive Response Received
Non Statutory	Env Services Coleraine Borough Council	Add Info Requested

Non Statutory	Env Health Magherafelt District Council	Add Info Requested
Non Statutory	Foyle Carlingford & Irish Lights Commission	Consulted in Error
Non Statutory	Royal Society for the Protection of Birds - Headquarters	Substantive Response Received
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	Everything Everywhere Limited	No Objection
Non Statutory	N.I Water - Windfarms	No Objection
Non Statutory	NIE - Windfarm Developments	Substantive Response Received
Non Statutory	P.S.N.I. Information And Communications Services	Substantive Response Received
Non Statutory	National Air Traffic Services	No Objection
Non Statutory	Northern Ireland Tourist Board	Substantive Response Received
Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	UK Crown Bodies - D.I.O. LMS	No Objection
Non Statutory	NI Transport - Omagh Office	Add Info Requested
Non Statutory	CAA - Directorate of Airspace Policy	Considered - No Comment Necessary
Non Statutory	Protecting Historic Buildings	Substantive Response Received
Non Statutory	Protecting Historic Monuments	Substantive Response Received
Non Statutory	Water Management Unit	Substantive Response Received
Non Statutory	DETI Energy Branch	Considered - No Comment Necessary
Non Statutory	DETI - Geological Survey (NI)	Issues to be addressed in future ES
Non Statutory	Landscape Architects Branch	Substantive Response Received
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environ Health Causeway Coast Glens DC	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 Visual impact and visual impact on listed buildings,	
Characteristics of the Site and Area The proposed development lands are located to the west of Dowlins Bridge, on the Drumbane Road, approximately 7.5km south of Garvagh, some 800m inside the NE corner of the Sperrins AONB. The proposed windfarm extension will be on either side of the Drumbane Road, with 3 turbines to the west of Drumbane Road and 1 turbine to the east of Drumbane road. The proposed extension is immediately adjacent to the approved windfarm development at Brockaghboy (planning reference C/2007/1186/F). The Brockaghboy windfarm was approved for 15 wind turbines at a height of 125m. Mid Ulster Council are assessing the application as 3 of the 4 turbines are proposed in the Mid Ulster Council area and 1 is proposed in the Causeway Coast and Glens area. The underlying bedrock is mainly Lower Basalt to the east with psammite and smipelite to the west with some igneous intrusions. Superficial geology includes peat, with a high amount of glacial till. Parts of the site have been highly modified by drainage, burning and historical peat cutting. The open habitats extend beyond the western and northern boundaries of the property. The site lies at an average height of 300m above sea level and is somewhat undulating in character. The site is bisected by the Drumbane Road running north-west from Swatragh.	
Planning Assessment of Policy and Other Material Considerations Policy context Magherafelt Area Plan 2015 Regional Development Strategy NI 2025 PPS 1 - General Principles PPS 2 - Planning and Nature Conservation PPS 3 - Access, Movement and Parking PPS 6 - Planning, Archaeology and the Built Heritage PPS 18 - Renewable Energy (Best Practice Guide) Supplementary Planning Guidance - Wind Energy Development in NI's Landscapes A Planning Strategy for Rural NI The application site is located in the Sperrins AONB as identified in the Magherafelt Area Plan. The Regional Development Strategy (RDS) sets out the future development for NI to 2035. It is recognised in the RDS that energy supply is one of the main contributors to greenhouse gas emissions with climate change being widely accepted as a major environmental threat with increases to annual rainfall and average temperatures potentially impacting on species and habitats. Of the 8 aims of the RDS taking actions to reduce our carbon footprint and facilitating adaptation to climate change is most relevant to this planning application.	

RG 5 of the RDS seeks to deliver a sustainable and secure energy supply. It requires decision makers to balance the impacts against the benefits from a secure renewable energy stream and the potential for cleaner air and energy for industry and transportation. RG 5 goes on to state there is a need to increase the contribution that renewable energy can make to the overall energy mix and as such there will need to be a significant increase in all types of renewable electricity installations to meet the Region's needs.

It is acknowledged in the RDS that by improving the quality of the environment this can make an important contribution towards achieving a better quality of life. Furthermore significant progress towards more sustainable settlements and the conservation and protection of our built and natural heritage cannot be achieved without a change in attitudes and lifestyles of individuals.

RG 9 of the RDS seeks to reduce our carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality. An increase in the use of renewable energies is one means of mitigation. The Strategic Energy Framework for NI 2010 sets a target of 40% of electricity consumption from renewable sources by 2020. This will therefore require increasing numbers of renewable electricity installations which must be appropriately sited to minimise their environmental impact.

Planning Policy Statement 1 explains that the central concerns of the planning system are to determine what kind of development is appropriate, where it should be located and how it appears in the landscape. Paragraph 11 of PPS 1 defines sustainable development as per the World Commission on Environment and Development 1987 as "development that meets the needs of the present with compromising the ability of future generations to meet their own needs".

Planning Policy Statement 18 - Renewable Energy sets out the planning policy for development that generates energy from renewable resources. Policy RE 1 "Renewable Energy Development" states that development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

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

Applications for wind energy development will also 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;
- (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;
- (iii) That the development will not create a significant risk of landslide or bog burst;
- (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 telecommunications systems;
- (v) That no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (vi) That the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
- (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.

For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500, will generally apply.

Supplementary Planning Guidance 'Wind Energy Development in NI's Landscapes' will be taken into account in assessing all wind turbine proposals. The application site is located in Glenshane Slopes Landscape Character Area (LCA 39) which is identified as an upland area on the east facing slopes north and south of the Glenshane Pass to be of high sensitivity to wind energy development. The planning application for the first phase of Brockaghboy Windfarm was originally for 20 wind turbines. However 5 of these were subsequently removed from the most westerly portion of the site as they were on the highest and most prominent ground and were considered to be the most exposed slopes and ridgelines of the LCA. This current application for an additional 4 wind turbines has avoided the highest and most prominent ground, and when considering the extant approval I do not consider the development to have an adverse impact on the integrity of the Sperrins AONB.

For windfarm developments a separation distance of 10 times the rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply. In this case the nearest property to T21 is No 9 Laragh Lane, Swatragh which is a separation distance of some 600m. I have not revisited the impact of the approved 15 wind turbines on residential properties, this was done under the previous planning application. Whilst the dwelling is less than 10 rotor diameter it is considered acceptable as it is greater than 500m from T21 and therefore it is my opinion that this achieves the minimum separation distance as set out by Policy RE 1 of PPS 18. Under the current application turbine T21 is undoubtedly closer to No 9 Laragh Lane than any of the previously approved turbines but I do not consider the visual impact of this turbine to be so significant as to merit a refusal of the planning application.

Planning Policy Statement 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. For the purposes of PPS 2 natural heritage is defined as "the diversity of our habitats, species, landscapes and earth science features". Policy NH 6 - Areas of Outstanding Natural Beauty deals with proposals for new development within an AONB. This policy requires development proposals in AONB's to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. This application is for an additional 4 wind turbines following planning approval for a wind farm comprising 15 wind turbines. As stated earlier the site lies within the Sperrins AONB.

The proposed site is adjacent to the Carn/Glenshane Special Area of Conservation (SAC). A consultation was carried out with NIEA and they undertook a Habitats Regulations Assessment (HRA) Stage 1: Test of Likely Significance (Screening), which concluded there will be no likely significant effects on the SAC. The proposed development site is an upland area of rough grazing land, and the habitat is predominantly a mosaic of wet heath, poor acid grassland and marshy grassland with small patches of degraded non-active blanket bog. Large parts of the site have been highly modified by drainage, burning and historical peat cutting. It is acknowledged by NIEA that the proposed wind farm layout has been designed to avoid areas of environmental sensitivity, including priority habitats and buffer zones along watercourses. However, areas of NI priority habitat (non-active Blanket Bog and Upland Heath) will be impacted by the works, both directly and indirectly. Policy NH 5 of PPS 2 - Habitats, Species or Features of Natural Heritage Importance states that where a development proposal is likely to result in an impact on, or damage to, habitats, species or features that appropriate mitigation measures will be required. NIEA have advised that those identified habitats are Annex 1 European priority habitat under the Habitats Directive, therefore mitigation in the form of an adequate habitat management plan will be required. NIEA have recommended a number of conditions that should be included should the application be approved so as to ensure compliance with PPS 2 and the Habitats Regulations.

Planning Policy Statement 3 - Access, Movement and Parking (Revised) falls to be considered for this application. Transport NI have assessed the drawings submitted during the course of the planning application. Transport NI have suggested conditions that should be included should the application be approved. These cover the following areas:

- Wheel washing facilities must be installed before the development becomes operational;
- The provision of intervisible passing bays and the works necessary for the improvement of the public road must be approved prior to the commencement of development;
- A condition survey of all haul routes and a DVD detailing the condition of the existing public roads being considered as haul routes must be completed prior to commencement;
- Daily inspections of all haul routes must be carried out and the information submitted to Transport NI on a weekly basis;
- The submission of all details and an agreement with Transport NI for the transporting of the turbines from Lisahally Port to the site.

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage. Consultation was carried out with both Historic Monuments Unit and Historic Buildings Unit in NIEA. Historic Monuments Unit have pointed out that the proposed wind farm extension is located in an archaeologically sensitive location with a number of State Care and Scheduled monuments situated in the surrounding local area. It is the opinion of Historic Monuments Unit that the approval of the 15 wind turbines created a significant adverse impact upon the surrounding archaeological assets. Mitigation has been offered by the developer which is very similar to that proposed for the existing approval and they welcome this as a positive offer. Historic Monuments Unit have recommended a number of conditions to be included should planning permission be granted in light of the planning history of this site.

Historic Buildings Unit identified that the wind farm is likely to have a significant impact on the setting of Listed Buildings within 6km of the proposed development. Policy BH 11 "Development affecting the Setting of a Listed Building" states that development will not normally be permitted which would adversely affect the setting of a listed building. Such proposals require very careful consideration and even development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting. In terms of the current application I have very carefully considered the setting of all the listed buildings which will be intervisible with the proposed windfarm including those specifically mentioned by Historic Buildings Unit which includes 40 Glen Road Brockaghboy (no additional impact); St Joseph's Church, Brockaghboy (no additional impact); and 36 Glen Road, Brockaghboy (no additional impact). It is my opinion that from these listed buildings the impact of a further 4 wind turbines will not be any greater than what has been approved. The additional turbines do not stretch out beyond the furthestmost turbines approved and will appear as part of the group of turbines from these viewpoints.

Planning Policy Statement 21 - Sustainable Development in the Countryside, Policy CTY 1 "Development in the Countryside" states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of those listed are renewable projects in accordance with PPS 18 and the policy requirements of PPS 18 have been addressed previously in this report.

There have been no objections received to the application.

By way of further information on the community fund the applicant TCI Renewables will work with an appointed fund manager such as the Community Foundation for Northern Ireland who will oversee and administer such a fund once the wind farm becomes operational. The proposal is for £1500 per MW

installed to be paid annually into a community fund for the lifetime of the wind farm, which for the Brockaghboy extension would equate presently to £18,000 per annum (4 x 3MW turbines x £1500 per MW). For your reference the adjacent approved Brockaghboy wind farm community fund would currently equate to £67,500 (15 x 3MW turbines x £15000). With these two funds pooled together there would be £85,500 available annually in the community fund which is a substantial sum. As the wind farms at Brockaghboy cross the council boundaries between Mid-Ulster and the Causeway Coast and Glens it would be the current intention of TCI Renewables in association with the appointed fund manager to open applications to the fund from residents who live within a 10km radius of the proposals which will ensure that people who reside in both Council areas can make application to the fund.

It is my recommendation that this application be approved subject to the conditions which follow.

Neighbour Notification Checked

Yes

Summary of Recommendation:

As outlined above all material planning considerations have been considered in this report, together with consultation responses. There are no objections to the application. An approval is recommended,

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. No development should take place until details of the model of the turbine to be installed, its noise specification, colour and finish, have been submitted to and approved in writing by the Department.

Reason: To ensure that wind turbines with excessive sound power levels are not installed.

3. The developer shall notify the Department in writing of the date of commencement of works on site and of the date when the turbines have become fully operational.

Reason: To ensure compliance with appropriate conditions.

4. The level of noise immissions from the combined effects of the permitted wind turbines (including the application of any Tonal Penalty when calculated in accordance with the procedures described on pages 104-109 of ETSU-R-97 and any Amplitude Modulation penalty when calculated in accordance with the procedures described in condition 10) shall not exceed values set out in Table 1. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in Table 1 shall be represented by the physically closest location listed in Table 1 unless otherwise agreed by Mid Ulster District Council.

Table 1: Permitted Wind Farm Noise Limits dB La90

Property	Standardised wind speed at 10m height (m/s) within the site averaged over 10 minute periods									
	4	5	6	7	8	9	10	11	12	

Consented property Drumbane Road Grid reference: 282733:409483	26.4	29.4	32.7	34.6	35.5	35.4	34.1	33.7	33.8
9 Laragh Lane Grid Reference: 283132:410220	29.1	32.1	35.4	37.3	38.2	38.1	36.8	36.4	36.5
19 Drumbane Road Grid Reference: 281475:411325	22.7	25.7	29.0	30.9	31.8	31.7	30.4	30.0	30.1
12 Drumbane Road Grid Reference 280733:411947	17.9	20.9	24.2	26.1	27.0	26.9	25.6	25.2	25.3
6 Knockaneill Road Grid Reference 282041:408726:	26.5	29.5	32.8	34.7	35.6	35.5	34.2	33.8	33.9
20 Drumbane Road Grid Reference 281965:411238	24.5	27.5	30.8	32.7	33.6	33.5	32.2	31.8	31.9
Glen Road Grid Reference 278769:410838	15.6	18.6	21.9	23.8	24.7	24.6	23.3	22.9	23.0
Knockoneill Road Grid Reference 280964:408519	26.5	29.5	32.8	34.7	35.6	35.5	34.2	33.8	33.9

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

5. The level of noise immissions from the combined effects of the permitted wind turbines and Brockaghboy Wind Farm C/2007/1186/F (including the application of any Tonal Penalty when calculated in accordance with the procedures described on pages 104-109 of ETSU-R-97 and any Amplitude Modulation penalty when calculated in accordance with the procedures described in condition 10) shall not exceed values set out in Table 2. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in Table 2 shall be represented by the physically closest location listed in Table 1 unless otherwise agreed by Mid Ulster District Council.

Table 2: Permitted Wind Farm Noise Limits dB La90

Property	Standardised wind speed at 10m height (m/s) within the site averaged over 10 minute periods
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	4	5	6	7	8	9	10	11	12
Consented property Drumbane Road Grid reference: 282733:409483	30.9	33.9	37.2	39.1	40.0	39.9	38.6	38.2	38.3
9 Laragh Lane Grid Reference: 283132:410220	32.5	35.5	38.8	40.7	41.6	41.5	40.2	39.8	39.9
19 Drumbane Road Grid Reference: 281475:411325	34.4	37.4	40.7	42.6	43.5	43.4	42.1	41.7	41.8
12 Drumbane Road Grid Reference 280733:411947	29.3	32.3	35.6	37.5	38.4	38.3	37.0	36.6	36.7
6 Knockaneill Road Grid Reference 282041:408726:	29.7	32.7	36.0	37.9	38.8	38.7	37.4	37.0	37.1
20 Drumbane Road Grid Reference 281965:411238	34.7	37.7	41.0	42.9	43.8	43.7	42.4	42.0	42.1
Glen Road Grid Reference 278769:410838	25.4	28.4	31.7	33.6	34.5	34.4	33.1	32.7	32.8
Knockoneill Road Grid Reference 280964:408519	29.6	32.6	35.9	37.8	38.7	38.6	37.3	36.9	37.0

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

6. Within 6 months of the development first becoming fully operational (unless otherwise extended with Causeway Coast and Glens Borough Council) the wind farm operator shall at his/her expense employ a suitable qualified and competent person to undertake a noise survey to assess the level of noise immissions from the wind farm. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all turbines operating across the range of wind speeds referred to in Conditions 4 and 5 and covering a range of wind directions. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing. Causeway Coast and Glens Borough Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise survey.

Reason: To assess compliance with noise immission limits as required by Conditions No 4 and 5.

7. Within 4 weeks of a written request by Causeway Coast and Glens Borough Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a suitable qualified and competent person, to assess the level of noise immissions from the combined effects of the permitted wind turbines and Brockaghboy Wind Far, C/2007/1186/F at the complainant's property, following the procedures described in Pages 102-109 of ETSU-R-97 and if necessary, those described in condition 10. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any

monitoring commencing. Causeway Coast and Glens Borough Council 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.

8. The wind farm operator shall provide to Causeway Coast and Glens Borough Council the results, assessment and conclusions regarding the noise monitoring required by Conditions 6 and 7, 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 a written request of Causeway Coast and Glens Borough Council unless otherwise extended in writing by Causeway Coast and Glens Borough Council.

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

9. Wind speed, wind directions and power generation data shall be continuously logged throughout the period of operation of the wind farm. This data shall be retained for a period of not less than 12 months. The recorded wind data, standardised to a 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise complaint, shall be provided within 3 months of the date of a written request of Causeway Coast and Glens Borough Council unless otherwise extended in writing by Causeway Coast and Glens Borough Council.

Reason: To facilitate assessment of monitoring exercises and complaint investigation.

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

and implemented within 3 months of the written request of Causeway Coast and Glens Borough Council unless otherwise extended in writing by Causeway Coast and Glens Borough Council.

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

11. Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 – 19.00 hours on Monday to Friday, 07.00 – 13.00 hours on Saturday with no such working on Sunday. Outwith these hours, work at the site shall be limited to turbine erection, testing/commissioning works, emergency works, or construction work that is not audible at any noise sensitive property.

Reason: To control noise levels from construction noise at noise sensitive locations.

12. 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 archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

13. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department 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 satisfactorily completed.

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

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

15. After completing any remediation works required under condition 14 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Department. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving remedial objectives.

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

16. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 06 received 25 June 2014, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

17. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

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

18. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

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

19. The development hereby permitted shall not become operational until effective vehicle wheel washing facilities have been installed and brought into operation for the lifetime of the development approved.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

20. No part of the development hereby permitted shall be commenced until the works necessary for the improvement of the public road and the provision of intervisible passing bays (typically minimum width 6m, minimum length 10m with 1:10 tapers), have been submitted to the department approved in writing and carried out to the satisfaction of the department.

Reason: In the interest of road safety and the convenience of road users.

21. Prior to the commencement of construction on site, the applicant / agent shall carry out a condition survey of all haul routes and shall at the applicants expense carry out and provide a DVD detailing the condition of the existing public roads being considered as haul routes.

Reason: In the interest of road safety and the convenience of road users.

22. During construction works, the applicant / agent shall carry out and record daily inspections of all haul routes and submit the information to the department on a weekly basis.

Reason: In the interest of road safety and the convenience of road users.

23. Prior to the commencement of the development an Article 11 Application for the haulage routes and any associated traffic management proposals shall be submitted to and agreed in writing with the department.

Reason: In the interest of road safety and the convenience of road users.

24. Prior to the commencement of development the applicant / agent shall provide all details and agree in writing with the department proposals for the transporting of the turbines from Lisahally Port to the site. The applicant shall be responsible for acquiring any necessary lands, accommodation works and all costs associated with temporary removal of existing road infrastructure to facilitate the transportation of the turbines.

Reason: In the interest of road safety and the convenience of road users.

25. A Pre-Construction Environmental Management Plan must be submitted to the Department, for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of any works, including pre-construction earthworks related to contaminated land or archaeological investigation near or liable to affect any waterway (as defined by the Water (Northern Ireland) Order 1999).

Reason: To ensure appropriate work practices and avoidance and mitigation measures are planned to protect the water environment.

26. A Construction Environmental Management Plan (CEMP) must be submitted to the Department, for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction.

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

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

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

28. An Environmental Manager must be designated for the scheme. Contact details of the designated Environmental Manager must be submitted to the Department, and submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of pre-construction or construction works. This information may be contained within a Construction Environmental Management Plan (CEMP).

Reason: To ensure an effective line of communication exists between contractors and NIEA Water Management Unit on issues related to the protection of the water environment.

Signature(s)

Date:

ANNEX

Date Valid	25th June 2014
Date First Advertised	4th September 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Drumbane Road Brockaghboy Garvagh	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2014/0241/F Proposal: Proposed extension to the approved Brockaghboy Windfarm (Ref: C/2007/1186/F) comprising 4 wind turbines, up to a maximum of 125m base to blade tip height (up to 80m hub height and up to 93m blade diameter) associated transformers, a permanent anemometer mast, construction of new site access tracks, gates, substation and site control room, electrical cabling, a temporary site compound, a new site entrance, road improvement works at the site entrance, and all other associated ancillary works. Address: Land approximately 1.76km south of Dowlins Bridge, Drumbane Road, Garvagh, Coleraine, Co Londonderry, Decision: Decision Date:	
Ref ID: H/2012/0426/DETEIA Proposal: notification of intention to submit a planning application for the proposed Brockaghboy 2 Wind Farm Development, as required by the Planning (Environmental Impact Assessment) Regulations (NI) 2012 Address: Brockaghboy 2 Wind Farm Development, west of Dowlins Bridge, in the townlands of Knockoneill and Dunavenny, on the Drumbane Road, 7.5km south of Garvagh, Decision: RES Decision Date:	
Ref ID: C/2007/1186/F Proposal: Amended planning application for a wind farm comprising 15 wind turbines (reduced from 20) up to a maximum height 125m base to blade tip height) (hub height 80m + 90m blade diameter), associated transformers, two permanent anemometer masts (amended location due to reduction in	

turbine numbers), site access tracks, gates, a site control room, compound and substation (amended to reflect current NIE standards), electrical cabling, a temporary site compound, five site entrances, road improvement works at the site entrances, minor improvement works on Drumbane Road and Curraghmore Road, and all other ancillary works.

Address: Land approximately 750m South East of Dowlin's Bridge, Drumbane Road, Garvagh, Coleraine, BT 51 5DR

Decision: MAA

Decision Date: 18.01.2012

Ref ID: C/2007/0395/E

Proposal: Proposed 20 no WTG Wind Farm.

Address: Land approx 750m south East of Dowlins Bridge, Drumbane Road, Garvagh, Coleraine. (known as Brockaghboy).

Decision:

Decision Date:

Summary of Consultee Responses

No objections subject to the aforementioned conditions

Drawing Numbers and Title

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Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

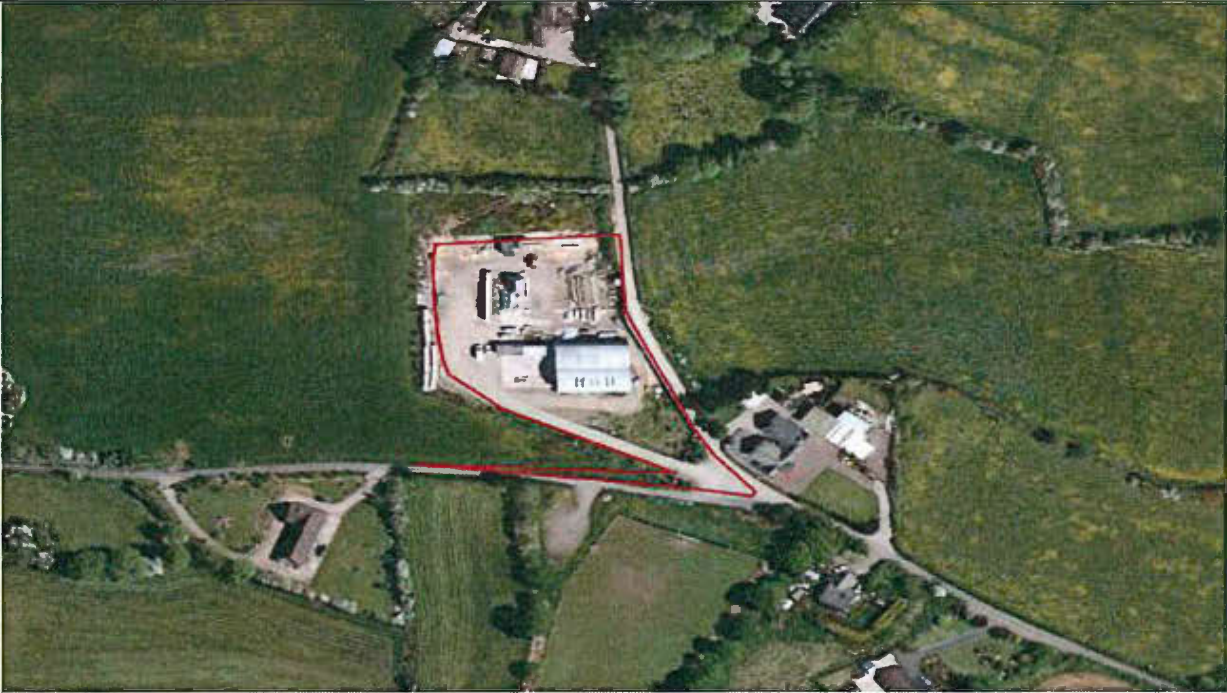
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 th October 2015	Item Number:
Application ID: M/2014/0392/F	Target Date:
Proposal: retention of change of use from redundant agricultural building to a timber engineering(joinery) workshop	Location: 36 Rosmore Road Dungannon
Referral Route: Letter of objection has been received.	
Recommendation:	Approval
Applicant Name and Address: Glenfort Timber Engineering Ltd C/O Agent	Agent Name and Address: Tom Wilson Planning 25 Carn Road Carn Industrial Estate Craigavon BT63 5WG
Executive Summary:	
Case Officer: Cathy Hughes	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Add Info Requested
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	Substantive Response Received
Non Statutory	Protecting Historic Monuments	No Objection
Non Statutory	NI Transport - Enniskillen Office	Add Info Requested
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	Substantive Response Received
Statutory	NI Transport - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	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

A letter of objection was submitted from RSM Mc Clure Watters who state they were appointed receiver of Eamon Campbell's assets at the site on 9th June 2010 and enclosed a copy of the Deed of Appointment. They queried the land ownership as the P1 form stated Glenfort Timber Engineering Ltd owned it and Certificate A was signed. They claim ownership and do not consent to Glenfort Timber Engineering Ltd to occupy or trade from the site and stated a court order to gain vacant possession of the site was listed for hearing on 5th May 2015.

Characteristics of the Site and Area

This application site is an irregular rectangular shaped plot measuring 0.7 hectares. It is located along the Rossmore Road which runs south of the site and along the eastern boundary, where it continues north towards the Coalpit Road. The site is currently used by Glenfort Timber Engineering who specialise in the production of hand built timber trusses and frames. There is a large agricultural style building, a port-a-cabin, storage container on the site with the surrounding yard used to store materials.

The eastern boundary comprises a concrete wall approximately three metres high for the most. This wall leads to a fenced boundary with pillars either side of the gated access at the south eastern corner of the site. The south western boundary which runs alongside the access is a post and wired fence as is the western and northern boundaries with sparse trees interspersed.

Area Characteristics

The site is located approximately 0.5 kilometres west and outside of the northernmost part of the settlement limit of Dunagannon. It is designated as green belt in the Dungannon and South Tyrone Area Plan.

The surrounding area is quite rural in character with individual dwellings located along winding roads. St Malachys GAC, Edendork has a training pitch south of the site and on the opposite side of the road.

Planning History

There is some planning history associated with this site.

An enforcement case (M/2006/0145/CA) was opened in November 2006 with regards to the unauthorised erection of walls, access, hard standing and foundations on the site. Planning application M/2007/0988/F was submitted and refused planning permission for the retention of the boundary wall, access, hard standing, and minor alterations to existing sheds for agricultural purposes in October 2011. It was deemed contrary to Policies CTY13 and CTY 14 of PPS 21 as it would not integrate into this area of the countryside and would therefore result in a detrimental change to the rural character of the countryside.

Enforcement case M/2010/0012/CA was opened in January 2010 on this site on the change of use of the agricultural buildings and yard to a wood products business and the erection of port-a-cabin office building. An Enforcement Notice was issued and this case is currently suspended pending the outcome of this planning application.

The enforcement case M/2006/0145CA was closed in 2013 as it was then immune from enforcement action.

A planning application under M/2014/0401/F was also submitted around the same time as this application for the retention of an office and ancillary accommodation on this site.

Proposal Description

This is a full application for retention of a change of use from a redundant agricultural building to a timber engineering (joinery) workshop at 36 Rossmore Road Dungannon.

The agricultural building sits parallel to the road and is 17.5 metres wide, 22.2 metres deep and has a footprint of approximately 369 metres squared. It has a double roof with a ridge height varying from 6.3 metres – 7.6 metres FGL. A large roller shutter door measuring 5.2 metres wide and 4.3 metres high and a pedestrian door are on the western elevation. The walls are plastered, with steel cladding forming the upper parts and the roof.

Representations and Consultations.

Transportni were consulted and requested amended drawings showing drainage at the public road junction and visibility splays of 2.4 metres by 45 metres in both directions, indicating hedge removal to the west also. Following the submission of amended plans, Transportni have no objections to this proposal subject to the provision of 2.4 by 45 metres visibility splays.

Environmental Health section of Mid Ulster Council requested a Noise Assessment be undertaken which includes any mitigation measures.

Upon receipt of additional information and reconsultation, they responded saying they have not received any complaints regarding noise on this site and although the report indicates full screening, both the cyclone and generator have only partial screening.

Following the submission of revised plans, Environmental Health have no concerns subject to conditions controlling the location of the generator and dust extraction facilities as per the amended drawing and that opening hours are restricted to 08.30 – 17.00 Monday to Friday only.

The Historical Monuments unit of NIEA were consulted and have no archaeological concerns.

A letter of objection was submitted from RSM Mc Clure Watters as detailed above.

In response to this letter of objection, the agent clarified that the current registered owner of the site is Eamon Campbell who is father of the Directors of Glenfort Timber Engineering Ltd, which has a 15 year lease on the site. The agent also confirmed a transfer of title to Glenfort Timber Engineering Ltd has been agreed with AIB's receivers and current holders of the mortgage who are Lone Star Funds.

A P2 Certificate was also submitted to supersede Question 23 on the P1 form to show that Glenfort Timber Engineering Ltd had served notice on the landowner Mr Eamon Campbell.

As this was submitted and clarified, I am satisfied the correct procedure has occurred and any disagreement regarding land ownership is a civil matter and not one which will be investigated as part of this planning application.

Planning Assessment of Policy and Other Material Considerations

Policy PED2 - Economic Development in the Countryside of PPS 4 - Planning and Economic Development is of particular relevance in the determination of this proposal. This states that economic development associated with proposals involving the re-use of rural buildings will be assessed under the provisions of PPS 21 - Sustainable Development in the Countryside.

Policy CTY 4 – The Conversion and Reuse of Existing Buildings in PPS 21 allows for the sympathetic conversion of a suitable building for alternative uses if they meet certain criteria;

- (a) the building is of permanent construction;

The agricultural style building on the site is of permanent construction.

- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;

The external appearance of this agricultural building has not been altered. No additional openings have been installed and the building continues to exhibit the appearance of an agricultural building.

- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;

There is no extension proposed to the agricultural building on site and a separate application has been submitted for retention of ancillary office space associated with the use in this building (M/2014/0401/F).

- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;

The nearest residential property to this site No 38 Rossmore Road sits 50 metres south west of the nearest part of the building. No 35 Rossmore Road sits 90 metres from the south western corner of the building.

The Environmental Health section of Dungannon and South Tyrone Borough Council were consulted on this application and requested a Noise Impact Assessment. On reconsultation they said they have never received a complaint about the operations ongoing on this site and are content with the revised drawings submitted.

- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;

It is not thought the use of this building as a joinery workshop would have a detrimental impact on the surrounding area.

The agent was requested to provide evidence that the current use of the building on site was in operation over 5 years and therefore immune from enforcement action. A letter from DOE Planning Service dated 1st February 2010 was submitted which was from the Enforcement Section acknowledging the change of use of the building and the breach of planning control and details of enforcement action (M/2010/0012/CA).

- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Transportni requested amended drawings showing drainage at the public road junction, visibility splays of 2.4 metres by 45 metres in each direction and hedge removal to the west and have no concerns with the amended drawings submitted.

A proposal for economic development use, in addition to the other policy provisions of PPS4, will be required to meet all the following criteria as set out in Policy PED 9 - General Criteria for Economic Development;

(a) it is compatible with surrounding land uses;

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

The Environmental Section of Mid Ulster Council are satisfied with the mitigation measures and Noise Assessment submitted, therefore given the existing use has been ongoing on the site in excess of 5 years and combined with the fact it utilises what was a redundant agricultural building, I do not think this proposal is incompatible in this location. There has been no objections to this proposal from adjacent neighbours.

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

NIEA Historical Monuments unit were consulted and have no archaeological concerns.

(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 are content with the Noise Assessment and have no objections to the proposal.

(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;

(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 proposal seeks to retain development, there is no increase in traffic predicted and Transportni have no concerns regarding this proposal.

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

This proposal seeks to retain the use of a business in what was a redundant agricultural building. In terms of layout and design, the finishes and scale are that of an agricultural building and are appropriate in this rural area.

(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 security fencing and walls, with secure entrance gates and Environmental Health are now satisfied with the relocation of the generator and fan within the site.

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

Security fencing surrounds the site.

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

As mentioned above, this site is enclosed by walls which do not benefit from planning permission but are now immune from enforcement action.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The applicant has demonstrated the use of this previous agricultural building as a joinery workshop has been in operation over 5 years and is therefore immune from enforcement action. Both Environmental Health and Transportni have no concerns with the amended drawings and information submitted.

I am satisfied the issue regarding land ownership has been correctly administered and this proposal meets the policy requirements of PED 2 and 9 in PPS 4 and CTY 4 in PPS 21, therefore approval is recommended.

Conditions:

1. Within 6 weeks of this notice, the visibility splays of 2m x 33m as indicated Drawing No 02REV1 date stamped 8th April 2015 shall be provided where the access meets the public road. The visibility splays as provided shall be permanently 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.

2. The generator shall be relocated and dust extraction facilities as detailed and located on Drawing No 02REV1 date stamped 8th April 2015 shall be provided within 6 weeks of this notice. The dust extraction facility shall be maintained and kept in use during operating hours.

Reason: To ensure protection of adjoining residential properties and protection of the environment.

3. The operating times including deliveries to and from the site shall be restricted to 08.30 hours - 17.00 hours Monday to Friday only and there shall be no operations or deliveries at any time on Saturdays or Sundays.

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

4. The 2.7 metre wall as shown and coloured yellow on Drawing No 02REV1 date stamped 8th April 2015 shall be retained permanently in situ and shall provide a minimum sound reduction index of 20db.

Reason: To protect the amenity of adjoining properties.

5. No external manufacturing operations are to be carried out within the site outlined in red as on Drawing No 02REV1 date stamped 8th April 2015, except inside of the building hereby approved.

Reason: To protect the amenity of adjoining properties.

Informatives

1. This notice relates to drawing Nos 01 and 03 which were received on 7th August 2014 and Drawing No 02REV1 which was received on 8th April 2015.

Signature(s)

Date:

ANNEX	
Date Valid	8th August 2014
Date First Advertised	20th August 2014
Date Last Advertised	22nd August 2014
Details of Neighbour Notification (all addresses) Gregg Sterritt 1, Lanyon Quay, Belfast, Antrim, Northern Ireland, BT1 3LG The Owner/Occupier, 30 Rossmore Road Ross Beg Dungannon The Owner/Occupier, 32 Rossmore Road Ross Beg Dungannon The Owner/Occupier, 35 Rossmore Road Ross More Dungannon The Owner/Occupier, 38 Rossmore Road Ross More Dungannon The Owner/Occupier, 39 Rossmore Road Ross More Dungannon	
Date of Last Neighbour Notification	11th August 2014
Date of EIA Determination	8th August 2014
ES Requested	No
Planning History Ref ID: M/2000/1364/O Proposal: Erection of two storey dwelling and domestic garage Address: Adjacent to 30 Rossmore Road Dungannon Decision: Decision Date: 27.09.2001 Ref ID: M/2001/0627/O Proposal: Proposed Erection of New 2 Storey Dwelling & Domestic Garage as Replacement for No 34 Rossmore Road, Dungannon Address: Adjacent to 30 Rossmore Road, Dungannon Decision: Decision Date: 10.07.2001 Ref ID: M/2002/1333/RM Proposal: Erection of new Two Storey Dwelling and Domestic Garage as replacement	

for No 34 Rossmore Road, Dungannon
Address: Adjacent to 30 Rossmore Road, Dungannon
Decision:
Decision Date: 14.01.2003

Ref ID: M/2014/0392/F
Proposal: retention of change of use from redundant agricultural building to a timber engineering(joinery) workshop
Address: 36 Rosmore Road, Dungannon,
Decision:
Decision Date:

Ref ID: M/2013/0253/F
Proposal: Proposed double garage
Address: 32, Rossmore Road, Dungannon,
Decision: PG
Decision Date: 06.08.2013

Ref ID: M/2009/0606/O
Proposal: Replacement storey and a half dwelling and garage (domestic)
Address: 32 Rossmore Road, Dungannon
Decision:
Decision Date: 15.10.2009

Ref ID: M/2007/0988/F
Proposal: Retention of boundary wall, access, hard standing, and minor alterations to existing sheds for agricultural purposes
Address: Opposite and approx 60m North West of 38 Rossmore Road, Dungannon
Decision:
Decision Date: 17.10.2011

Ref ID: M/2011/0603/RM
Proposal: Replacement storey and a half dwelling and garage (domestic)
Address: 32 Rossmore Road, Dungannon,
Decision:
Decision Date: 13.01.2012

Ref ID: M/1996/0267
Proposal: Extension to dwelling
Address: 38 ROSSMORE ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1977/0729
 Proposal: IMPROVEMENTS TO DWELLING
 Address: ROSSMORE, DUNGANNON
 Decision:
 Decision Date:

Summary of Consultee Responses

Transportni have no objections to this proposal subject to the provision of 2.4 by 45 metres visibility splays.

Environmental Health have no concerns subject to conditions controlling the location of the generator and dust extraction facilities as per the amended drawing and the restriction of opening hours.

NIEA Historical Monuments unit have no archaeological concerns.

Drawing Numbers and Title

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

Drawing No. 02REV1
 Type: Block Plan
 Status: Submitted

Drawing No. 03
 Type: Elevations and Floor Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

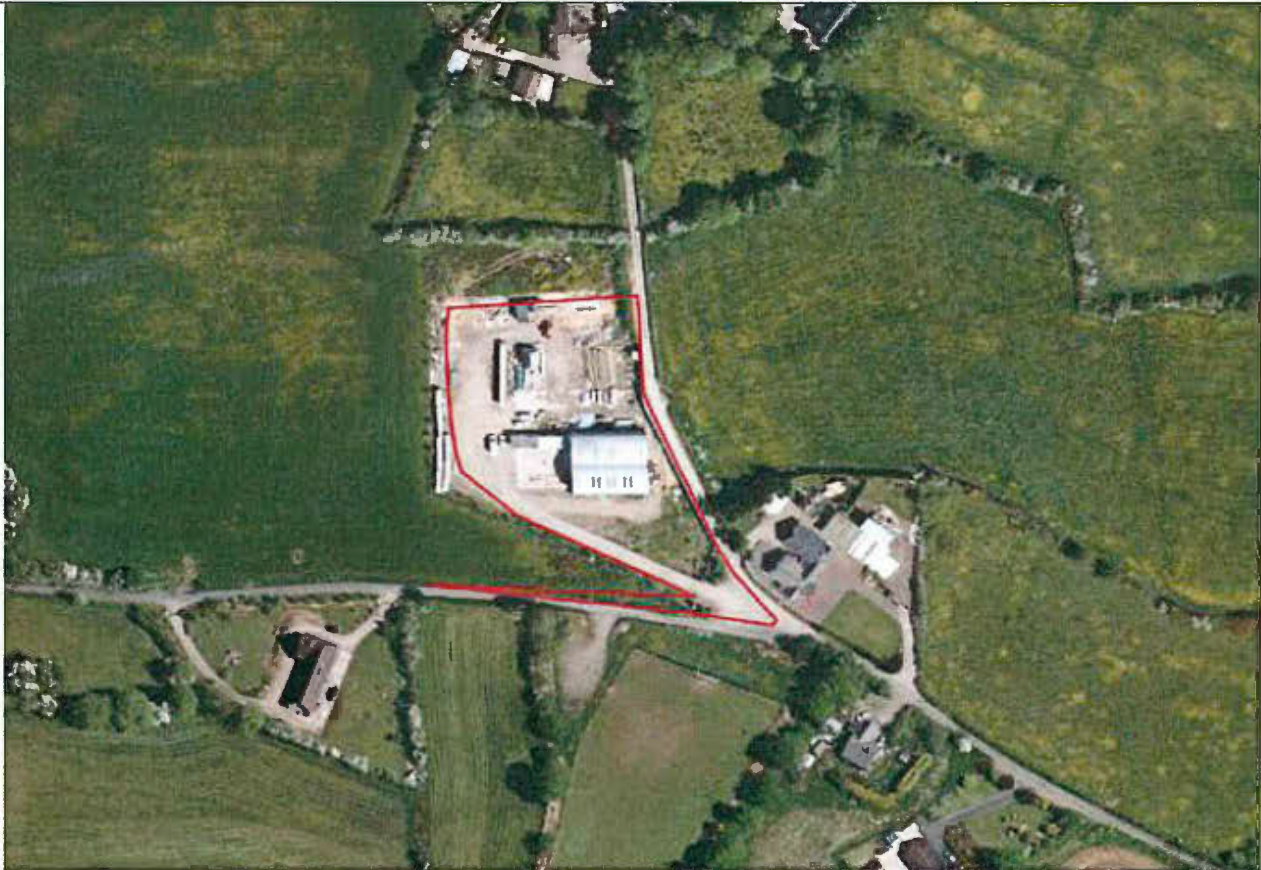
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 th October 2015	Item Number:
Application ID: M/2014/0401/F	Target Date:
Proposal: Retention of office and ancillary accommodation at timber engineering (joinery) workshop	Location: 36 Rossmore Road Dungannon
Referral Route: Letter of objection has been received.	
Recommendation:	Approval
Applicant Name and Address: Glenfort Timber Engineering Ltd c/o agent	Agent Name and Address: Tom Wilson Planning 25 Carn Road Carn Industrial Estate Craigavon BT63 5WGH
Executive Summary:	
Case Officer: Cathy Hughes	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Add Info Requested
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	Considered - No Comment Necessary

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

A letter of objection was submitted from RSM Mc Clure Watters who state they were appointed receiver of Eamon Campbell's assets at the site on 9th June 2010 and enclosed a copy of the Deed of Appointment. They queried the land ownership as the P1 form stated Glenfort Timber Engineering Ltd owned it and Certificate A was signed. They claim ownership and do not consent to Glenfort Timber Engineering Ltd to occupy or trade from the site and stated a court order to gain vacant possession of the site was listed for hearing on 5th May 2015.

In response to this letter of objection, the agent clarified that the current registered owner of the site is Eamon Campbell who is father of the Directors of Glenfort Timber Engineering Ltd, which has a 15 year lease on the site. The agent also confirmed a transfer of title to Glenfort Timber Engineering Ltd has been agreed with AIB's receivers and current holders of the mortgage who are Lone Star Funds.

A P2 Certificate was also submitted to supersede Question 23 on the P1 form to show that Glenfort Timber Engineering Ltd had served notice on the landowner Mr Eamon Campbell.

Characteristics of the Site and Area

This application site is an irregular rectangular shaped plot measuring 0.7 hectares. It is located along the Rossmore Road which runs south of the site and along the eastern boundary, where it continues northwards to the Coalpit Road. The site is currently used by Glenfort Timber Engineering who specialise in the production of hand built timber trusses and frames. There is a large agricultural style building, a port-a-cabin, storage container and the surrounding yard is used to store materials.

The eastern boundary comprises a concrete wall approximately three metres high for the most. This wall leads to a fenced boundary with pillars either side of the gated access at the south eastern corner of the site. The south western boundary which runs alongside the access is a post and wired fence as is the western and northern boundaries with sparse trees.

Area Characteristics

The site is located approximately 0.5 kilometres west and outside of the northernmost part of the settlement limit of Dunagannon. It is in the rural countryside in the Dungannon and South Tyrone Area Plan.

The surrounding area is quite rural in character with individual dwellings located along winding roads. St Malachys GAC Edendork has a training pitch south of the site on the opposite side of the road.

Planning History

An enforcement case M/2006/0145/CA was opened in November 2006 with regards to the unauthorised erection of walls, access, hard standing and foundations on the site.

M/2007/0988/F was refused planning permission for the retention of boundary wall, access, hard standing, and minor alterations to existing sheds for agricultural purposes in October 2011. It was deemed contrary to Policies CTY13 and CTY 14 of PPS 21 as it would not integrate into this area of the countryside and would therefore result in a detrimental change to the rural character of the countryside.

Enforcement case M/2010/0012CA was opened in January 2010 on this site on the change of use of agricultural buildings and yard to wood products business and erection of port-a-cabin office building. An Enforcement Notice was issued and this case is currently suspended pending the outcome of this planning application.

The enforcement case M/2006/0145CA was closed in 2013 as it was then immune from enforcement action.

Planning application M/2014/0392/F was also submitted for the retention of a change of use from a redundant agricultural building to a timber engineering (joinery) workshop at 36 Rossmore Road Dungannon.

Proposal Description

This is a full application for retention of an office and ancillary accommodation on this site.

A port-a-cabin measuring 17.9 metres long and 3.7 metres wide sits 0.5 metres west of the main building on the site which is subject of planning application M/2014/0392/F. This structure measures 2.5 metres in height and is supported by 4 metal beams so it sits approximately 0.3 metres above the ground. It is painted grey and provides for a canteen, 2 offices, a store and a WC. The southern elevation has a door and six windows and the rear northern elevation has four windows, with another on the western elevation.

Representations and Consultations.

Transportni were consulted and requested amended drawings showing drainage at the public road junction and visibility splays of 2.4 metres by 45 metres in both directions, indicating hedge removal to the west also. Following the submission of amended plans, Transportni have no objections to this proposal subject to the provision of 2.4 by 45 metres visibility splays.

A letter of objection was submitted from RSM Mc Clure Watters as detailed above. A P2 Certificate was also submitted to supersede Question 23 on the P1 form to show that Glenfort Timber Engineering Ltd had served notice on the landowner Mr Eamon Campbell. As this was submitted and clarified, I am satisfied the correct procedure has occurred and any disagreement regarding land ownership is a civil matter and not one which will be investigated as part of this planning application.

Planning Assessment of Policy and Other Material Considerations

Policy PED 3 – Expansion of an Established Economic Development in the Countryside of PPS 4 - Planning and Economic Development is of particular relevance to this proposal. This states expansion will be permitted in the countryside where the scale and nature does not harm the rural character or appearance of the local area and there is no major increase in the site's area. New buildings may be approved providing they are in proportion with the existing business and in proportion to the existing building/s.

The structure this application seeks to retain is single storey and modest in scale, providing an additional space of approximately 60 metres squared of additional floorspace. It is sited within the defined cartilage of the site and therefore does not increase the site area. I am satisfied the scale and materials of this office are in proportion with what exists on the site and therefore it is in compliance with Policy PED 3.

Policy PED 9 - General Criteria for Economic Development in PPS 4 sets out a list of criteria which must be met for all proposals for economic development use, in addition to the other policy provisions of PPS4.

As this proposal is for the retention of ancillary accommodation to the use applied for under application M/2014/0392/F, this is also taken into consideration while assessing this part of PPS 4.

(a) it is compatible with surrounding land uses;

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

The Environmental Section of Mid Ulster Council are satisfied with the mitigation measures and Noise Assessment submitted, therefore given the existing use has been ongoing on the site in excess of 5 years and combined with the fact it utilises what was a redundant agricultural building, I do not think this proposal is incompatible in this location. There has been no objections to this proposal from adjacent neighbours.

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

NIEA Historical Monuments unit were consulted and have no archaeological concerns.

(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 are content with the Noise Assessment and have no objections to the proposal.

(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;

(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 proposal seeks to retain development, there is no increase in traffic predicted and Transportni have no concerns regarding this proposal.

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

This proposal seeks to retain the use of a business in what was a redundant agricultural building. In terms of layout and design, the finishes and scale are that of an agricultural building and are appropriate in this rural area.

(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 security fencing and walls, with secure entrance gates and Environmental Health are now satisfied with the relocation of the generator and fan within the site.

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

Security fencing surrounds the site.

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

As mentioned above, this site is enclosed by walls which do not benefit from planning permission but are now immune from enforcement action.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Environmental Health and Transportni have no concerns with the amended drawings and information submitted.

I am satisfied the issue regarding land ownership has been correctly administered and it is my opinion that in conjunction with the proposal in planning application M/2014/0392/F, I am satisfied this development proposal meets the policy requirements of PED 3 and 9 of PPS 4 and should therefore be recommended for approval.

Conditions:

1. This permission is valid from the date on which the development was carried out under Section 55 of the Planning (NI) Order 2011.

Reason: Retrospective application.

Informatives

1. This notice relates to drawing Nos 01 and 03 which were received on 11th August 2015.

Signature(s)

Date:

ANNEX	
Date Valid	11th August 2014
Date First Advertised	20th August 2014
Date Last Advertised	22nd August 2014
Details of Neighbour Notification (all addresses) Gregg Sterritt 1, Lanyon Quay, Belfast, Antrim, Northern Ireland, BT1 3LG The Owner/Occupier, 30 Rossmore Road Ross Beg Dungannon The Owner/Occupier, 32 Rossmore Road Ross Beg Dungannon The Owner/Occupier, 35 Rossmore Road Ross More Dungannon The Owner/Occupier, 38 Rossmore Road Ross More Dungannon The Owner/Occupier, 39 Rossmore Road Ross More Dungannon	
Date of Last Neighbour Notification	21st August 2014
Date of EIA Determination	N/A
ES Requested	Yes
Planning History Ref ID: M/2013/0253/F Proposal: Proposed double garage Address: 32, Rossmore Road, Dungannon, Decision: PG Decision Date: 06.08.2013 Ref ID: M/2009/0606/O Proposal: Replacement storey and a half dwelling and garage (domestic) Address: 32 Rossmore Road, Dungannon Decision: Decision Date: 15.10.2009 Ref ID: M/2007/0988/F Proposal: Retention of boundary wall, access, hard standing, and minor alterations to existing sheds for agricultural purposes Address: Opposite and approx 60m North West of 38 Rossmore Road, Dungannon Decision: Decision Date: 17.10.2011	

Ref ID: M/2011/0603/RM

Proposal: Replacement storey and a half dwelling and garage (domestic)

Address: 32 Rossmore Road, Dungannon,

Decision:

Decision Date: 13.01.2012

Ref ID: M/2001/0627/O

Proposal: Proposed Erection of New 2 Storey Dwelling & Domestic Garage as Replacement for No 34 Rossmore Road, Dungannon

Address: Adjacent to 30 Rossmore Road, Dungannon

Decision:

Decision Date: 10.07.2001

Ref ID: M/2002/1333/RM

Proposal: Erection of new Two Storey Dwelling and Domestic Garage as replacement for No 34 Rossmore Road, Dungannon

Address: Adjacent to 30 Rossmore Road, Dungannon

Decision:

Decision Date: 14.01.2003

Ref ID: M/2014/0401/F

Proposal: Retention of office and ancillary accommodation at timber engineering (joinery) workshop

Address: 36 Rossmore Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2014/0392/F

Proposal: retention of change of use from redundant agricultural building to a timber engineering(joinery) workshop

Address: 36 Rosmore Road, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

Transportni have no objections to this proposal subject to the provision of 2.4 by 45 metres visibility splays.

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Elevations and Floor Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



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: H/2014/0426/F	Target Date:
Proposal: Alterations to existing shop unit to change into a dwelling	Location: 2 Barrack Road Ballymaguigan Magherafelt
Referral Route: Letter of objection received in relation to the proposal.	
Recommendation:	Approve
Applicant Name and Address: Mr and Mrs Young 2 Barrack Road Magherafelt	Agent Name and Address: R J Studio 1 Sloans Court Queen Street Ballymena BT42 2BD
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 Transport - Enniskillen Office	Add Info Requested
Non Statutory	NI Water - Single Units West - Planning Consultations	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues: Road Safety	

Characteristics of the Site and Area

The site is located in Ballymaguigan in accordance with the Magherafelt Area Plan 2015. The site is located at No 2 Barrack Road and comprises of a single storey dwelling with attached flat roof shop to the rear. The property is located on a corner plot with dual frontage onto Shore Road and Barrack Road with access taken off Barrack Road. A small terraced development sits perpendicular along the western boundary which is defined 1.2m high hedge.

Although located within the development limits of Ballymaguigan, the area is predominantly rural with the exception of a small residential development. Lough Neagh is located 800m east of the site.

Planning Assessment of Policy and Other Material Considerations

Detail of the proposal:

The application seeks full planning permission for the change of use from former shop to self-contained residential unit. The shop is attached to the rear of No 2 Barrack Road, a single storey dwelling. The shop measures 9.6m x 6.6m and has a height of 3m. The proposal will provide a living room, kitchen, bathroom and two bedrooms. The large shop windows at the front of the building will be replaced with 3 smaller windows and front door, the two existing windows at the rear will be replaced with deeper windows.

Relevant Site History:

No relevant history.

Representations:

4 neighbour notification letters were sent to the occupiers of 21, 22 & 23 O'Neill Park and 3 Barrack Road Ballymaguigan

1 letter of representation have been received from Mr Devlin, 36 Barrack Road, Ballymaguigan, points raised:

- Vehicles parked on the opposite side of the road causing an obstruction and making it difficult for road user to pass.
- Close proximity to a main road junction and likely to cause a safety problems.
- The site is close to the edge of the road.



On the day of the site inspection I witness no cars parked on the opposite side of the road which causing an obstruction. Adequate provision for in-curtilage car parking exists in the form of a tarmac area measuring 11m x 6m at the front of the shop which can accommodate up to 4 cars. The Council also sought the opinion of Transport NI who provided the following statement:

With regards to the objection letters from Mr Devlin in relation to roadside parking, causing obstruction and inconvenience to traffic entering Barack Road with cars parking approximately 10 feet from the junction.

This issue would be an enforcement issue as in law, it is illegal to park within a minimum distance from a junction.

With regards this application the applicant has clearly demonstrated that they can provide two parking spaces clear of the public road and does not create a hazard or inconvenience to other road users.

Development Plan and Key Policy Consideration:

Magherafelt Area Plan 2015.

Planning Policy Statement 1: General Principles (PPS1)

Planning Policy Statement 3: Access, Movement and Parking (PPS 3)

Planning Policy Statement 7: Quality Residential Environments (PPS7)

Creating Places: Achieving Quality in Residential Developments

Planning Policy Statement 12: Housing in Settlements (PPS12)

DCAN 8: Housing in existing Urban Areas

DCAN 15 - Vehicular Access Standards 2nd Edition.

The application site is defined as white land and is situated within the development limits of Ballymaguigan by the Magherafelt Area Plan 2015 and therefore the principle of development is acceptable subject to the relevant policy tests.

Policy QD1 of PPS7 states that planning permission will be granted for a new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for the change of use from a shop to residential unit. The Policy sets out nine criteria which all residential development proposals are expected to meet.

Criterion (a) requires development to respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The site outlined in red comprises of a single storey dwelling and attached flat roof shop to the rear, set in a fairly generous plot size. The surrounding area includes a mix of detached and terrace dwellings all with different plot sizes and appearances. Taken into consideration there is no defined character in this area and whilst the proposal may not fully complies with all of the requirements set out above, on balance the proposal is considered acceptable under Criterion (a).

Criterion (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. Not relevant

Criterion (c) requires adequate provision of public and private open space and landscaped areas as an integral part of the development. Paragraph 5.19 of Creating Places refers to private open space provision and states that in lower density areas all houses should have an area of private amenity space behind the building line and should be calculated as 70sqm per house or greater. Creating places goes onto say for houses with 1 or 2 bedroom a smaller area of private of 40sqm will be acceptable. The block plan shows the existing rear amenity area divided by the means of a fence. The proposal will achieve 70sqm of private amenity space and the existing dwelling will be left with 90sqm of private amenity space. Whilst the arrangement proposed is far from ideal, the agent acknowledges the proposal is for a member of the applicant's family. The proposal complies with Criterion (c).

Criterion (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. Not relevant.

Criterion (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures. Not relevant.

Criterion (f) requires adequate and appropriate provision to be made for car parking. The submitted block plan shows 2 existing in-curtliage car parking spaces located at the front of the proposal with access taken off Barrack Road. Transport NI were consulted and raised no issues. The proposal complies with Criterion (f).

Criterion (h) indicates that the design and layout should 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.

With regards to overlooking the one existing window on the gable will be removed and the opening built up, therefore overlooking is not considered an issue.

With regards to separation distance, the closet third party dwelling is the single storey end terrace dwelling located at No 21 O'Neill Park, which abuts the proposal to the west. A separation distance of 12m exists between both properties. Creating Places states where a development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking. However other factors must be taken into consideration such as the single storey nature of the proposal, the proposal sits perpendicular with the terrace and the fact it already exists and no objections regarding loss of light or dominant have been raised following neighbour notification. The proposal complies with Criterion (h).

Criterion (i) the development is designed to deter crime and promote personal safety. Not relevant.

Neighbour Notification Checked	Yes
<p>Summary of Recommendation: That permission is approved subject to the following conditions.</p> <p>Conditions</p> <p>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.</p> <p>Reason: Time Limit.</p> <p>2. The vehicular access, including visibility splays of 2.4m x 60m west and 2.4m x 30m east to the road junction, shall be in place in accordance with drawing No. 01 rev 2 which was received on 26th May 2015, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>Informatives</p> <p>1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.</p> <p>2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p> <p>3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.</p> <p>4. 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.</p> <p>5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.</p> <p>6. All construction plant and materials shall be stored within the curtilage of the site.</p> <p>7. 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</p>	

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 transportni Section Engineer whose address is Transportni, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

8. 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 DRD transportni drainage system.

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

Signature Sean Diamond

Date: 22/09/2015



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: H/2015/0002/F	Target Date: 23/4/15
Proposal: Proposed change of access to previously approved Dwelling & Garage (Ref H/2013/0437 RM)	Location: Lands 120m S.E of 27 Glengomna Road Draperstown
Referral Route: Recommended for refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Martin Bradley c/o Agent	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s): <i>N. Hasson</i>	

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

No objections

Characteristics of the Site and Area

The site is located approximately 3.5 km west of the town of Draperstown in the open countryside, as defined by the Magherafelt Area Plan 2015. The site is located within the Sperrins Area of Outstanding Natural Beauty (AONB).

The site is located across three agricultural fields to the south of the Glengomna road. The site slopes gently downwards from the proposed access to the site of the dwelling approximately 230 metres away. As a result, the site sits lower than the Glengomna road. The roadside boundary is

defined by a mature hedgerow and trees, while an overhead cable and utility poles also run along the roadside.

Surrounding land is quite rugged in nature and agriculture is the predominant land use, with single rural dwellings and agricultural outbuildings interspersed.

Planning Assessment of Policy and Other Material Considerations

Proposal:

The proposal is a full application for 'change of access to previously approved dwelling and garage (Ref. H/20013/0437/RM)'.

The dwelling previously approved under H/2013/0437/RM utilised the existing laneway for access, as normally required for permissions granted under Policy CTY 10, 'Dwellings on Farms'. The proposed new access to serve the approved dwelling is located in the middle of the field along the roadside boundary, in order to provide the necessary visibility splays. The proposed access meets the Glengomna road approximately 70 metres east of the approved access. The roadside boundary consists of mature hedgerow and trees.

The proposed access lane runs diagonally at an approximate 45° angle towards the western field boundary. The lane runs along the existing field boundary in a southerly direction towards the approved site for a dwelling and garage approximately 230 metres from the Glengomna road.

Site History:

H/2012/0139O and H/2013/0437/RM relate to the previously approved dwelling and garage to which this application relates.

Representations:

No representations were made.

Development Plan and Key Policy Considerations:

- Magherafelt Area Plan 2015
- PPS 1 - General Principles
- PPS 3 - Access, Movement and Parking
- PPS 21 – Sustainable Development in the Countryside

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. There are no other designations on the site. Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. As the proposal relates to the provision of a new access, PPS 3 Access, Movement and Parking is also used to assess a development such as this.

As the approved access to the site does not run through a farmyard, no justification for an amended access can be made on these grounds, however the applicant and agent indicated that the change of access is necessary because the applicant has had difficulties gaining control of third party land for the approved visibility splay. He has also had difficulty in obtaining a mortgage for the dwelling.

The proposed new access will involve the removal of approximately 130 metres of existing hedgerow and trees. Consequently, the proposed access will fail to achieve a satisfactory degree of visual integration. The development will be prominent in the landscape as the access is located in the middle of the field and it relies primarily on new landscaping to assist visual integration. The Glengomna road is distinctly rural in character and the removal of existing hedgerow will contribute to this loss of character.

After consultation with Transport NI, I have no concerns in terms of road safety.

It is my opinion that the environmental impact of this proposed access is likely to be significantly harmful to visual amenity and rural character.

Neighbour Notification Checked	Yes
Summary of Recommendation: Recommendation: I recommend that planning permission is refused for the following 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.	
Conditions/Reasons for Refusal: 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) N.Hasson Date: 25/9/15	

ANNEX	
Date Valid	8th January 2015
Date First Advertised	26th January 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Glengomna Road Bancran Glebe Draperstown	
Date of Last Neighbour Notification	28th January 2015
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/2015/0002/F Proposal: Proposed change of access to previously approved Dwelling & Garage (Ref H/2013/0437 RM) Address: Lands 120m S.E of 27 Glengomna Road, Draperstown, Decision: Decision Date:	
Ref ID: H/2013/0437/RM Proposal: Proposed dwelling and detached garage Address: 121m SE of no. 27 Glengomna Road, Draperstown, Decision: PG Decision Date: 03.04.2014	
Ref ID: H/2014/0151/O Proposal: Site for single farm dwelling and garage Address: 140m NE of 32 Glengomna Road, Draperstown, Decision: PG Decision Date: 21.08.2014	
Ref ID: H/2011/0224/F Proposal: Proposed dwelling and garage on a farm	

Address: 60m North East of 32 Glengomna Road, Draperstown,
 Decision:
 Decision Date: 26.07.2011

Ref ID: H/2012/0139/O
 Proposal: Proposed dwelling on a farm
 Address: 121m South East of no. 27 Glengomna Road, Draperstown, BT45 7JQ,
 Decision: PG
 Decision Date: 11.12.2012

Summary of Consultee Responses

Consultations:
 Transport NI were consulted on the proposed development and had no objections, subject to conditions and informatives.

Drawing Numbers and Title

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

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

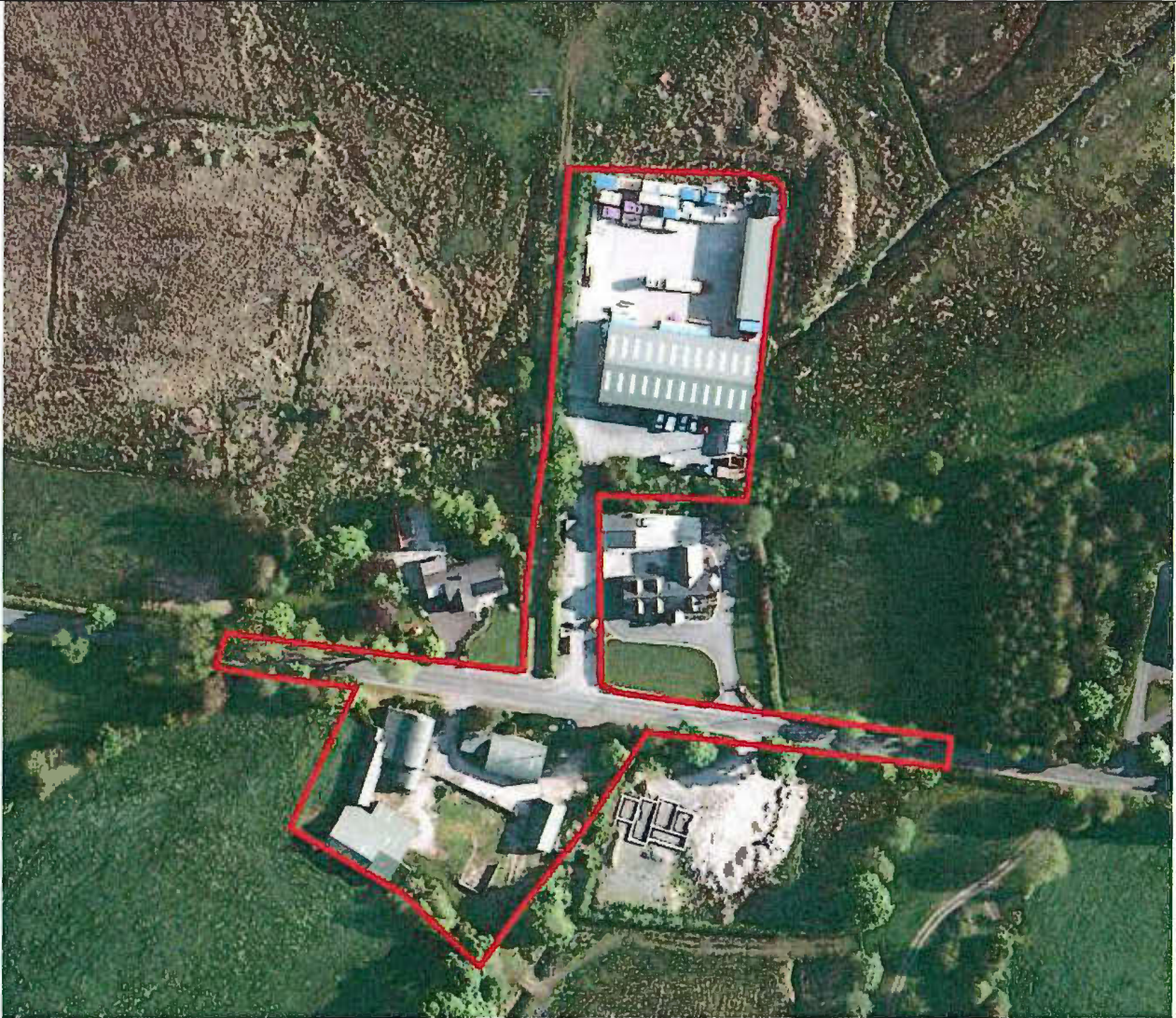
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6/10/15	Item Number:
Application ID: I/2015/0111/F	Target Date: 7/7/15
Proposal: Retention of timber frame business and erection of ancillary office to the rear of 79 Dunnamore road to supersede approvals I/2010/0018/f ('timber frame building Business') and I/2010/0019/f ('calving unit and storage')	Location: Land opposite and to the rear of 79 Dunnamore Road Dunnamore Cookstown BT80 9NX
Referral Route: Contrary to planning policy	
Recommendation:	Approve
Applicant Name and Address: Leadon Timberframe and D McAleer C/o.agent	Agent Name and Address: Michael Burroughs Associates 33 Shore Road Holywood BT18 9HX
Signature(s):	

Case Officer Report

Site Location Plan



Letters of Objection: None Received

Neighbour Notification checked: Yes

Description of Proposal

Retention of timber frame business and erection of ancillary office to the rear of 79 Dunnamore Road to supersede approvals I/2010/0018/f (timber frame building Business) and I/2010/0019/F ('Calving unit and storage')

Characteristics of Area

The application site is located in the countryside, about 8 miles west of Cookstown and less than one mile west of Dunnamore village. It comprises the buildings and associated concrete yard and access to the north of Dunnamore Road, at the rear of No. 79, and the farm buildings and associated yard and access to the south, on the opposite side of Dunnamore Road.

Agricultural land surrounds the site. To the south of the existing buildings to the north is the applicants dwelling (No. 79) and No. 81 Dunnamore Road.

Planning Assessment of Policy and Other Material Considerations

Relevant Planning History

I/2008/0179/F- planning permission was refused for Retention of workshop, store and yard for the manufacture of wooden structures and agricultural buildings including poultry houses to lands north of No. 79 Dunnamore Road on 02.04.2009.

EN/2008/0094- the Department issued an enforcement notice on lands to the north of No. 79 Dunnamore Road in relation to the unauthorised workshop and timber storage building used for the manufacture of wooden structures. The notice required;

- (a) demolish the existing workshop building together with all foundations and remove all resulting rubble and hard-core from the site within 90 days from the date on which this notice takes effect
- (b) Demolish the timber storage building together with all the foundations and remove all resulting rubble and hard-core from the site within 60 days from the date on which this notice takes effect.
- (c) remove the concrete area and all rubble resulting from this and topsoil and reseed the land within 90 days from the date on which this notice takes effect.

The applicant appealed enforcement notice EN/2008/0094. On 29/01/09 the Planning Appeals Commission upheld the notice with section 3 modified to read 'Unauthorised workshop used for the manufacture of wooden structures and timber/machinery storage building, being development carried out without the grant of planning permission'. Section 4(c) of the notice, which had required the removal of the concrete area, was deleted by the PAC as it went beyond the scope of Section 3.

EN/2008/0095- the Department withdrew this enforcement notice on 9th December 2008 which related to the material change of use of land.

I/2010/0018/F- Planning Permission was granted for a timber frame business to lands south of No. 79 Dunnamore Road on 17th Feb 2015. This approval was based on a farm diversification scheme, taking account of the existing farm holding on the site.

I/2010/0019/F- Planning permission was granted for a calving unit and associated storage to lands north of No. 79 Dunnamore Road on 17th Feb 2015.

Consideration

This application incorporates sites I/2010/0018/F and I/2010/0019/F. Neither I/2008/0018/F or I/2010/0019/F have been implemented.

In essence, the applicant wants to 'swap' permissions I/2010/0018/F and I/2010/0019/F so that he can continue operating his timber frame business to the north of No 79 Dunnamore Road.

Office Meeting

On the 2nd July 2015 an office meeting was held between Dr Chris Boomer (Chief Planner), Paul McClean (Case Officer), Cllr Cathal Mallaghan, Mr and Mrs McAleer (Applicants), and a Planning Consultant from Michael Burrows Associates.

During this meeting Dr Chris Boomer gave a concise synopsis to the history of this site. Dr Boomer made it clear that there was no policy support for the retention of the business to the north of No. 79 Dunnamore Road as neither I/2010/0018/F and I/2010/0019/F had been implemented. The proposal could not be considered as a farm diversification scheme as the buildings to the north had never been used for agricultural purposes. Policy CTY4 of PPS21 could not be used as the buildings on site were always used in connection with an unlawful timber frame construction and storage business. The proposal could not be considered under Planning Policy Statement 4 Planning and Economic Development as the proposal did not involve the expansion of an established economic use in the countryside nor was there any case

made to satisfy any of the remaining policies contained within PPS4.

However taking into account the following factors;

- (1) permission now for the workshop exists on the south side of the road (I/2010/0018/F)
- (2) the existing building on the site not benefiting from a permission for its retention, albeit as a milking shed (
- (3) Given that Environmental Health and Transport NI had no objections and no 3rd party objections were received.

Dr Boomer was content that impacts on neighbours and the environment from this business would be no greater on the northern side of Dunnamore Road. In his own words Dr Chris Boomer stated that it would be 'churlish not to allow this application'. When deciding how to limit expansion of the timber frame business to the south, it was decided to proceed on the basis of attaching a planning condition to restrict the use of buildings to the south to agricultural use. The applicant was in agreement with this.

Visually, the buildings to the north were considered to be acceptable under planning approval I/2010/0019/F for use as a calving unit. The business operations and storage are carried out north of the existing manufacturing shed (identified as building F on drawing No. 02 rev1), which is screened from the public road. The visual impact of the proposal does not concern me.

The proposed replacement ancillary office to the timber business was also agreed at the meeting. The design, size, scale and siting of the proposed office was considered to be acceptable in terms of the overall development and that it would not have a detrimental impact to the rural character of the area. The office will be set back behind an existing dwelling and mature landscaping, and views of the office from the public road will be screened.

It was agreed at the office meeting that the application be presented to committee.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions.

Conditions

The buildings and land located within the hatched area identified in drawing No. 01 which was date stamp received 24th March 2015 shall be retained in agricultural use only, unless otherwise agreed in writing by Mid Ulster Council.

Reason: In the interest of road safety and to control the size, scale and nature of the business hereby permitted and to protect the amenity and rural character of the area.

Building C, identified in drawing No 02 rev1 which was date stamp received 8th July 2015, shall be used for ancillary storage purposes only in relation to the timber frame business hereby approved.

Reason: To control the size and scale of the business and to preserve the amenity of the countryside.

All manufacturing associated with the timber frame business hereby approved shall be contained within the building identified as 'Building F' on drawing No 02 rev1 which was date stamp received 8th July 2015.

Reason: To control the size and scale of the business and to preserve the amenity of the countryside.

Notwithstanding the provisions The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, the provisions permitted under Schedule 1, Part 9, Class A, B and C of that Order shall not be carried out without the prior written consent from Mid Ulster District Council.

Reason: To control the size and scale of the business and to preserve the amenity of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	24th March 2015
Date First Advertised	8th April 2015
Date Last Advertised	20th July 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 77 Dunnamore Road, Dungate, Cookstown, Tyrone, BT80 9NX, The Owner/Occupier, 79 Dunnamore Road Dungate Cookstown The Owner/Occupier, 80 Dunnamore Road, Dungate, Cookstown, Tyrone, BT80 9NX, The Owner/Occupier, 81 Dunnamore Road Dungate Cookstown	
Date of Last Neighbour Notification	30th July 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2002/0031/O Proposal: Proposed site for dwelling and garage Address: Adjacent to 79 Dunamore Road Cookstown Decision: Decision Date: 14.10.2002 Ref ID: I/2003/0403/O Proposal: Proposed dwelling and garage Address: Adjacent 79 Dunamore Road, Dunamore, Cookstown Decision: Decision Date: 23.09.2003 Ref ID: I/2010/0019/F Proposal: Calfing unit and associated storage Address: Land to rear of 79 Dunnamore Road, Cookstown, BT80 9NX Decision: PG Decision Date: 17.02.2015 Ref ID: I/1999/0209	

<p>Proposal: Proposed Dwelling Address: ADJACENT TO 81 DUNAMORE ROAD DUNAMORE COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/1999/0026 Proposal: Proposed site for dwelling Address: ADJACENT TO 81 DUNAMORE ROAD DUNAMORE COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/2008/0179/F Proposal: Retention of workshop, store and yard for the manufacture of wooden structures and agricultural buildings including poultry houses. Address: 79 Dunnamore Road, Cookstown, Co.Tyrone Decision: Decision Date: 02.04.2009</p> <p>Ref ID: I/2015/0111/F Proposal: Relocation of approved timberframe building business and agricultural use previously approved under I/2010/0018/F and I/2010/0019/F Address: Land opposite and to the rear of 79 Dunnamore Road, Dunnamore, Cookstown, BT80 9NX, Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

Drawing No.
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: 6 th October 2015	Item Number:
Application ID: M/2015/0126/F	Target Date:
Proposal: Conversion from shops/offices to 3 flats	Location: 9 10 and 11 Feeney's Lane (Thomas Street Carpark) Dungannon
Referral Route: Proposal is recommended for refusal as it is contrary to PPS 7.	
Recommendation:	Refusal
Applicant Name and Address: Mervyn Gregg 138 Aughrim Road Magherafelt BT45 8HB	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Case Officer: Cathy Hughes	

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	Substantive Response Received
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	Substantive Response Received
Non Statutory	Protecting Historic Monuments	No Objection
Statutory	NI Transport - Enniskillen Office	Advice
Statutory	NI Transport - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site includes Nos 9, 10 and 11 Feeney's Lane in Dungannon. The site is a two storey terrace which fronts onto a footpath at Feeney's Lane with Castle Hill Pay and Display car park on the opposite side of the road.

The southern boundary of the site is attached to a single storey red brick building with a higher ridge height. This building is utilised as a hall and continues onto Thomas Street which is parallel and west of the site. The western boundary of the site is attached to No 13, 15, 17 and 19 Thomas Street. These are a three storey terrace of buildings which are currently occupied by different charity shops at ground floor level. The northern boundary of the site is the corner of No 11 which curves with the corner footpath and has a door and window on this elevation. The eastern front elevation of the site is the street frontage. Each unit currently has a large shop window with a central doorway and a doorway in the southern corner of No 9 allows access to an alley. Each property has three windows at first floor level on the front eastern elevation and there are no openings on the southern and western elevations.

Currently these three units are vacant but each have a shopfront at ground level and office space on the first floor. No 9 was at one stage Mar Cafe and Nos 10 and 11 advice centres for immigrants.

There is no relevant planning history on this site.

Area Characteristics

The application site is located within the Town Centre boundary of Dungannon and the Area of Townscape Character in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly commercial in character with a gaming arcade, restaurant, shops and offices in close proximity.

Proposal Description

This application is applying for the conversion of shops/offices to three flats at Nos 9, 10 and 11 Feeney's Lane, Dungannon, changing the use of these properties from shops/offices (Use Class A1 and A2) to residential (Use Class C1).

Upon inspection of the drawings submitted, I am not of the opinion that the proposed development would not constitute three flats as indicated in the proposal description. The drawings indicate three separate units of two bedroom accommodation which are two storey and each have a single access. Therefore this proposal will be assessed as being three townhouses.

Each townhouse has a kitchen and living room at ground floor with two bedrooms and a bathroom on the first floor. The terrace measures 21.2 metres at its longest, 5.3 metres wide and has a ridge height varying from 7.1-7.9 metres FGL.

This application proposes to replace the large glazed frontage of each property with a door and a window either side. The doorway on the corner of No 11 will be replaced by a window.

Representations and Consultations

This application was advertised in the local press and 14 neighbours were notified, there were no objections to this proposal.

NIEA - Historic Monuments Unit (HMU) were consulted and have no archaeological concerns. NIW informed there is sufficient capacity at the WWTW.

Environmental Health do not have any objections but highlight the need to provide adequate sound insulation in the walls and floors which separate each unit. They also question the suitability of the size of the units recommending consideration be given to fuel storage, clothes drying, access way, car parking and bin storage areas.

Transportni were consulted and initially requested detailed parking arrangements for the proposal. They then highlighted concern over the reliance of the proposal on the existing car park which has limited available spare capacity. Transportni's third and final consultation response states the change of use proposed in this application would generate less demand for parking, however the proposed residential element would necessitate different parking characteristics. They have no objections to the proposal as the adjoining car park in question is no longer under the DOE's control, but is now under the management of Mid Ulster District Council.

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

Creating Places – Achieving Quality in Residential Developments

Planning Policy Statement (PPS) 1 - General Principles

PPS 3 - Access, Movement and Parking

PPS 5 – Retailing and Town Centres

PPS 7 – Quality Residential Environments

PPS 12 – Housing in Settlements

DCAN 15 - Vehicular Access Standards

There is no specific policy within the Dungannon and South Tyrone Area Plan 2010 regarding the principle of this proposal, changing retail and office space to residential use. However it does emphasise providing a convenient and compact town centre and to retain and provide development opportunities for shops, services, leisure activities and mixed use within Dungannon town centre, where they contribute to their overall vitality and viability.

PPS 5 sets out the principles for retailing and town centres. Paragraph 24 states that, "In order to ensure a compact and vital retail core, the increase of retail floorspace through the refurbishment of existing units and sympathetic redevelopment will be encouraged." It goes on to say in Paragraph 27, that planning permission may be granted for residential use above shops and other business premises within town centres, provided that the primary retail core and commercial functions are not prejudiced and that they comply with normal planning and environmental considerations."

This application proposes to remove three units of ground floor retail space within the town centre close to the Primary Retail Core (less than 100 metres) and does not entail a residential element above a ground floor commercial unit.

Paragraph 4.25 in PPS 7 informs that in town or city centres which benefit from high accessibility to high quality and frequent public transport facilities, high density development such as townhouses will normally be acceptable.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to a number of criteria:

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

This proposal involves some changes to the streetscape at ground level. The addition of a clearly residential element to this terrace is not in keeping with Feeney's Lane which does not have any residential properties, albeit a mixture of architectural types of buildings.

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

NIEA - Historic Monuments Unit have no archaeological concerns about this proposal.

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

Paragraph 4.31 in PPS 7 clearly states all houses will need to provide some in-curtilage open space. The three units subject of this planning application are a terrace and front onto the footpath and back onto the properties fronting onto Thomas Street. Therefore there is no public or private amenity space associated with any of these townhouses.

The agent has referred to the absence of private amenity space in this proposal stating that due to its town centre location it is not considered necessary or appropriate to provide private open space giving the close proximity of Castle Hill LLPA.

I am not of the opinion this would suffice for the inhabitants of these townhouses to store their wheelie bins or hang a clothes line. It is such for these private uses that private amenity space is required for residential developments. It is noted there is no communal amenity space proposed either.

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

Given the nature of this proposal there is no requirement to provide local neighbourhood facilities as part of this application.

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

The location of this site within the Dungannon town centre means it is ideal for sustainable methods of travel.

f) adequate and appropriate provision is made for parking;

Transportni initially requested detailed parking arrangements for the proposal. They then highlighted concern over the reliance of the proposal on the existing car park which has limited available spare capacity. Transportni's final consultation response states the change of use proposed in this application would generate less demand for parking, however the proposed residential element would necessitate different parking characteristics. They have no objections to the proposal as the adjoining car park in question is no longer under the DOE's control, but is now under the management of Mid Ulster District Council.

There is no provision made on this site for parking associated with this proposal and I am not satisfied with the reliance on the adjacent Pay and Display public car park or other free car parking spaces in the town.

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

The only changes to the external appearance of the three units is at ground floor level replacing the shop windows and doors with residential doors and windows either side.

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

The changes proposed to the existing buildings is along the street frontage and would not create conflict with other uses. However, the existing design of these buildings does not conveniently allow for their conversion to townhouses due to a lack of private amenity space associated with each dwelling and the size of each unit.

The agent has stated the proposal conforms with the space standards in Annex A in PPS 7 with No 9 – 63.9 m², No 10 – 60.2 and No 11 – 58.8 m². Internal measurements of the properties show No 9 – 55.4 m², No 10 – 57.2 m² and No 11 – 54.9 m². These fall significantly below the 70 – 80 m² Space Standards set out in Annex A for a two bedroom two storey property for 3-4 people.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I am not convinced this proposal for three townhouses which have no private or shared amenity space or parking and falls under the minimum space requirements for residential units would contribute to the vitality and viability of Dungannon town centre. Therefore, I would recommend this application for refusal as it fails to comply with the policy requirements parts a, c, f and h of QD1.

Refusal Reasons:

1. The proposal is contrary to PPS 7 – Quality Residential Developments part a in that the development would, if permitted, fail to respect the surrounding context and is inappropriate to the character in terms of layout and scale.
2. The proposal is contrary to PPS 7 – Quality Residential Developments part c in that the development would, if permitted, fail to provide adequate public or private open space as an integral part of the development.

3. The proposal is contrary to PPS 7 – Quality Residential Developments part f in that the development would, if permitted, fail to provide adequate and appropriate provision for parking.
4. The proposal is contrary to PPS 7 – Quality Residential Developments part h in that the development would, if permitted, fail to provide adequate provision of space for each dwelling unit.

ANNEX	
Date Valid	9th March 2015
Date First Advertised	26th March 2015
Date Last Advertised	26th March 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Thomas Street Drumcoo Dungannon The Owner/Occupier, 12 Thomas Street Drumcoo Dungannon The Owner/Occupier, 12A Thomas Street Drumcoo Dungannon The Owner/Occupier, 13 Thomas Street Drumcoo Dungannon The Owner/Occupier, 13A Thomas Street Drumcoo Dungannon The Owner/Occupier, 13B Thomas Street Drumcoo Dungannon The Owner/Occupier, 14 Thomas Street Drumcoo Dungannon The Owner/Occupier, 15 Thomas Street Drumcoo Dungannon The Owner/Occupier, 16 Thomas Street Drumcoo Dungannon The Owner/Occupier, 16A Thomas Street Drumcoo Dungannon The Owner/Occupier, 16B Thomas Street Drumcoo Dungannon The Owner/Occupier, 17-19 Thomas Street Drumcoo The Owner/Occupier, Buttermarket Centre 1 Feenys Lane Drumcoo The Owner/Occupier, Buttermarket Centre Thomas Street Drumcoo The Owner/Occupier, Canos Restaurant, ,Unit EThe Buttermarket Centre, Dungannon, Co Tyrone The Owner/Occupier, Shooters Amusement Centre, 5 The Butter Market Centre, Dungannon, Co Tyrone	
Date of Last Neighbour Notification	6th May 2015
Date of EIA Determination	N/A

ES Requested	No
Planning History <p>Ref ID: M/2015/0126/F Proposal: Conversion from shops/offices to 3 flats Address: 9,10 and 11 Feeney's Lane (Thomas Street Carpark) Dungannon, Decision: Decision Date:</p> <p>Ref ID: M/2007/0613/Q Proposal: Dungannon Town Centre Health Check Planning Search Address: Dungannon Town Centre Decision: Decision Date:</p> <p>Ref ID: M/1978/0813 Proposal: CONVERSION OF DWELLING TO SHOP AND FLAT ACCOMMODATION Address: 21 THOMAS STREET, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1987/0063 Proposal: CHANGE OF USE FROM DWELLING TO SHOP AND FLATS Address: 21 THOMAS STREET, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1988/0332 Proposal: EXTENSIONS TO SHOPS AND NEW SHOP FRONTAGES Address: 13/15/17/19 THOMAS STREET, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1991/0277 Proposal: Erection of 3 No shop units Address: REAR OF 15, 17 AND 19 THOMAS STREET DUNGANNON FRONTING ONTO FEENEY'S LANE Decision: Decision Date:</p> <p>Ref ID: M/1987/0062 Proposal: CHANGE OF USE FROM STORES TO 2 NO SHOPS Address: FEENEY LANE, DUNGANNON Decision: Decision Date:</p>	

<p>Ref ID: M/1987/0542 Proposal: EXTENSION TO SHOPS Address: TO REAR OF 13/19 THOMAS STREET, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1985/0170 Proposal: PROVISION OF CAR PARK Address: CASTLEHILL, DUNGANNON Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>NIEA HMU - no archaeological concerns. NIW - sufficient capacity at the WWTW. Environmental Health – no objections. Transportni - no objections.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Elevations Status: Submitted</p> <p>Drawing No. 04 Type: Existing Elevations Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



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: 06.10.2015	Item Number:
Application ID: M/2015/0145/F	Target Date: 26.06.2015
Proposal: Agricultural building in association with existing active farm including improved agricultural access	Location: 100m South East of 11 Dungormon Road Bernagh Dungannon BT71 6SD
Referral Route: Refusal Recommended	
Recommendation:	Refusal
Applicant Name and Address: Joseph Kelly 17 Rhone Road Dungannon BT71 7EN	Agent Name and Address: Colm Donaghy Chartered Architect 24 Killyman Street Moy BT71 7SJ
Executive Summary: Application fails the policy test within PPS 21	
Signature(s): <i>Caoimhe O'Callaghan.</i> <i>23/9/15.</i>	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site to be developed lies 100 metres South East of 11 Dungorman Road, Dungannon. The site is an agricultural field that lies 70 metres east of the main group of buildings on the farm and 65 metres to the rear of a neighbouring dwelling at No 17 Dungorman Road. A new laneway is proposed from Dungorman Road that will lie adjacent to the existing access to the holding.

The site itself is relatively open and elevated in the landscape, boundaries to the northeast and northwest are undefined and the site is approximately 4 metres above the level of the public road.

The topography of the land is undulating and due to the layout of the road and presence of mature trees along the boundary to the north east of the larger field and farm buildings beyond

this at No 28 Dungorman Road there are views of the site for only a short distance of approximately 60 - 80 metres on approach to the site from the east along Dungorman Road. When travelling from the west (junction with Old Moy Road) the building will appear as a prominent feature in the landscape, particularly for a distance of approx 60 metres on approach towards the site.

Description of Proposal

The proposal is for a large agricultural shed that will measure 41.5 metres by 19 metres in depth, it will have a ridge height of 9.8 metres. Materials and design are typical of buildings designed for agriculture (concrete walls to lower section and colour coated metal cladding to above and to roof).

There is no below ground slurry storage proposed in this shed.

Planning Assessment of Policy and Other Material Considerations

Site History - There is no relevant planning history on this site.

Adjoining neighbours at No 11 Dungorman Road and also No 17 have been notified of this development. No objections or representations have been received.

The dwelling at No 11 is shown as being within the applicants ownership, it adjoins the existing working farmyard on the holding and therefore there are sheds which lie in closer proximity to this dwelling than the proposed shed.

The shed will lie 65 metres to the rear of No 17 which is a single storey bungalow surrounded to the sides and rear by a coniferous hedgerow that is approx 1.5 metres high. Existing farm sheds on this holding are approximately 80 metres from the site.

Consultees -

Transport NI have no objections to the proposed development and have suggested conditions and informatives

Environmental Health have no objections to the proposal

DARDNI - The applicant acquired the holding in 2014 and has applied to establish the business in his own name. DARD have confirmed that the processing of this application is currently on-going.

Details of the previous business on this farm holding have been supplied by the applicant and DARD have confirmed that this holding has been in existence from 2004 and single farm payment subsidies have been claimed. The new holding as purchased by the applicant represents only part of the original holding and includes the main dwelling (No 11 Dungorman Road) on the farm and also the existing buildings on the farm. I am however satisfied that there has been sufficient agricultural activity over the requisite period on this holding to constitute 'active' farming.

This site lies within the rural area and is approximately 2 km south of the settlement of Dungannon, the area is characterised by dispersed rural dwellings and farm holdings, there is a strong rural character in the area.

This application has been assessed under policy CTY 12 (Agricultural and Forestry Development) of PPS 21 - Sustainable Development in the Countryside.

(a) The agent has stated that this additional shed is necessary for the applicant to carry out his farming duties in a more efficient manner and that specifically the shed is required for storage of straw and there are no existing facilities on the holding for this purpose. However no specific

information to demonstrate that this is the case has been provided and this is particularly important given that this new building is to be sited away from the existing farm grouping. I am not satisfied that a building of this scale is necessary for the efficient running of this agricultural holding.

(b) the building is relatively large in scale and has the appearance of a typical agricultural building. Given its scale and elevated position in relation to the surrounding landscape, although it does have an agricultural appearance, the proposed shed will have a negative visual impact on the character of this area particularly given that it does not read as part of the existing farm grouping.

(c) As described above, the shed will occupy quite a prominent position in the landscape and may (particularly when viewed from the east) appear divorced from the other buildings on the holding. The shed will be served by its own access which will run alongside the existing access to the farm buildings. The proposed shed, given its elevated position, lack of boundaries on the site and visual separation from the existing buildings on the holding cannot be considered to visually integrate into the landscape.

(d) There will be no impact upon the natural or built heritage of this area and

(e) there will be no detrimental impact upon the amenity of surrounding neighbours.

There will be no slurry storage associated with this shed and Environmental Health Department are satisfied that there will be no impact on amenity and have no objections to the proposal.

It has not been adequately demonstrated that there are no suitable existing buildings on the holding and the building will not be sited close to an existing group of buildings on the holding.

The application has failed to meet the tests outlined within Policy CTY 12 and refusal is recommended.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Proposed shed will not integrate with established group of buildings on the farm and it has not been demonstrated that it is necessary for the efficient running of the farm business.

Refusal Reasons

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed building is necessary for the efficient use of the active and established agricultural holding and the development, if permitted, would not visually integrate into the local landscape. Additionally, the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used and the proposal is not sited beside existing farm buildings.

Signature(s)

C O'Callaghan

Date:

23/9/15.

ANNEX	
Date Valid	13th March 2015
Date First Advertised	26th March 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Dungorman Road Bernagh Dungannon The Owner/Occupier, 17 Dungorman Road Bernagh Dungannon	
Date of Last Neighbour Notification	31st March 2015
Date of EIA Determination	
ES Requested	No
Planning History None	
Summary of Consultee Responses DARD – Farm business is active and established	
Drawing Numbers and Title	
Drawing No. 01/Rev1 Type: Site location & Elevations Status: Submitted Drawing No. 02 Type: Site Layout Plan Status: Submitted	

Notification to Department (if relevant) N/A

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/2015/0165/O	Target Date: 06.07.2015
Proposal: Proposed 2No. Dwellings	Location: Between 33 and 35 Cookstown Road Dungannon
Referral Route: Recommendation of refusal and 1no objection.	
Recommendation:	Refusal
Applicant Name and Address: Raymond McCann 36 Lisnagowan Road Carland Dungannon BT70 3LN	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3Ly
Executive Summary: The applicant has applied for 2no dwellings under CTY 8 (ribbon development). I have considered the proposal and do not believe the road frontage is either substantially built up nor visually linked given the steep change in levels across same and the excellent boundary treatment around no 35 to the immediate west of the site.	
Signature(s): Mark McLaughlin (case officer)	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	Consulted in Error
Non Statutory	Health & Safety Executive for NI	No Objection
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

Letters of Support	4
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

Characteristics of the Site and Area

The northern boundary of the site is undefined on the ground.

The eastern boundary of the site is largely undefined on ground, there is a dwelling and shed to the rear just beyond the eastern boundary. The western boundary of the application site falls down towards the west and the existing dwellings fronting the old main road. The boundary here is fir trees approx. 2-3m above the level of the site. Beyond the northern boundary of the site is banking 6-7m high. Beyond the western 'tip' of the application site trees can be found at 15-20m high. The land within the application site falls down from the centre of the site toward the south and west steeply. There is a post and wire fence along the lane at the southern boundary of the site.

The land mass is falling generally moderately downwards from the north east and east towards the west. The levels along the lane are such that the ffl of no 33 are approx 10-12m above those of no 35. No 35 is an established plot with excellent boundary treatment of mature native and non native mix, ensuring all year round screening. The vegetation along the southern side of the lane also acts as an effect screening mechanism when viewed from the front of no 33 looking in a westerly direction, given the bend in the lane also reduces visual linkage between the two houses.

Planning Assessment of Policy and Other Material Considerations

The applicant has indicated that he is applying under CTY 8, Ribbon Development.

CTY 08 states that permission will be granted for a dwelling in 'a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.' CTY 8 then elaborates : ' For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.'

The question one must ask therefore is:

a: is it a small gap site sufficient only to accommodate up to a maximum of two houses to which the answer must be yes.

The second question is whether the frontage is substantial and continuously built up. CTY 8 provides a definition of same above. Assuming no 33 to be one of the dwellings, No 35 lies approx. 100m to the west and is being used as the second location point to bookend the 'gap'. A garage exists to the rear of no 35. This garage is approx 25m off the access lane. CTY8 requires that there is a line of 3 or more buildings along road frontage, I do not consider a garage approx 25m back off the lane and below the level of the road to comprise road frontage as required. Combined with the fir trees approx 5m above the level of the lane to provide screening, it is debatable as to whether no 35 even constitutes roadside frontage when it faces to the south west onto the old Cookstown Road.

VIEW INTO NO 35 FROM SITE FRONTAGE



The lane also bends just east of no 35, meaning there is no discernible common frontage nor is there deemed to be any visual linkage between these two buildings, combined with the rising land mass (the ffl of no 33 is approx 10-12m above that of no 35, 90m away).

VIEW TOWARDS NO35 FROM NO 33



One letter of objection was received. The objector's signature was illegible and no address was included on the letter. The objector refers to 'between us and 35' so I am assuming based on this that they live at 33. The objector then outlines their concerns at the dust settling on vehicles parked at 35 and the windows of that house and claim the dust raised from vehicular traffic is difficult to breathe in. The objector also raises concerns regarding the height of the dwellings will have on the privacy of no 35.

The objector also claims to have suffered flooding and that any further disruption to the lay of the land would cause 'severe flooding'. They also mention traffic disrupting rocks which fall down damaging the trees and the garden.

The issue of dust generation by additional road traffic is not one which Mid Ulster Council could sustain as a reason for refusal at appeal. The issue of the quality of the lane is a matter for those people on it and any grievance which come about as a result of the quality of the lane are a civil matter between those persons. The issue of the height of the dwellings is something which having visited the site one could see had potential to give grievance. The land does fall steeply downwards toward 35. However careful consideration at rm stage could prevent any undue loss of amenity e.g. by construction of bungalow with landscaping and careful orientation and lack of windows on that side elevation.

Again the flooding matter is a civil matter between those parties who own the lane and the complainant. If the dwellings were to be approved, satisfactory drainage arrangement would have to be incorporated.

Four letters of support have been received from people living in close proximity supporting the application for dwellings in the Carland area which has not seen, in their words, much development in recent years.

Transport NI have returned comment of no objection.

Health and Safety Executive, NI Water, DETI Geological Surveys and Environmental Health were consulted for opinion on the application. None had any objection.

Rivers Agency were consulted and recommended a Drainage Assessment be submitted. However under PPS 15 only schemes over 1hectare in size or where 10 or more dwellngs are proposed require a DA. This scheme is neither. MUC could not therefore sustain as reason for refusal at appeal the lack of information if the applicant was unwilling to submit same.

In terms of CTY 13 (Integration and design of buildings in the countryside) the steeply rising land to the north and north east provide an excellent backdrop and the vegetation along the lane provides excellent screening from critical views along the main Cookstown Road to the south. I do not consider that this could be sustained as reason for refusal.

I have taken all of the relevant policy into consideration and assessed the objections and 4no letters of support. Whilst there may be a local housing shortage, I must assess the application against current planning policy. Having regard to this policy I do not believe given the winding nature of the lane, the steep drop in levels between the two dwellings and the excellent boundary treatment to no 35 directly west of the site that the application complies with CTY 8.

I therefore recommend the application be refused as being contrary to cty 8, PPS 21 in that the application site does not compromise a substantial and continuously built up frontage as required by policy.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The site does not comprise a gap site as defined in CTY 8, Ribbon Development. I recommend the application be refused as the frontage is not continuously built up nor visually linked.

Reasons for Refusal:

1.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Cookstown Road, as the site is not considered to be a gap site within an otherwise substantial and continuously built up frontage.

Signature(s)

Date:



ANNEX	
Date Valid	23rd March 2015
Date First Advertised	8th April 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Cookstown Road Creevagh Lower Dungannon Owner / Occupier 33, Cookstown Road, Dungannon, Tyrone, Northern Ireland, BT71 4BQ Veronica Harrison 33, Cookstown Road, Dungannon, Tyrone, Northern Ireland, BT71 4BQ The Owner/Occupier, 35 Cookstown Road Creevagh Lower Dungannon The Owner/Occupier, 36 Cookstown Road Creevagh Upper Dungannon The Owner/Occupier, 37 Cookstown Road Creevagh Lower Dungannon McKenna 37 Cookstown Road, Dungannon, Tyrone, Northern Ireland, BT71 4BQ The Owner/Occupier, 39 Cookstown Road Creevagh Lower Dungannon Sean Coyle 39, Cookstown Road, Dungannon, Tyrone, Northern Ireland, BT71 4BQ Sean Coyle 39, Cookstown Road, Dungannon, Tyrone, Northern Ireland, BT71 4BQ	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2015/0165/O Proposal: Proposed 2No. Dwellings Address: Between 33 and 35 Cookstown Road,Dungannon, Decision: Decision Date: Ref ID: M/2013/0171/F Proposal: Change of access for existing dwelling	

Address: 33, Cookstown Road, Dungannon,
Decision: PG
Decision Date: 03.10.2013

Ref ID: M/2000/0962/RM
Proposal: Dwelling house
Address: 130m north of 4 Annaghlinny Road Dungannon
Decision:
Decision Date: 19.12.2000

Ref ID: M/1999/1174/F
Proposal: New Garage.
Address: 35 Cookstown Road, Dungannon.
Decision:
Decision Date: 18.02.2000

Ref ID: M/1999/0377
Proposal: Replacement Dwelling
Address: 35 COOKSTOWN ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1998/0093
Proposal: Site for Dwelling
Address: 130M NORTH OF 4 ANNAGHINNY ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1974/0251
Proposal: HV AND MV O/H LINES
Address: LISNAGOWAN AND CREEVAGH LOWER, DUNGANNON
Decision:
Decision Date:

Summary of Consultee Responses

Rivers Agency required a Drainage Assessment, this was not requested as the site does not satisfy any of the criteria laid out in PPS 15 (Planning and Flood Risk) for requesting a Drainage Assessment.

Environmental Health, Transport NI, Geological Surveys NI, NI Water had no objection.

Drawing Numbers and Title

Drawing No. 01
Type:
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
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0087/O	Target Date:
Proposal: Infill development for 1no single storey dwelling in accordance with PPS21	Location: 20m North of No.43A Belagherty Road Ballyronan Magherafelt
Referral Route: The application is being presented to Committee as a refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Lisa McCloskey c/o Agent PJ Carey Architecture	Agent Name and Address: PJ Carey Architecture 21 Slaght Lane Glarryford Ballymena BT44 9QE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	Consulted in Error
Statutory	NI Transport - Enniskillen Office	Content

Representations:

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

Summary of Issues

The proposal falls to be considered under Policy CTY 8 of PPS 21. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage "includes a line of 3 or more buildings along a road frontage without accompanying development to the rear".

Characteristics of the Site and Area

The site is a small site positioned between two bungalows. There is a post and rail fence along the boundary with No.43 with a 1.2m high close boarded fence to the rear. The boundary between the site and No. 45 is undefined. No. 43 has a small single garage set to the rear left hand side while No.45 has a larger shed which is also set to the rear and slightly to the right hand side. Both the garage and the larger shed are ancillary buildings set behind the dwellings and therefore do not form a line of three buildings.

Planning Assessment of Policy and Other Material Considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

The proposal is to be considered under PPS 21 – sustainable development in the countryside, Policy CTY 8 Ribbon Development.

The site is located within the side garden of No 45 Bellagherty Road with no.45 to the north western side and no.43A to the south eastern side. Outside of these two dwellings there are no other buildings at this point on the Bellagherty Road. No.43A has a small traditional built domestic garage which is sited to the rear and extends closer towards the site while no.45 has a larger metal clad shed/garage in a similar position to the other side and again extending closer towards the site. The both garages/sheds are not read as being part of a line of buildings. On approach the south east, one is only conscious of the two dwellings, 43A and 45, until reaching the access laneway adjacent to the south-eastern boundary of 43A when the garage/shed at no.45 comes into view. From this vantage point, the garage/shed appears very much to the rear of no.45. The same view is achieved on approach from the north-west from where the garage at no.43A appears to the rear of the dwelling. At no point along this stretch of the Bellagherty Road is a view of a line of three buildings, which straddles the application site, achieved.

The applicant has submitted an indicative block plan which also refers to an approved infill site under ref: I/2012/0157/RM. However, this site is viewed in a different scenario than the application site as it is located within three existing dwellings without the need to consider ancillary buildings such as domestic garages as is the case in this application.

Recommendation

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

- 1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Bellagherty Road.
- 3.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.

Neighbour Notification Checked	Yes
Summary of Recommendation: Transport NI and Environmental Health have both advised that they have no issues of concern with the proposed site. NI Water have failed to respond to the consultation instead advising that they were consulted in error. The consultation was issued to NI Water – Single Units West Team, on 27.04.2015, as advised in the Planning Portal Circular ICT 14/2012.	
Signature(s) Date:	

ANNEX	
Date Valid	15th April 2015
Date First Advertised	27th April 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 43 Belagherty Road Belagherty Magherafelt The Owner/Occupier, 44 Belagherty Road Belagherty Magherafelt The Owner/Occupier, 45 Belagherty Road Belagherty Magherafelt The Owner/Occupier, 46 Belagherty Road Belagherty Magherafelt	
Date of Last Neighbour Notification	28th April 2015
Date of EIA Determination	N/A
ES Requested	Yes
Planning History Ref ID: I/2001/0680/F Proposal: Proposed replacement dwelling Address: 43 Belagherty Road, Belagherty, Magherfelt Decision: Decision Date: 14.02.2002 Ref ID: I/1982/0375 Proposal: BUNGALOW Address: BELLAGHERTY, MAGHERAFELT Decision: Decision Date: Ref ID: LA09/2015/0087/O Proposal: Infill development for 1no single storey dwelling in accordance with PPS21 Address: 20m North of No.43A Belagherty Road, Ballyronan, Magherafelt, Decision: Decision Date: Ref ID: Proposal: Infill development for 1no single storey dwelling in accordance with PPS21 Address: 20m North of No.43A Belagherty Road	

Ballyronan
Magherafelt

Decision:
Decision Date:

Summary of Consultee Responses

Transport NI and Environmental Health have both advised that they have no issues of concern with the proposed site.

NI Water have failed to respond to the consultation instead advising that they were consulted in error. The consultation was issued to NI Water – Single Units West Team, on 27.04.2015, as advised in the Planning Portal Circular ICT 14/2012.

Drawing Numbers and Title

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

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2015/0104/F	Target Date: 4 th August 2015
Proposal: Proposed dwelling and garage of rural character	Location: 250m South East of 5 Glenquilly Road Moneymore BT45 7RD
Referral Route: Recommended for Refusal	
Recommendation:	Refusal
Applicant Name and Address: Robert Carmichael C/o.agent	Agent Name and Address: OJQ Architecture 41A James Street Cookstown BT80 8AA
Executive Summary: No objections	
Signature(s): <i>N.Hasson</i>	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No issues

Characteristics of the Site and Area

The site is located approximately 3 km north of the village of Moneymore in the open countryside, as defined by the Cookstown Area Plan 2010. The site is located within a Site of Local Nature Conservation Importance (SLNCI).

The site is located within an agricultural field that is accessed from the Glenquilly road. The access slopes gently downwards from the proposed access to the site of the dwelling approximately 180 metres away. As a result, the site is not visible from and sits lower than the Glenquilly road. The site can be viewed fleetingly from the A29, a protected route approximately 170 metres to the east. The north eastern and south eastern site boundaries are defined by hedgerow and a post and wire fence, while the remaining site boundaries are currently undefined.

The surrounding area is characterised by gently undulating agricultural farmland, with farm complexes and single dwellings interspersed. The nearby A29 is a busy arterial route.

Planning Assessment of Policy and Other Material Considerations

Proposal:

The proposal is a full application for a dwelling and garage of rural character.

Site History:

A dwelling was previously approved on the site under planning reference H/2005/1164/O and appeal reference 2007/A1158. The planning appeal decision was dated 3rd March 2010. The primary planning policy used for assessing this planning application was 'A Planning Strategy for Rural Northern Ireland'.

Representations:

No representations were made.

Development Plan and Key Policy Considerations:

- Magherafelt Area Plan 2015
- PPS 21 – Sustainable Development in the Countryside

The previous planning approval for a dwelling was decided on 3rd March 2010 with a condition attached that the development shall be begun before the expiration of five years from the date of the permission.

This planning application LA09/2015/0104/F was received by Mid Ulster District Council on 21st April 2015. Therefore, the previous planning approval had expired before this submission. As a result, it is my opinion that the previous planning approval has lapsed and is no longer a material consideration in the processing of this application. The current planning application will therefore be assessed on its own merits. The agent has made the case that the application was submitted prior to the original application lapsing, however this application was not received by Mid Ulster Council until 21st April 2015.

The site is located in the open countryside in accordance with the Magherafelt Area Plan 2015. There are a range of types of development which in principle are considered to be acceptable in the countryside. These developments can be found in policy CTY 1 of PPS 21.

A dwelling will be considered acceptable in the countryside in principal in the following cases:

- A dwelling sited within an existing cluster of buildings
- A replacement dwelling
- A dwelling based on special personal or domestic circumstances
- A dwelling to meet the essential needs of a non-agricultural business enterprise

- Development of a small gap site
- A dwelling on a farm

The proposed dwelling cannot be considered as an exception in accordance with the above cases, there are no overriding reasons why the development is essential in this location.

It is my opinion that the development is not acceptable under CTY 1 of PPS 21, as the proposal cannot be considered an acceptable type of development in the countryside.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend that planning permission is refused for the following reason:

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.

Conditions/Reasons for Refusal:

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

Signature(s) N.Hasson

Date: 25/9/15

ANNEX	
Date Valid	21st April 2015
Date First Advertised	4th May 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Glenquilly Road, Quilly, Money more, Londonderry, BT45 7RD, The Owner/Occupier, 3 Glenquilly Road, Quilly, Money more, Londonderry, BT45 7RD, The Owner/Occupier, 5 Glenquilly Road Quilly Money more	
Date of Last Neighbour Notification	26th May 2015
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/2003/1083/F Proposal: 11KV Spur. Address: Glenquilly Road, Money more. Decision: Decision Date: 21.01.2004 Ref ID: H/2005/1164/O Proposal: Site of Dwelling. Address: Approximately 250m South-East of 5 Glenquilly Road, Money more Decision: Decision Date: Ref ID: LA09/2015/0104/F Proposal: Proposed dwelling and garage of rural character Address: 250m South East of 5 Glenquilly Road, Money more, BT45 7RD, Decision: Decision Date: Ref ID: Proposal: Proposed dwelling and garage of rural character Address: 250m South East of 5 Glenquilly Road	

Money more
BT45 7RD

Decision:
Decision Date:

Summary of Consultee Responses

Consultation:
Transport NI, NIEA, NI Water and Mid Ulster Council Environmental Health (EHO) were consulted on this application. Transport NI, NI Water and EHO had no objections to the development, while NIEA advised that it does not wish consulted on proposals that affect local designations in development plans.

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 04
Type: Garage Plans
Status: Submitted

Drawing No. 03
Type: Elevations and Floor Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2015/0138/O	Target Date: 10.8.2015
Proposal: Proposed dwelling on a small gap site in compliance with policy CTY 8	Location: Site adjacent to 82 Lurgylea Road Galbally
Referral Route: Recommendation to refuse.	
Recommendation:	Refusal
Applicant Name and Address: Mr Shayne Tierney 82 Lurgylea Road Galbally Dungannon	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Considered - No Comment Necessary
Statutory	NIEA	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 proposal: <p>The proposal is for a rural dwelling in compliance with the exception to Policy CTY 8 (Gap site) of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside.</p>	
Characteristics of the Site and Area <p>The site is located approximately 0.4km east of Cappagh and is part of the existing curtilage of a one and a half storey dwelling, which is located to the north east and adjacent with gable end onto the Lurgylea Road, from which the proposal gains access. The site is laid out in garden with planting beds, shrubs and trees with significant high hedge lines to the western and south western boundary. To the west and on the opposite side of the site boundary a large farm type shed exists, it is indicated as being within the same ownership and is accessed from the Lurgylea Road, through the proposed site. To the south west the site is defined by the Altmore River beyond which is a narrow field and access to a large industrial factory set some 130 metres from the Lurgylea Road. Further south west is agricultural lands.</p>	
Relevant Site Histories: <p>Previous application on the site relates to the dwelling constructed. No other relevant history identified.</p>	
Representations: <p>No representations received from press notice or neighbourhood notification.</p> <p>Consultation with Transportni has raised no concern however consultation with NIEA: Archaeology and Built Heritage has raised concerns in relation to the adjacent bridge (see below).</p>	
Planning Assessment of Policy and Other Material Considerations <p>The site is located within the open countryside as defined by the Dungannon Area Plan 2010 (DAP) where Planning Policy Statement 21 (PPS 21): Sustainable Development in the countryside applies. The description of the proposal is "proposed dwelling in a small gap site..." therefore the applicant wishes the application to be considered under the provisions of CTY 8 – Ribbon Development.</p> <p>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 does not comply with the exception to CTY 8. To the north east exists a dwelling, with associated garage. Immediately beyond that no other frontage development exists. To the west an agricultural type shed to the rear of a significant site defining hedge line presents development to the rear and not road frontage development. It is my opinion that the application fails the policy test because a substantially built up frontage does not exist. In addition to allow permission for this proposal allows potential for further development to the north east of the existing dwelling thus altering the character of the</p>	

area.

Other Policy and Material Considerations:

In my opinion a dwelling could be accommodated on this site, if policy allowed without resulting in a loss of neighbouring amenity or deterioration of highway safety, another issue identified is that the site is located close to a Site of Local Nature Conservation Importance. Consultation with Shared Environmental Services has resulted in the following comment "The potential impact of this proposal on Lough Neagh SPA and Ramsar sites has been assessed. It is not considered that the proposal will have a likely significant effect on this site or any other European sites".

Beyond the south western boundary of the site the Lurgylea Road crosses the Altmore River by a bridge which is listed by The Department of the Environment. Consultation with Northern Ireland Environment Agency, Historic Buildings Unit has advised of its concerns in relation to the detrimental impact of the proposal on the listed structure. The bridge is listed due to special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011 and it is NIEA: HBU opinion that the sightline requirement for the site would result in the alteration and removal of part of the bridge's parapet walls affecting its character and setting thus contrary to policies BH8 and BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that outline planning permission is refused for the reasons below.

Reasons for Refusal:

- The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing pattern of development does not fulfil the criteria required to be considered as an exception of a gap site.
- The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the dwelling would, if permitted result in a pattern of development which when considered with the existing dwellings allow for further development as an exception to CTY 8 of PPS 21, thus creating a ribbon of development along the Lurgylea Road which would result in a detrimental change to the rural character of the countryside.
- The proposal is contrary to policies BH 8 and BH 11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that if permitted the sightlines to be provided would require works to the bridge which would be detrimental to the character and setting of the Lurgylea/Cappagh Bridge.
- The proposal is contrary to policies of Planning policy Statement 4 in that the proposal is not to provide adequate visibility splays and would therefore be detrimental to road safety.

Signature(s)

Date:

ANNEX	
Date Valid	27th April 2015
Date First Advertised	11th May 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/1977/0748 Proposal: DWELLING HOUSE Address: LURGYLEA, CAPPAGH, DUNGANNON Decision: Decision Date: Ref ID: M/1977/074801 Proposal: ERECTION OF DWELLING Address: CAPPAGH, DUNGANNON Decision: Decision Date: Ref ID: LA09/2015/0138/O Proposal: Proposed dwelling " on a small gap site" in compliance with policy CTY 8 Address: Site adjacent to 82 Lurgylea Road, Galbally, Decision: Decision Date: Ref ID: Proposal: Proposed dwelling " on a small gap site" in compliance with policy CTY 8 Address: Site adjacent to 82 Lurgylea Road Galbally	

Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: 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
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 th October 2015	Item Number:
Application ID: LA09/2015/0412/F	Target Date: 28.09.2015
Proposal: Retrospective application for retention of 2 existing sheds and extension of domestic curtilage Shed 1 domestic and agriculture storage, Shed 2 domestic garage	Location: 15 Drumaspil Road Dungannon
Referral Route: Objection Received	
Recommendation:	Approval
Applicant Name and Address: Mr Robin Burke 15 Drumaspil Road Dungannon BT71 6HZ	Agent Name and Address: McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD
Executive Summary: 2 objections received (one from an adjoining neighbour) Application meets tests outlined within PPS 7 (addendum) Residential Extensions and Alterations.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DARDNI - Omagh	Advice

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

Objections
Unauthorised Development

Characteristics of the Site and Area

The site to be developed lies at 15 Drumaspil Road, Dungannon. A single storey detached dwelling which lies 26 metres from the public road lies on the site and there are several associated domestic outbuildings to the rear.

The site is very well screened from view in either direction along Drumaspil Road and there are mature trees along the roadside boundary.

The site itself extends to the rear of Nos 19 and 21 Drumaspil Road which front onto the road and a further dwelling at 21a Drumaspil Road lies adjacent to the north eastern boundary of the site. A wall forms the boundary between this property and No 19 Drumaspil Road which is approximately 1.5 metres in height and there mature trees also along this boundary (on side of No 19).

There are two existing single storey buildings on this site - one is located to the side of the existing dwelling and is used as a double garage and another existing shed is located in a yard area approximately 14 metres to the rear of this garage. There are two steel sheds located in this hardstanding area on the northern side of the dwelling. A large shed (Shed 1) lies adjacent to the garden area to the rear of the house and is 14.3 metres by 8.3 metres in width and 4 metres in height.

The second shed (shed 2) is located adjacent to the wall/shared boundary with No 19 Drumaspil Road and is 4.8 metres by 3.5 metres in width and 3.2 metres in height. Both sheds are

constructed in dark green polyester coated steel profiled cladding to the roof and walls and have roller shutter main doors and shed 1 has several windows in either side elevation. Shed 1 is to be used as a domestic and agricultural store and shed 2 is to be used as a domestic store.

The site lies within the rural area as designated in the Dungannon and South Tyrone Area Plan 2015.

Planning Assessment of Policy and Other Material Considerations

Site History - Planning permission was granted on this site for a dwelling in 1991, under M/2007/0449/F planning permission was granted for the Retention of tractor garage to provide secure storage for tractor, trailer and grass cutting equipment.

There is an on-going enforcement case on this site under reference M/2015/0005/CA relating to the 2 no unauthorised sheds and unauthorised extension to curtilage.

Neighbours on adjoining sites have been notified on this application and two objection letters have been received.

An objection from the owner of 19 Drumaspil Road has been received, the relevant issues raised in this letter have been summarised below;

- >Query the need for such a large shed
- >Query that the applicant is a farmer
- >Question the description of Shed 2 as a 'garage' given existing parking provision on this site
- >Suggest that a neighbour has been excluded from the notification process
- >Suggest that relatives of the applicant may be involved in the decision making process.

A further objection has been received although no name or address for this objection has been provided. The main issues raised are querying whether the applicant is a farmer and also if he intends to run a tutoring business from the sheds and the potential for increase in traffic generation if this were the case.

I have carried out a site visit on 12th August 2015 and was able to verify the use of the sheds and also view the site from the rear of the neighbouring dwelling at No 19 Drumaspil Road. I am satisfied that all adjoining neighbours have been notified of the proposed development. The applicant was asked to clarify that that information that he had provided at Q26 on the P1 form in relation to 'Council Employee / Elected Member Interest' was correct and this matter has been clarified. I am satisfied that the information provided is accurate.

This application has been assessed under Policy EXT 1 of the addendum to PPS 7 Residential Extensions and Alterations.

17 Drumaspil Road is a large detached property with several outbuildings and a garden area to the rear. Views into the site are largely obstructed due to the presence of mature trees and vegetation to the front of the site. Neither Shed 1 or Shed 2 which are the subject of this application, are visible from the public road.

Although Shed 1 is large in scale it clusters with the dwelling and other buildings, albeit that it lies to the rear of the site adjacent to the garden area. Inspection of the inside of the shed revealed that it is currently used to park a car, a caravan and also two trailers. The shed is positioned in an unobtrusive location adjacent to the existing yard and its dark green colour helps to ensure that it does not appear a conspicuous feature either in the context of the existing development or within the surrounding landscape. This shed cannot therefore be considered to be out of context with the existing development in terms of its size, siting or design as it appears as part of an integrated group of buildings that are sited to the rear of the property with no visibility from Drumaspil Road.

Shed 2 by comparison is small in scale and is used for domestic storage, it lies adjacent to the boundary of the site and has a similar appearance in terms of finish and colour as the larger

shed '2'. This shed is located adjacent to the boundary of this site which is defined with a block wall approximately 1.8 metres in height and beyond this are several mature trees which form the boundary with No 17 Drumaspil Road. In terms of siting, this shed also integrates with the existing group of buildings on this site and is small in scale and not visible from any public vantage point. This shed does not detract from the appearance or character of the adjacent development or the surrounding area. Again given the scale of the shed / garage I am satisfied that the use of this shed is for domestic purposes.

Neither Shed 1 or Shed 2 are likely to have any impact on the amenity of surrounding neighbours. The use of the sheds for domestic purposes such as storage, is unlikely to result in any impact in terms of nuisance or noise. Neither shed were visible from the rear of the closest dwelling at No 19 Drumaspil Road however I do accept that there may be some visibility of Shed 2 during winter months however I do not believe that given the small scale of this structure that there will be any negative impact in relation to the amount of light into this dwelling or its garden area and the structure will not appear as a dominant feature or have any negative impact in visual terms.

The amenity and privacy of the residents of surrounding residents will not be affected by this proposal.

There has been no unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality and sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

This application has satisfied the criteria as specified in Policy EXT 1.

Mr Burke has supplied a P1c form and DARD have been consulted on this application as it has been noted on the plans that Shed 1 is used for domestic / agricultural storage. DARD have confirmed that the holding is active and established. Mr Burke informed me that although he does not have any livestock, he may in the future decide to keep several sheep in the field to the rear of his dwelling and will be required to use Shed 1 for storage of straw etc and some farming equipment.

The scale of agricultural activity on this holding is not likely to be significant and given that the scale of the buildings is subordinate to the main dwelling and enclosed within the site I am satisfied that the proposal is acceptable under PPS 7.

Approval Recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

All material planning considerations and issues raised in objections received have been considered.

Conditions

1. This planning permission takes effect from the date of this decision notice.

Reason: Development has commenced on this site.

Informatives

1. This permission authorises only private domestic use of the [proposed garage/premises]

and does not confer approval on the carrying out of trade or business there from.

Signature(s)

Date:

ANNEX	
Date Valid	15th June 2015
Date First Advertised	29th June 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 13 Drumaspil Road, Drumaspil, Dungannon, Tyrone, BT71 6HZ The Owner/Occupier, 19 Drumaspil Road Drumaspil Dungannon The Owner/Occupier, 19 Drumaspil Road, Dungannon, Tyrone, Northern Ireland, BT71 6HZ The Owner/Occupier, 19A Drumaspil Road, Drumaspil, Dungannon, Tyrone, BT71 6HZ, The Owner/Occupier, 21 Drumaspil Road Drumaspil Dungannon The Owner/Occupier, 21A Drumaspil Road, Drumcrow, Dungannon, Tyrone, BT71 6HZ, Anon . Unknown	
Date of Last Neighbour Notification	10.07.2015
Date of EIA Determination	N/A
ES Requested	No
Planning History M/2007/0449/F planning permission was granted for the Retention of tractor garage to provide secure storage for tractor, trailer and grass cutting equipment.	
Summary of Consultee Responses DARD – Verified that farm is active.	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout Plan Status: Submitted Drawing No. 03 Type: Elevations and Floor Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2015/0463/O	Target Date: 9/10/15
Proposal: Dwelling and Garage	Location: Opposite 20 Killary Lane Stewartstown Dungannon
Referral Route: Recommendation to refuse.	
Recommendation:	Refusal
Applicant Name and Address: Seamus Carrow 48 The Vale Derryvale Coalisland BT71 4TH	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NI Water - Single Units West - Planning Consultations	Content

Representations:

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

Detail of the Proposal:

This is an application for a dwelling and garage in the countryside in compliance with Policy CTY7 of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside.

Characteristics of the Site and Area

The site is located approximately 1.7 miles south east of Stewartstown and is accessed from Killary Lane, a minor road close to the settlement of Dernagh/ Clonoe. Basically rectangular in

shape the site is the remainder of a field within which a large shed has been erected and occupies the south west corner, shown under the ownership of the applicant. The northern boundary of the site is defined by Killary Lane and an approximately 1m high hedge. Part of the southern boundary is defined by similar 1m high hedge within which are a number of trees. Part of the southern and western boundary is defined by post and wire fencing (around shed) and the eastern boundary is defined by hedging. The site slopes moderately to steeply downwards from the northern boundary. The shed erected in the south west corner of the site has no record of planning permission. The shed would appear to have been in existence for some time and a number of articulated type trailers and some horse units were on site outside of same. The remaining area is rural and has a number of detached dwellings and farm groups.

Relevant Site Histories:

This site has been subject to a previous planning application, M/2014/0052/O. the application was withdrawn on 8th September 2014 after an opinion to refuse was presented. On the grounds of CTY1 - not considered to be an exception to policy nor any overriding reasons why this development could not be located within a settlement. CTY 14 – result in build up. CTY 6 – not compelling or site specific personal circumstances. CTY 7- not demonstrated that dwelling is essential for the non-agricultural business. No case for the dwelling was presented at that time.

Representations:

No representations received from press notice or neighbourhood notification.

Consultation with consultees including Transportni, Environmental Health and NI Water has raised no concerns.

Planning Assessment of Policy and Other Material Considerations

The site is located within the open countryside as defined by the Dungannon Area Plan 2010 (DAP) where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. The proposal is to be considered under Policy CTY 7- Dwellings for Non-Agricultural Businesses.

For planning permission to be allowed under this policy it is for the applicant to clearly demonstrate that there is a site specific need, that makes it essential for one of the business employees to live at the site. The fact that the business is in existence is in itself no justification for a dwelling in connection with that business. This business has been operating since 1998 and for some years from this yard and it would seem that the business has been operating satisfactorily with the current situation. The award of a contract, the need for more vehicles to fulfil that contract and security purposes as well as personal circumstances are the reasons given for the need for this dwelling.

The agent has advised that the dwelling is required in respect of an existing haulage business (Carron Transport) which has been in existence since 1998 and operates for over ten years from the adjacent large shed, identified within blue land in the application. Photographic evidence indicates that the shed was in existence in 2009 (Google maps), more than 5 years ago therefore immune from enforcement action as there is no evidence of permission being granted for the existing building. The applicants address has been given as 48 The Vale Derryvale Coalisland which is located within three miles of the business premises, which is not considered to be an excessive distance from which to travel to operate this business. No evidence has been

given in relation to the applicants fathers address, the owner of the business. However a company search has given the business address as no 20 Killary Lane, a dwelling located across the road from the business yard. Subsequent information has stated that the owner of the business (applicant's father) intends to retire from the business thus leaving the applicant to manage the business. On the basis of the information submitted and the location of those involved in the business it is my opinion that the applicant has not demonstrated that it is essential for the new dwelling to be located on this site, close to the business.

Other Policy and Material Considerations:

In my opinion a dwelling could be accommodated on this site, if policy allowed without resulting in a loss of neighbouring amenity or deterioration in highway safety, no other issues have been identified.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that this application be refused for the following reasons.

Reasons for Refusal:

- 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.
- The proposal is contrary to Policy CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is essential for the operation of the business.

Signature(s)

Date:

ANNEX	
Date Valid	26th June 2015
Date First Advertised	6th July 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 20 Killary Lane,Aughagalla,Stewartstown,Dungannon,Tyrone,BT71 5QE, The Owner/Occupier, 20a Killary Lane,Killary Glebe,Stewartstown,Dungannon,Tyrone,BT71 5QE, The Owner/Occupier, 22 Killary Lane,Aughagalla,Stewartstown,Dungannon,Tyrone,BT71 5QE, The Owner/Occupier, 24 Killary Lane Killary Glebe Stewartstown	
Date of Last Neighbour Notification	1st July 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2014/0052/O Proposal: Dwelling and Garage Address: Opposite 20 Killary Lane, Stewartstown, Decision: WITHDR Decision Date: 08.09.2014 Ref ID: LA09/2015/0463/O Proposal: Dwelling and Garage Address: Opposite 20 Killary Lane, Stewartstown, Dungannon, Decision: Decision Date: Ref ID: Proposal: Dwelling and Garage Address: Opposite 20 Killary Lane Stewartstown Dungannon Decision:	

Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

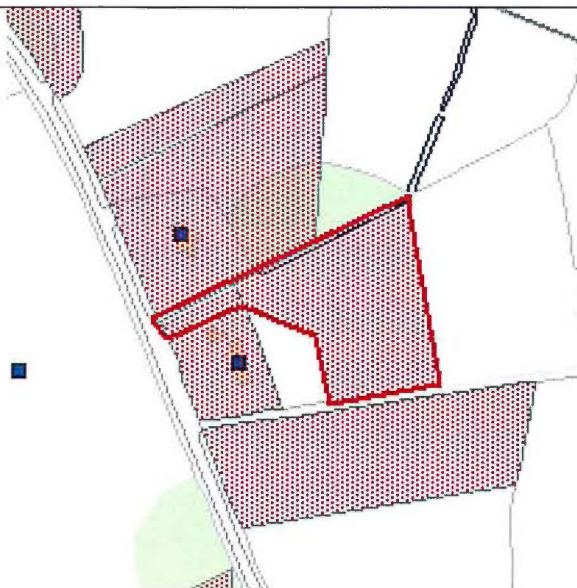
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0475/O	Target Date: 13/10/15
Proposal: Proposed gap site for dwelling and double domestic garage	Location: Between 22 and 22A Cloghog Road Cookstown
Referral Route: Recommendation to refuse.	
Recommendation:	Refuse
Applicant Name and Address: Messrs Brian And Lesley McGlaughlin 22 Cloghog Road Cookstown BT50 8RR	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	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 one and a half miles south east of Cookstown Town Centre. Access is provided from the Cloghog Road, a minor road which serves the rural area around this part of Cookstown. The access to the site is set between two dwellings, nos 22A and 22 each dwelling is accompanied by a detached garage. The access widens out into a larger field set to the rear of no 22. No 22A is of single storey design and no 22 a one and a half storey dwelling. Good hedges define the site which is currently accessed via a field gate at roadside. A laneway to access other farmlands defines the southern boundary of the site. Other development within the general area is mainly detached dwellings and farm groups.

Relevant Site Histories:

No relevant history on this site. Neighbouring permissions relate to dwellings already built.

Representations:

Representation has been received from Ian McCrea MLA in support of the application. No other comment received from press notice or neighbourhood notification. Consultation with Transportni and Environmental Health has raised no concerns.

Planning Assessment of Policy and Other Material Considerations

The site is located within the open countryside as defined by the Cookstown Area Plan 2010 (CAP) where Planning Policy Statement 21 (PPS 21): Sustainable Development in the countryside applies. The application has been described as proposed gap site for dwelling and double domestic garage 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 does not comply with the exception to CTY 8. To the south of the site are two buildings, a garage and dwelling, and to the north a dwelling and garage. The site proposed could not, at road frontage accommodate a normal sized dwelling, indeed this part of the site is only wide enough to provide access to the lands to the rear, where the dwelling is proposed. Although the proposal does not create a ribbon of development it does not in my opinion comply with exception of CTY 8. The development if permitted would provide back land development which does not in not respect the existing pattern of development and the plot size is significantly different than that of the existing dwellings.

Other Policy and Material Considerations:

Comment received from MLA has stated that he believes that there is a line of three or more building along a road frontage, which I would not disagree with, however not in the form identified in attached map. The comment continues to advocate that the existing pattern of development should allow acceptance for this proposal as the building line does not have to be continuous or a uniform building line and continues to argue that buildings sited back, staggered or at angles with gaps between them can still represent ribbon development. It is my opinion that the existing pattern of development does not provide an exception to CTY8 as the plot proposed does not respect the existing pattern of development, along the frontage and provides back land development not in accordance with policy.

In my opinion a dwelling could be accommodated on this site, if policy allowed without resulting in a loss of neighbouring amenity or deterioration in highway safety, no other issues have been identified.

Neighbour Notification Checked	Yes
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Recommendation:

I recommend that outline planning permission is refused for the following reasons.

Reasons for Refusal:

- The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing pattern of development does not fulfil the criteria required to be considered as an exception.

- 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 a build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	30th June 2015
Date First Advertised	20th July 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22A Cloghog Road Terressan Cookstown	
Date of Last Neighbour Notification	8th July 2015
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: I/1989/0225 Proposal: Domestic Garage Address: CLOGHOG ROAD COAGH Decision: Decision Date: Ref ID: I/1979/0219 Proposal: DWELLING Address: CLOGHOG, COOKSTOWN Decision: Decision Date: Ref ID: I/1999/0455/O Proposal: Retirement dwelling Address: Adjacent to 20 Cloghog Road Cookstown (Terressan TD) Decision: Decision Date: 24.02.2000 Ref ID: I/2000/0725/RM Proposal: Retirement dwelling and domestic garage Address: Adjacent to 20 Cloghog Road Cookstown Decision: Decision Date: 12.01.2001	

Summary of Consultee Responses

Consultation with Transportni and Environmental Health has raised no concerns.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: N/A

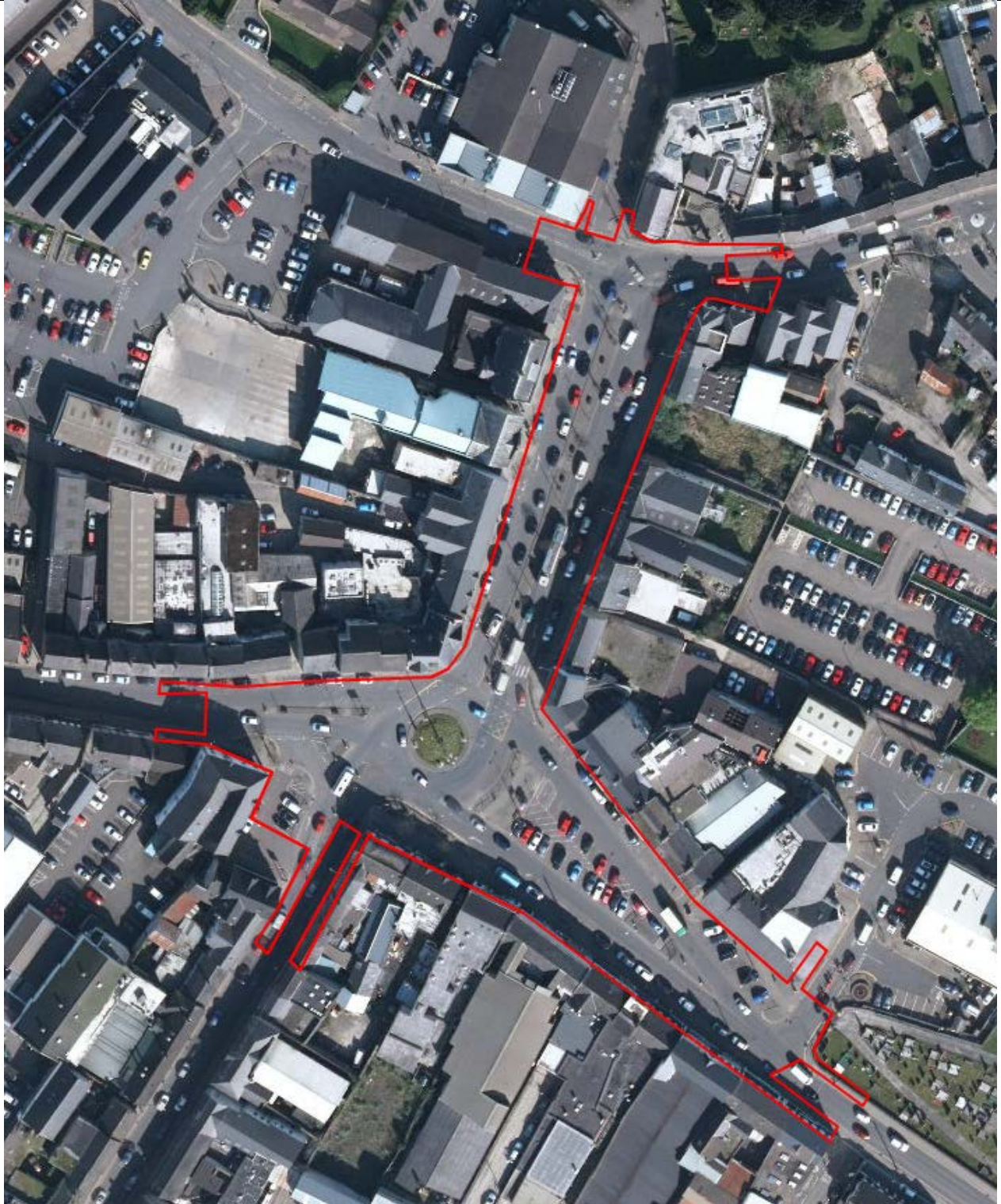
Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 October 2015	Item Number:
Application ID: LA09/2015/0636/F	Target Date: 17 November 2015
Proposal: Public realm improvements comprising: re-surfacing of existing footways with natural stone; granite kerbs; landscape proposals comprising semi-mature planting, raised planters and shrub planting; new street furniture - seating, litter bins and cycle racks, new feature lighting columns; plinth for future artwork; formalisation of existing on-street parking arrangements and surface treatment to carriageways	Location: Lands adjacent to Broad Street Market Street The Diamond Queen Street and Rainey Street Magherafelt
Referral Route: This applicant in this case is Mid Ulster Council and as such it is a Committee application.	
Recommendation:	Approve
Applicant Name and Address: Mid Ulster District Council c/o Agent RPS	Agent Name and Address: RPS Elmwood House 74 Boucher Road Belfast BT12 6RZ
Executive Summary:	
Signature(s): Karen Doyle	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	NI Transport - Enniskillen Office	
Non Statutory	NIEA	
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 County Grand Master of the Orange Institution. In his letter of objection it states the local District Orange Lodge were not consulted and they have a vested interest in the application as on account of the flag pole which is at the centre of The Diamond. The District Orange Lodge are in favour of the future development of the town centre to enhance the current state of footways, increased landscaping and street furniture. However they are concerned that the flag pole has not been included in the proposed plans. Although the District Orange Lodge has not been included as a landowner on Certificate A of the planning application it is clear they are now aware of the proposal and have made their concerns known to the Planning Department and have exercised their right to comment on the application.		
Characteristics of the Site and Area The site is located within the town centre of Magherafelt and within its primary retail core. This area includes the main retail outlets of Magherafelt and it is a compact form centred round Broad Street, The Diamond, Market Street and Rainey Street. The primary retail core also contains several banks and professional offices. There are also a number of residential units at first floor level and above within the red line of the site.		
Planning Assessment of Policy and Other Material Considerations <u>Policy context:</u> Magherafelt Area Plan Planning Policy Statement 1: General Principles Planning Policy Statement 3: Access, Movement and Parking The lands are within the Town Centre and within the Primary Retail Core as identified in the Magherafelt Area Plan 2015. Designation MT 37 within the area plan states “the purpose of identifying a primary retail core is to allow control to be exercised over development inside that area to ensure the continuance of a compact and attractive shopping environment, offering both choice and convenience”.		

There are a number of different elements to this application as follows:

Market Street: The current parking arrangements at Market Street are to be re-configured so that the central parking area in Market Street will be removed and the parking will be re-aligned along the footpaths of Market Street so that there are marked parked spaces along both sides of Market Street and loading bays are provided for on both sides of the street. A public realm area is identified on part of the lands that are currently used as a centralised area for car parking. On this there are 3 bench seating locations proposed together with litter bins, feature lighting columns, 4 cycle racks and 4 raised planters with amenity shrub planning and multi stemmed trees with the surface being finished in large natural sandstone. Along both sides of Market Street it is proposed to finish the footpaths in large natural sandstone with some semi-mature planting in purposed made tree pits within hard landscape areas. There are 6 uncontrolled pedestrian crossing points shown along Market Street and Meeting Street which will be finished in a contrasting natural granite to the large natural sandstone units on the footpaths and the small natural sandstone paving units on the road.

Meeting Street: Footpaths will be re-surfaced as far as Verona Bridal on one side of the street and this will be the line taken on the opposite side of the street outside the graveyard to First Magherafelt Presbyterian Church.

The Three Spires roundabout at the top of Broad Street will be finished around the perimeter with a small natural sandstone unit and amenity shrub planting within the perimeter of the roundabout. In the centre of the roundabout is the proposed location of a concrete plinth for future feature artwork with natural sandstone around it.

At The Diamond it is proposed to resurface the footpath and also the area of roadway in front of the First Trust Bank. The area of parking in front of the First Trust Bank is not shown on the submitted plans. As The Diamond turns onto Rainey Street the footpaths are to be resurfaced in natural sandstone as far as McConnell's shoe shop on one side of Rainey Street and the House of Flowers on the opposite side of the street. The central reservation on Rainey Street will also be finished in a natural sandstone paving stone.

Queen Street: The footpath will be resurfaced in a natural sandstone paving stone as far as The Luck Dip Chinese take-away on one side of Queen Street and Co-Operative Travel on the opposite side.

Broad Street: The entire length of Broad Street, including the central strip, will be re-surfaced in a natural sandstone paving stone. The pedestrian crossings will be retained at the top of Broad Street with a number of uncontrolled pedestrian crossing points along Broad Street. There are a number of semi-mature tree planting in purpose made tree pits within hard landscape areas along Broad Street.

Union Road: The footpath will be resurfaced in natural sandstone paving as far as The Wine Sellers on one side of the street and will finish at a parallel point on the opposite side of the street outside JC Stewart's supermarket.

Church Street: The footpath will be resurfaced in natural sandstone paving as far as M-Kutz Hair Salon on one side of the street and P A Duffy Solicitors on the opposite side of the Street.

A consultation response has been received from Transport NI. In their response they have requested both clarification on some issues and additional information to that which has been submitted. Their consultation has been considered and at the time of writing this report the amendments have been sought from Council officials but have not yet been received.

River Agency have requested a Drainage Assessment which has been requested through Council officials but at the time of writing this report it has not been received.

One letter of objection has been received from the County Grand Master of the Orange Institution. In his letter of objection it states the local District Orange Lodge were not consulted and they have a vested interest in the application as on account of the flag pole which is at the centre of The Diamond. The District Orange Lodge are in favour of the future development of the town centre to enhance the current state of footways, increased landscaping and street furniture. However they are concerned that the flag pole has not been included in the proposed plans. Although the District Orange Lodge has not been included as a landowner on Certificate A of the planning application it is clear they are now aware of the proposal and have made their concerns known to the Planning Department and have exercised their right to comment on the application.

The issue of the flag pole can be resolved outside of this application in that if it was to be retained in its current position no consent would be needed. If it was to be relocated or depending upon the position sought it could be dealt with either as a minor amendment to this permission or the subject of a separate application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The application is being recommended as an approval subject to a clearance from Transport NI on highway matters and Rivers Agency on drainage matters.

Conditions:

To be applied at the discretion of the Planning Manager upon resolution of road safety and highway matters.

Signature(s)

Date:

ANNEX

Date Valid	6th August 2015
Date First Advertised	17th August 2015
Date Last Advertised	

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
 15 Broad Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6EB,
 The Owner/Occupier,
 1 Union Street Union Arcade
 The Owner/Occupier,
 1 Broad Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 1 Market Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 1 Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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 1 Queen Street Town Parks Of Magherafelt Magherafelt
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 10 Market Street Town Parks Of Magherafelt Magherafelt
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 11 Market Street Town Parks Of Magherafelt Magherafelt
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 11-13 Broad Street Town Parks Of Magherafelt
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 11-13 Rainey Street Town Parks Of Magherafelt
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 11A Queen Street Town Parks Of Magherafelt Magherafelt
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 11B Queen Street Town Parks Of Magherafelt Magherafelt
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 12 The Diamond Centre Market Street
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 12 Queen Street Town Parks Of Magherafelt Magherafelt
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 12 Rainey Street Town Parks Of Magherafelt Magherafelt
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 12-14 Broad Street Town Parks Of Magherafelt
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12A Queen Street Town Parks Of Magherafelt Magherafelt
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13 The Diamond Centre Market Street
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13 Market Street Town Parks Of Magherafelt Magherafelt
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13-15 Market Street Town Parks Of Magherafelt
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14 Broad Street Town Parks Of Magherafelt Magherafelt
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14 Market Street Town Parks Of Magherafelt Magherafelt
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14 Queen Street Town Parks Of Magherafelt Magherafelt
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15 The Diamond Centre Market Street
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15 Market Street Town Parks Of Magherafelt Magherafelt
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15 Rainey Street Town Parks Of Magherafelt Magherafelt
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15B Broad Street Town Parks Of Magherafelt Magherafelt
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16 The Diamond Centre Market Street
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16 Broad Street Town Parks Of Magherafelt Magherafelt
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17 The Diamond Centre Market Street
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20 Broad Street Town Parks Of Magherafelt Magherafelt
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20 Market Street Town Parks Of Magherafelt Magherafelt
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21 Market Street Town Parks Of Magherafelt Magherafelt
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22 Market Street Town Parks Of Magherafelt Magherafelt
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23 Broad Street Town Parks Of Magherafelt Magherafelt
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23 Market Street Town Parks Of Magherafelt Magherafelt
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23-25 Oakleaf Broad Street Town Parks Of Magherafelt
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24 Market Street Town Parks Of Magherafelt Magherafelt
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25 Broad Street Town Parks Of Magherafelt Magherafelt
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25-27 Market Street Town Parks Of Magherafelt
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27 Broad Street Town Parks Of Magherafelt Magherafelt
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29 Broad Street Town Parks Of Magherafelt Magherafelt
The Owner/Occupier,
2A Broad Street Town Parks Of Magherafelt Magherafelt
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2A Queen Street Town Parks Of Magherafelt Magherafelt
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2E Rainey Street Town Parks Of Magherafelt Magherafelt
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3 The Diamond Centre Market Street
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3 Union Street Union Arcade
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3 Broad Street Town Parks Of Magherafelt Magherafelt
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3 Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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3 Queen Street Town Parks Of Magherafelt Magherafelt
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3 Rainey Street Town Parks Of Magherafelt Magherafelt
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30 Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EB
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31 Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EB
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3A Broad Street Town Parks Of Magherafelt Magherafelt
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3A Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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3B Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
The Owner/Occupier,
3C Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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3D Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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3E Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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3F Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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3G Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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3a Union Street Union Arcade
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4 8D Broad Street Town Parks Of Magherafelt
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4 Market Street Town Parks Of Magherafelt Magherafelt
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4 Rainey Street Town Parks Of Magherafelt Magherafelt
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4-6 Queen Street Town Parks Of Magherafelt

The Owner/Occupier,
4A Broad Street Town Parks Of Magherafelt Magherafelt
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5 Broad Street Town Parks Of Magherafelt Magherafelt
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5 Market Street Town Parks Of Magherafelt Magherafelt
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5A Rainey Street Town Parks Of Magherafelt Magherafelt
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5B Rainey Street Town Parks Of Magherafelt Magherafelt
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6 Union Street Union Arcade
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6 Broad Street Town Parks Of Magherafelt Magherafelt
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6 Market Street Town Parks Of Magherafelt Magherafelt
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6 Rainey Street Town Parks Of Magherafelt Magherafelt
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6A Rainey Street Town Parks Of Magherafelt Magherafelt
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7 Broad Street Town Parks Of Magherafelt Magherafelt
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7 Market Street Town Parks Of Magherafelt Magherafelt
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7 Meeting Street,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 6BN,
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7 Queen Street Town Parks Of Magherafelt Magherafelt
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7 Rainey Street Town Parks Of Magherafelt Magherafelt
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7 Union Street, Union Arcade, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5AD
The Owner/Occupier,
7A Queen Street Town Parks Of Magherafelt Magherafelt
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8 The Diamond Centre Market Street
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8 Broad Street Town Parks Of Magherafelt Magherafelt
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8 Market Street Town Parks Of Magherafelt Magherafelt
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 8 Queen Street Town Parks Of Magherafelt Magherafelt
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 The Owner/Occupier,
 8A Broad Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 8A Market Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 8A Rainey Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 8B Market Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 8E Market Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 8F Market Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 9 Broad Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 9 Market Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 9 Queen Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 9 Rainey Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 9 Union Street, Union Arcade, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5AD
 The Owner/Occupier,
 9A Broad Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 9A Queen Street Town Parks Of Magherafelt Magherafelt
 The Owner/Occupier,
 9B Market Street Town Parks Of Magherafelt Magherafelt
 Hugh Stewart
 County Grand Master, 13 Coolshinney Park, Magherafelt, BT45 5JG
 The Owner/Occupier,
 Flat 1 1 Market Street Town Parks Of Magherafelt
 The Owner/Occupier,
 Flat 2 1 Market Street Town Parks Of Magherafelt
 The Owner/Occupier,
 Flat 3 1 Market Street Town Parks Of Magherafelt
 The Owner/Occupier,
 The Diamond Centre 24 Market Street Town Parks Of Magherafelt
 The Owner/Occupier,
 UNIT 6 The Diamond Centre Market Street
 The Owner/Occupier,
 Unit 1 The Diamond Centre Market Street
 The Owner/Occupier,
 Unit 11 The Diamond Centre Market Street
 The Owner/Occupier,
 Unit 18b The Diamond Centre Market Street

Date of Last Neighbour Notification	21st August 2015
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2015/0337/PAD Proposal: Memorial Monument Address: Market Street, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: LA09/2015/0039/F Proposal: Renewal of previously approved planning application H/2002/0104/F, demolition of existing building and provision of a single level car park Address: 9 Market Street, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: H/2012/0308/F Proposal: Demolition of existing commercial/office building and replacement with two storey building to comprise of ground floor commercial unit and first floor office space Address: 4-6 Queen Street, Magherafelt, BT45 6AB, Decision: PG Decision Date: 20.02.2013</p> <p>Ref ID: H/2012/0414/A Proposal: Shop signage and surround with external lighting Address: 9 & 9a Queen Street, Magherafelt, Decision: CG Decision Date: 23.01.2013</p> <p>Ref ID: H/2012/0261/A Proposal: Shop sign, boxed out individually illuminated letters and individually mounted letters on locators Address: Co-Operative Travel, 12 Queen Street, Magherafelt, BT56 6AB, Decision: CG Decision Date: 16.10.2012</p>	

Ref ID: H/1989/0029

Proposal: ALTS AND ADDS TO HOTEL

Address: 27 MARKET STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2014/0217/F

Proposal: Provision of a take away function to an already existing restaurant with change and conversion of existing bar to an ice-cream parlour

Address: 11 Rainey Street, Magherafelt, BT456EA.,

Decision: PG

Decision Date: 10.10.2014

Ref ID: H/2013/0320/A

Proposal: Shop Signage

Address: The Bank of Ireland, 11 Market Street, Magherafelt,

Decision: CG

Decision Date: 14.11.2013

Ref ID: H/2013/0376/A

Proposal: Fascia sign, panels and hanging sign

Address: 1 Meeting Street, Magherafelt, County Londonderry,

Decision: CG

Decision Date: 11.12.2013

Ref ID: H/2014/0427/F

Proposal: Mixed use development incorporating retail unit on ground floor and 8 apartments on first and second floors (change to front elevation and ground floor unit approved under H/2008/0060/F)

Address: 19-21 Broad Street, Magherafelt,

Decision: PG

Decision Date: 30.03.2015

Ref ID: H/1984/0006

Proposal: CONVERSION OF SHOP AND DWELLING TO DWELLING HOUSE

Address: 2 QUARRY ROAD, KNOCKLOUGHRIM

Decision:

Decision Date:

Ref ID: H/1979/0448

Proposal: SITE OF BUNGALOW

Address: BALLYDERMOTT LANE, BELLAGHY

Decision:

Decision Date:

Ref ID: H/1998/0393

Proposal: NEW BUS TERMINAL, OFFICES AND ASSOCIATED BUS PARKING

Address: 16-18 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0570

Proposal: NEW BUS TERMINAL AND OFFICES AND RETAIL SHOP UNITS

Address: 16-18 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1997/0577

Proposal: ENVIRONMENTAL IMPROVEMENT SCHEME INCLUDING RE-ALIGNED
AND IMPROVED PAVEMENTS, LANDSCAPING AND STREET
FURNITURE

Address: RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1991/0176

Proposal: SHOP & OFFICE BLOCK

Address: 4 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1981/0384

Proposal: CONVERSION OF DWELLING INTO 5 FLATS

Address: 2 RAINEY STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1998/0695

Proposal: CAR PARK FOR POST OFFICE VEHICLES

Address: REAR OF 2, 4 & 6 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1999/0751/F

Proposal: Retention of car park for post office vehicles

Address: Rear of 2, 4 and 6 Rainey Street, Magherafelt

Decision:

Decision Date: 09.02.2000

Ref ID: H/1994/0453

Proposal: FROZEN GOODS RETAIL OUTLET

Address: REAR OF 6A RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1997/0193

Proposal: SITE OF HAIRDRESSING SALON

Address: R/O 10-12 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/1539/F

Proposal: Alterations to existing shopfront on ground and first floor levels associated with existing dental studio

Address: 11 The Diamond Centre, Market Street, Magherafelt

Decision:

Decision Date: 27.04.2005

Ref ID: H/1981/0146

Proposal: CONVERSION OF HARDWARE STORE ON FIRST FLOOR OF PREMISES TO LAWNMOWER

Address: 22-24 MARKET STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1983/0312

Proposal: CONVERSION OF OFFICE TO SHOP

Address: 22-24 MARKET STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/1534/A

Proposal: Shop Sign

Address: The Diamond, Magherafelt

Decision:

Decision Date: 08.06.2005

Ref ID: H/1981/0229

Proposal: PROJECTING SIGN

Address: 19A MARKET SQUARE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1984/0140

Proposal: CHANGE OF USE FROM FIRST FLOOR OFFICES TO SHOPS AND NEW SHOP FACADE

Address: 22-24 MARKET STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1975/0054

Proposal: OFFICES, CANTEEN AND STORE

Address: MARKET SQUARE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0117

Proposal: CONVERSION OF 1ST FLOOR OF SHOP TO FLATS

Address: 22-24 MARKET SQUARE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0135/F

Proposal: Extension to rear of Bank premises

Address: 9-11 Market Street Magherafelt

Decision:

Decision Date: 23.04.2001

Ref ID: H/2011/0375/A

Proposal: Shop Fascia Projecting Sign

Address: 19A Market Street, Magherafelt,

Decision:

Decision Date: 06.09.2011

Ref ID: H/1993/0029

Proposal: NEW FRONT TO PUBLIC HOUSE

Address: 21 MARKET ST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1994/0408

Proposal: CONVERSION FROM SHOP TO RESTAURANT PREMISES

Address: 23 MARKET STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1995/0359

Proposal: EXTENSIONS AND RENOVATIONS TO BANK
Address: BANK OF IRELAND 11 MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1994/0556
Proposal: ALTERATIONS AND EXTENSION TO BANK
Address: 11 MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1977/0001
Proposal: ENLARGEMENT AND REINSTATEMENT OF BANK PREMISES
Address: MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1993/0420
Proposal: EXTENSION AND RENOVATION OF EXISTING BANK
Address: 11 MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1991/6015
Proposal: EXTENSION TO REAR OF EXISTING SHOP 13-15 MARKET STREET MAGHERAFELT
Address: 13-15 MARKET STREET
Decision:
Decision Date:

Ref ID: H/1974/0291
Proposal: SITE OF ALTERATIONS AND ADDITIONS TO SHOP TO INCLUDE KITCHEN, COFFEE SHO
Address: MARKET STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1980/0424
Proposal: NEW CLADDING TO EXISTING SHOP FRONT AND NEW SIGN
Address: 13-15 MARKET STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2000/0049/F
Proposal: 5 no. CCTV Cameras For Town Security Positioned As Shown On Location Map And Fixed To
Standards At A Height Of 7.5 Metres

Address: Diamond, Queens Street, Rainey Street, Broad Street/Church Street And Meeting Street, Magherafelt

Decision:

Decision Date: 11.09.2000

Ref ID: H/2006/0537/F

Proposal: Change of use from 2nd floor apartment to office accommodation

Address: 5b Rainey Street, Magherafelt (Second floor level)

Decision:

Decision Date: 18.09.2006

Ref ID: H/2006/0541/A

Proposal: Wall mounted projecting (50mm) company signage

Address: 5B Rainey Street, Magherafelt

Decision:

Decision Date: 18.07.2006

Ref ID: H/2003/1548/A

Proposal: Shop Sign.

Address: 3 Rainey Street, Magherafelt.

Decision:

Decision Date: 24.02.2005

Ref ID: H/1996/0489

Proposal: NEW SHOP FRONT

Address: 7 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/1284/A

Proposal: Shop Sign.

Address: 7 Rainey Street, Magherafelt.

Decision:

Decision Date: 30.12.2004

Ref ID: H/1994/0046

Proposal: ALTERATIONS TO REAR TO FORM OFFICES

Address: 12-14 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0401

Proposal: 2 NO SIGNS

Address: 15-17 RAINEY STREET MAGHERAFELT

Decision:
Decision Date:

Ref ID: H/1982/0021
Proposal: ALTERATIONS TO SHOP
Address: 1/3 MARKET STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1989/0439
Proposal: CHANGE OF USE FROM SHOP TO HOT FOOD TAKE AWAY
Address: 5 QUEEN STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2005/0576/F
Proposal: Conversion of fast food takeaway and dwelling to chip shop/restaurant and office.
Address: 3-5 Queen Street, Magherafelt
Decision:
Decision Date: 12.06.2006

Ref ID: H/2006/0511/F
Proposal: Extension to fast food takeaway to provide food prep/storage areas to chip shop/restaurant & toilet facilities to office
Address: 3-5 Queen Street, Magherafelt
Decision:
Decision Date: 23.11.2006

Ref ID: H/1985/0200
Proposal: CHANGE OF USE FROM SHOP TO SUB-OFFICE OF COMMERCIAL BANK AND NEW SIGN
Address: 4 RAINEY STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1992/6094
Proposal: EXTENSION TO BUILDING 4 RAINEY ST MAGHERAFELT
Address: 4 RAINEY ST
Decision:
Decision Date:

Ref ID: H/1990/0393
Proposal: 2 No SIGNS
Address: A.I.B. BANK 2 RAINEY STREET MAGHERAFELT
Decision:

Decision Date:

Ref ID: H/1992/0496

Proposal: SIGN

Address: 4 RAINEY ST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0024

Proposal: CHANGE OF USE OF 1ST FLOOR FLATS TO OFFICE ACCOMMODATION

Address: 1ST FLOOR 2 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0447

Proposal: CHANGE OF EXISTING REAR GROUND FLOOR FLAT TO EXTEND
EXISTING BANK PREMISES

Address: 4 RAINEY ST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1991/0418

Proposal: CHANGE OF USE FROM FLAT TO ESTATE AGENTS OFFICE

Address: 2 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1978/0236

Proposal: ALTERATIONS TO SHOP FRONT

Address: 6 RAINEY STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/0591

Proposal: CONVERSION FROM SHOP TO BANK

Address: 4 RAINEY ST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0090

Proposal: ALTS TO FACADE

Address: FIRST TRUST BANK 2/4 RAINEY STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0134

Proposal: ALTS AND ADDS TO OFFICE AND SHOP

Address: 1-3 MEETING STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0895/F

Proposal: Change of Use to Single Level Carpark

Address: 9 Market Street, Magherafelt

Decision:

Decision Date: 25.01.2002

Ref ID: H/2002/0104/F

Proposal: Single Level Carpark

Address: 9 Market Street, Magherafelt

Decision:

Decision Date: 16.10.2002

Ref ID: H/1991/0130

Proposal: STORAGE OF L.P.G. CYLINDERS

Address: 9 MEETING STREET MAGHEARFELT

Decision:

Decision Date:

Ref ID: H/1991/0154

Proposal: EXTENSION TO SHOP

Address: 13-15 MARKET STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0929/A

Proposal: Shop Front Sign

Address: 1 Broad Street, Magherafelt

Decision:

Decision Date: 05.05.2006

Ref ID: H/2010/0244/F

Proposal: Change of use from cafe to ladies boutique

Address: No. 1 Broad Street, Magherafelt

Decision:

Decision Date: 29.06.2010

Ref ID: H/1976/0433

Proposal: TEMPORARY PORTAKABIN FOR USE AS SHOP

Address: THE DIAMOND, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0487

Proposal: RAMPED ACCESS AND ALTERATIONS TO BROAD STREET ELEVATION
INCLUDING NEW WINDOWS AND PROFILED BANDING

Address: THE NORTHERN BANK BUILDING 12-14 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/0981/F

Proposal: Provision of new external ramp, steps and handrail to provide DDA complaint access to Bank.
Provision of new external lights at ramp, steps and entrance.

Address: 20 Broad Street, Magherafelt.

Decision:

Decision Date: 22.09.2005

Ref ID: H/1988/0534

Proposal: SHOP SIGN

Address: 7 MARKET STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0495

Proposal: SIGN

Address: 5 MARKET STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1977/0093

Proposal: ALTERATIONS TO PREMISES

Address: BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1986/0244

Proposal: NEW SHOP FRONT

Address: 5 MARKET STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1984/0223

Proposal: ALTERATIONS TO SHOP FACADE AND ADDITIONAL SHOP ENTRANCE

Address: 1 RAINEY STREET AND 2 AND 4 BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1999/0752/F

Proposal: Retail unit with office on 1st floor

Address: 16-18 Broad Street, Magherafelt

Decision:

Decision Date: 28.04.2000

Ref ID: H/2006/0550/A

Proposal: Electronic Information Display, red LCD characters

Address: Pedestrian footpath at Market Street corner with Queen Street, facing away from the Diamond Roundabout in the direction of market

Decision:

Decision Date: 18.09.2006

Ref ID: H/2005/1263/A

Proposal: Electronic Information Display Red LCD Charaters

Address: Pedestrian Footpath at Market Street Corner with Queen Street (Facing Away from the Diamond Roundabout in the direction of Market Street.

Decision:

Decision Date: 29.06.2006

Ref ID: H/2009/0435/A

Proposal: Projecting sign (tarpulin type with s/steel brackets)

Address: 8-10 Broad Street, Magherafelt

Decision:

Decision Date: 27.08.2009

Ref ID: H/2003/0307/A

Proposal: One Projecting box sign and one shop sign with individual letters.

Address: 12 & 14 Broad Street, Magherafelt.

Decision:

Decision Date: 23.05.2003

Ref ID: H/2002/0376/F

Proposal: Change of Use to Betting Shop & Internal Refurbishment.

Address: 2 Broad Street, Magherafelt.

Decision:

Decision Date: 08.10.2002

Ref ID: H/2002/0375/A

Proposal: Shop Sign - Stanley Racing

Address: 2 Broad Street, Magherafelt.,,,

Decision:

Decision Date: 08.10.2002

Ref ID: H/1996/0014

Proposal: CHANGE OF USE TO FAST SERVICE DINER

Address: 2 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0496

Proposal: CONVERSION FROM 1 SHOP INTO 2 SHOPS

Address: 2 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2002/0960/A

Proposal: Sign

Address: Lloyds Pharmacy, The Diamond. 1-3 Meeting Street ,Magherafelt.

Decision:

Decision Date: 16.12.2002

Ref ID: H/1994/0030

Proposal: SIGNS

Address: 12-14 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/1022/A

Proposal: 1 Shop Sign and 1 Projecting Sign

Address: 14 Broad Street, Magherafelt

Decision:

Decision Date: 21.12.2005

Ref ID: H/1995/0297

Proposal: ENVIRONMENTAL IMPROVEMENT SCHEME AND IMPROVEMENTS TO
ROUNDBOUT

Address: BROAD STREET/THE DIAMOND MAGHERAFELT

Decision:

Decision Date: 10.04.1996

Ref ID: H/2001/0360/A41

Proposal: Alterations To Off-Sales/Bar
Address: Union Road/Broad Street, Magherafelt
Decision:
Decision Date:

Ref ID: H/2006/0753/O
Proposal: Change of use from store to an off-sales (extension to existing off-sales)
Address: 2 Union Road, Magherafelt
Decision:
Decision Date: 13.02.2007

Ref ID: H/1989/0176
Proposal: ALTS AND ADDS TO LICENCED PREMISES AND SHOPS
Address: THE SLEVGALLON BAR BROAD STREET/UNION ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1993/0456
Proposal: EXTENSION TO EXISTING BAR INTO ADJACENT SHOP UNIT AND
REFURBISHMENT OF FRONTAGE AND ROOF
Address: SLIEVE GALLION BAR 22 BROAD STREET/2 UNION ROAD MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1980/0118
Proposal: SITE OF 2 SELF-CONTAINED FLATS OVER REAR OF LICENCED PREMISES
Address: UNION ROAD, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1976/0289
Proposal: PROJECTING SIGNS
Address: BROAD STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1975/0239
Proposal: SITE OF RE-BUILDING OF BOMB DAMAGED LICENSED PREMISES
Address: BROAD STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1993/6105
Proposal: EXTENSION TO PREMISES UNION ROAD MAGHERAFELT

Address: UNION ROAD

Decision:

Decision Date:

Ref ID: H/1989/0487

Proposal: FLOODLIGHTING

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1991/0048

Proposal: CANOPY ABOVE SERVICETILL (LB CONSENT)

Address: 20 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0359

Proposal: ALTS AND ADDS TO BANK PREMISES

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0442

Proposal: REINSTATEMENT OF BOMB DAMAGED BANK PREMISES AND
EXTENSION

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0441

Proposal: REINSTATEMENT OF BOMB DAMAGED BANK PREMISES AND
EXTENSION TO REAR

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0290

Proposal: SERVICETILL SIGN

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0517

Proposal: FLOODLIGHTING(LISTED BUILDING CONSENT)

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0360

Proposal: ALTS AND ADDS TO BANK PREMISES (LISTED BUILDING CONSENT)

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0291

Proposal: SERVICETILL SIGN(LISTED BUILDING CONSENT)

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1991/0047

Proposal: CANOPY ABOVE SERVICETILL

Address: 20 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2006/0880/A

Proposal: Externally illuminated individual letters/logo. Externaly illuminated projecting sign on fascia.
Welcome/security/ATM signage

Address: 20 Broad Street, Magherafelt

Decision:

Decision Date: 28.12.2006

Ref ID: H/2005/0366/A

Proposal: Internally illuminated tablet with raised logo and push text

Address: Ulster Bank, 20 Broad Street, Magherafelt

Decision:

Decision Date: 21.10.2005

Ref ID: H/1993/0443

Proposal: SIGNS WITH FLOODLIGHTING

Address: 20-22 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0485/LB

Proposal: Internally illuminated tablet sign with raised logo and push through text 2 x signs either side of door W 250mm H 625mm. New Internally illuminated projection sign. New ATM surround to match signage.

Address: 20 Broad Street, Magherafelt

Decision:

Decision Date: 14.12.2005

Ref ID: H/2006/0883/LB

Proposal: Remove & replace as per corporate image externally illuminated individual letters/logo.

Externally illuminated projecting sign on fascia. Welcome/security/ ATM signage.

Address: 20 Broad Street, Magherafelt

Decision:

Decision Date: 28.12.2006

Ref ID: H/2004/0980/LB

Proposal: Provision of new external ramp, steps and handrail to provide DDA complaint access to Bank.

Provision of new external lights at ramp, step and entrance.

Address: 20 Broad Street, Magherafelt.

Decision:

Decision Date: 03.02.2005

Ref ID: H/1994/0050

Proposal: ALTS AND ADDS TO HAIRDRESSING SALON

Address: 12 CHURCH STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1985/0376

Proposal: CONVERSION OF 2 NO FLATS TO ONE NUMBER FLAT

Address: 14 CHURCH STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2007/0662/LB

Proposal: Proposed repositioning of stone archway structure to accomodate road safety provisions

Address: The Bridewell, 6 Church Street, Magherafelt

Decision:

Decision Date: 21.11.2007

Ref ID: H/1983/0366

Proposal: RE-ROOFING LISTED BUILDING

Address: THE BRIDEWELL, BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0343

Proposal: CONVERSION OF BRIDEWELL TO TOURIST INFORMATION AND
INTERPRETIVE ARTS CENTRE PLUS EXTENSION

Address: THE BRIDEWELL 6 CHURCH STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0344

Proposal: CONVERSION OF BRIDEWELL TO TOURIST INFORMATION &
INTERPRETIVE ARTS CENTRE PLUS EXTENSION

Address: THE BRIDEWELL 6 CHURCH STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1987/0295

Proposal: THEATRE AND INTERPRATIVE ARTS CENTRE

Address: THE BRIDEWELL 6 CHURCH STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1999/0576

Proposal: EXTENSION (L.B. CONSENT) FOR MEETING ROOM AND NEW PUBLIC LIBRARY

Address: THE BRIDEWELL 2-6 CHURCH STREET MAGHERAFELT

Decision:

Decision Date: 27.04.2001

Ref ID: H/1999/0577

Proposal: EXTENSION FOR MEETING ROOM AND NEW PUBLIC LIBRARY

Address: THE BRIDEWELL 2-6 CHURCH STREET MAGHERAFELT

Decision:

Decision Date: 10.10.2000

Ref ID: H/1990/0429

Proposal: EXTENSION TO SUPERMARKET

Address: 1 UNION ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2000/0662/F

Proposal: Relocation of existing vehicular access to car park and service yard

Address: J C Stewart Supermarket, 1 Union Road, Magherafelt

Decision:

Decision Date: 22.11.2000

Ref ID: H/1991/0341

Proposal: EXTENSION TO SUPERMARKET

Address: 1 UNION ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/0562/F

Proposal: Erection of Detached Store in Car Park for Storage of Home Deliveries.

Address: 1 Union Road, Magherfelt.

Decision:

Decision Date: 23.08.2004

Ref ID: H/1998/0292

Proposal: EXTENSION TO EXISTING SUPERMARKET TO PROVIDE ADDITIONAL
SALES AND STORAGE AREA

Address: 1 UNION ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2003/0744/F

Proposal: Alterations and Additions to existing Supermarket

Address: 1 Union Road, Magherafelt

Decision:

Decision Date: 24.10.2003

Ref ID: H/1974/0243

Proposal: SITE OF HOUSE

Address: POUND ROAD, TOWNPARKS, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1979/0034

Proposal: ALTERATIONS TO PREMISES

Address: 1-3 MEETING STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1978/0339

Proposal: EXTENSION TO RESTAURANT

Address: 5 AND 7 MEETING STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1975/0429

Proposal: ALTERATIONS TO SHOP FRONT

Address: MARKET STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1975/0323

Proposal: IMPROVEMENTS TO CAFE

Address: MARKET STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2009/0505/A

Proposal: 1no illuminated fascia sign and 1no illuminated projecting sign

Address: Lloyds Pharmacy 1 Meeting Street Magherafelt

Decision:

Decision Date: 25.09.2009

Ref ID: H/2005/1075/F

Proposal: Alterations and improvements to vacant existing first floor apartment to include re-roofing, replacement windows and 1 new gable window.

Address: 5-7 Meeting Street, Magherafelt

Decision:

Decision Date: 21.04.2006

Ref ID: H/2002/0045/A

Proposal: Illuminated Sign

Address: Unit B, 25-27 Market Street, Magherafelt

Decision:

Decision Date: 13.04.2002

Ref ID: H/2001/0218/A

Proposal: Advertising Hoarding

Address: 7 Meeting Street, Town Parks Of M'Felt, Magherafelt, Northern Ireland, BT45 6BN

Decision:

Decision Date: 21.08.2001

Ref ID: H/1983/0108

Proposal: REINSTATEMENT OF BOMB-DAMAGED PUBLIC BAR AND SHOP FRONT

Address: THE BROADWAY BAR, 21 MARKET STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1978/0001

Proposal: EXTENSION LICENSED PREMISES
Address: 21 MARKET STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1989/0593
Proposal: ALTS AND ADDS TO PUBLIC HOUSE
Address: 21 MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1989/0620
Proposal: PROJECTING SIGN
Address: 21 MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1974/0290
Proposal: EXTENSION TO PUBLIC HOUSE
Address: MARKET STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1997/0252
Proposal: CONVERSION TO OFF LICENSE INCLUDING NEW SHOP FRONT
Address: 21 MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1995/0582
Proposal: ALTS TO LICENSED PREMISES
Address: R/O 21+23 MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1993/6059
Proposal: CONVERSION OF BUILDING TO SHOP AND OFFICES 23 MARKET STREET MAGHERAFELT
Address: 23 MARKET STREET
Decision:
Decision Date:

Ref ID: H/1976/0060
Proposal: EXTENSION TO "THE ARCHES"
Address: MARKET STREET, MAGHERAFELT

Decision:
Decision Date:

Ref ID: H/2003/0983/A
Proposal: Sign.
Address: 25 Market Street, Magherafelt.
Decision:
Decision Date: 26.10.2003

Ref ID: H/2001/0806/Q
Proposal: Retail Units
Address: 27 Market Street, Magherafelt.
Decision:
Decision Date:

Ref ID: H/2002/0073/F
Proposal: Retail units & office space
Address: 25 - 27 Market Street, Magherafelt
Decision:
Decision Date: 13.05.2002

Ref ID: H/1981/0385
Proposal: CHANGE OF USE OF SHOP TO TOILETS AND ADDITIONAL WAITING AREA FOR
Address: 27 MARKET STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1973/0163
Proposal: FARM BUNGALOW
Address: TYANEE, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1995/6069
Proposal: REFURBISHMENT OF LICENSED RESTAURANT 25-27 MARKET STREET MAGHERAFELT
Address: 25-27 MARKET STREET
Decision:
Decision Date:

Ref ID: H/1993/6013
Proposal: EXTENSION TO HOTEL THE ARCHES HOTEL ADJ TO 23 MARKET ST MAGHERAFELT
Address: THE ARCHES HOTEL
Decision:
Decision Date:

Ref ID: H/2005/0175/F

Proposal: Replacement of Existing Shop Window & Door, Also Lowering Cill Height Of Shop Window.

Address: Ground Floor Premises, 25 Broad Street, Magherafelt

Decision:

Decision Date: 05.07.2005

Ref ID: H/1992/0469

Proposal: SIGN

Address: 19 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2000/0679/A

Proposal: Business Signs

Address: 15 Broad Street, Town Parks Of M'Felt, Magherafelt, Northern Ireland, BT45 6EB

Decision:

Decision Date:

Ref ID: H/2009/0197/A

Proposal: 1 No Freestanding Poster Panel 1.8m x 1.2m.

Address: Outside No 15 Broad Street, Magherafelt

Decision:

Decision Date: 01.06.2009

Ref ID: H/2005/0253/F

Proposal: Alterations and Change of Use from storage to 2 self contained 2 bedroom flats

Address: 11-13 Broad Street, Magherafelt

Decision:

Decision Date: 14.10.2005

Ref ID: H/2007/1030/F

Proposal: Alterations to front elevation, existing roof alterations and to the internal layout on ground & first floor with provision for an open air smoking area on 1st floor

Address: 10 Market Street, Magherafelt

Decision:

Decision Date: 16.04.2008

Ref ID: H/1984/0165

Proposal: CONVERSION OF DRAPERY SHOP TO HOME BAKERY AND CAFE AT REAR

Address: 9 BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1994/0054

Proposal: 2 SHOP UNITS AND OFFICE ACCOMMODATION

Address: 7+9 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1986/0107

Proposal: FOOD PREPARATION UNIT

Address: REAR OF 7&9 BROAD ST M'FELT

Decision:

Decision Date:

Ref ID: H/1992/0146

Proposal: STORE/PREPARATION ROOM TO SERVICE RESTAURANT

Address: 9 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1984/0164

Proposal: STORE

Address: 7 BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0536

Proposal: ILLUMINATED SHOP SIGN

Address: 6 MARKET STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0494

Proposal: NEW SHOP FRONT

Address: 5 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1977/0206

Proposal: RETAIL PREMISES AND STORES

Address: 3 & 5 BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0409

Proposal: ALTS AND ADDS TO EXISTING SHOP AND 2 OFFICES

Address: 3 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2010/0245/A

Proposal: Shop Sign

Address: 1 Broad Street, Magherafelt

Decision:

Decision Date: 29.06.2010

Ref ID: H/1993/0496

Proposal: ALTS AND ADDS AND REFOOFING TO SHOP AND OFFICES

Address: 1 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0345/F

Proposal: Change of use from a retail outlet to a food preparation area and outlet, for consumption on and off the premises and also upgrade to shop frontage

Address: 1 Broad Street, Magherafelt

Decision:

Decision Date: 21.10.2005

Ref ID: H/1991/0429

Proposal: CHANGE OF USE TO TEA/COFFEE SHOP

Address: SHOP UNIT ONE NO 15 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0023

Proposal: RECONSTRUCTION OF PREMISES INCORPORATING 2 NO SHOPS AND OFFICE ACCOMMODATION

Address: 15/17 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/0673

Proposal: CHANGE OF USE FROM OFFICE TO LICENSED RESTAURANT

Address: 15 BROAD ST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2000/0858/A

Proposal: Advertising hoarding
Address: 19 Broad Street Magherafelt
Decision:
Decision Date: 19.01.2001

Ref ID: H/1978/0310
Proposal: CONVERSION OF GROUND FLOOR OF DWELLING TO SHOP AND EXTENSION TO REAR OF
Address: 19 BROAD STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1993/0543
Proposal: CONVERSION OF PREMISES TO CHINESE RESTAURANT, CARRYOUT &
LIVING ACCOMMODATION TO REAR
Address: 11-13 BROAD STREET MAGHEARFELT
Decision:
Decision Date:

Ref ID: H/1982/0081
Proposal: CHANGE OF USE OF PREMISES TO HOT FOOD CARRY OUT BAR
Address: 11-13 BROAD STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1982/0255
Proposal: NEW SHOP FRONT AND PROJECTING SIGN
Address: 11-13 BROAD STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1992/0547
Proposal: CAR PARK
Address: KING ST MAGHERAFELT
Decision:
Decision Date: 03.02.1993

Ref ID: H/1996/0481
Proposal: ALTS & ADDS TO LICENSED PREMISES
Address: 'MARY'S BAR' 10 MARKET SQUARE MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2004/0553/F
Proposal: Extension to first floor office accommodation

Address: 22 Market Street, Magherafelt

Decision:

Decision Date: 21.12.2004

Ref ID: H/1975/0425

Proposal: SITE OF DWELLING

Address: BANNSIDE, TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/2000/0356/F

Proposal: Addition of a third floor to the two storied Health Centre previously approved

Address: The Diamond Centre, Market Street, Magherafelt

Decision:

Decision Date: 31.08.2001

Ref ID: H/1994/0295

Proposal: SHOPS WITH DENTAL SURGERY & FLATS

Address: 22-26 MARKET SQUARE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1977/0041

Proposal: REBUILDING OF SHOP AND OFFICES

Address: 23 BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1987/0033

Proposal: 3 NO SHOP UNITS

Address: CHURCH ST MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0342

Proposal: SIGN

Address: THE HORNER GALLERY 1A CHURCH STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2002/0069/F

Proposal: New shopfront with roller shutters, erection of air conditioning units & internal alterations

Address: Unit B, 25-27 Market Street, Magherafelt

Decision:

Decision Date: 13.04.2002

Ref ID: H/2003/0235/F

Proposal: Store

Address: Rear of 23 - 25 Broad Street, Magherafelt.

Decision:

Decision Date: 08.06.2004

Ref ID: H/1994/0569

Proposal: SHOP EXTENSION AND STORAGE PROVISION

Address: 23 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1977/0101

Proposal: CONVERSION OF SHOP TO BANKING OFFICE

Address: 19 BROAD STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0060/F

Proposal: Supermarket on ground floor and 8 number apartments on first and second floors - amended plan

Address: 19 and 21 Broad Street, Magherafelt

Decision: MAR

Decision Date: 20.01.2009

Ref ID: H/1994/0019

Proposal: EXTENSION TO SHOP WITH STORE AT FIRST FLOOR

Address: 23-25 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0395

Proposal: CHANGE OF USE FROM STORE TO DROP-IN-CENTRE

Address: BEHIND 19 BROAD STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1982/0376

Proposal: SIGNS

Address: 12 CHURCH STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1980/0331
Proposal: ADVERTISING WALL PANEL
Address: 27 BROAD STREET, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1987/0097
Proposal: SHOP AND OFFICE UNITS
Address: 23-27 BROAD STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1999/0217
Proposal: CONVERSION OF RETAIL UNITS TO HEALTH CLINIC WITH
EXTENSION
Address: THE DIAMOND CENTRE MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2004/0566/F
Proposal: Proposed Additional Escape Stairway , To Be Built along side Existing Stairway.
Address: Magherafelt Medical Centre,The Diamond Centre ,Magherafelt.
Decision:
Decision Date: 06.08.2004

Ref ID: H/1997/0620
Proposal: CHANGE OF USE FROM 1ST FLOOR STORE TO CHURCH AND SUB-
DIVISION OF GROUND FLOOR REMAINDER TO 4 NO.RETAIL UNITS
Address: THE DIAMOND CENTRE MARKET STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1996/0299
Proposal: ALTS AND ADDS TO CHURCH HALL(LBC)
Address: FIRST PRESBYTERIAN CHURCH MEETING STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1995/0661
Proposal: ALTS AND ADDS TO CHURCH HALL AND LINK TO CHURCH
Address: FIRST PRESBYTERIAN CHURCH MEETING STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: LA09/2015/0665/F

Proposal: Change of use of existing retail store to provide additional surgery to existing dental practice

Address: Unit 18 The Diamond Centre, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2015/0636/F

Proposal: Public realm improvements comprising: re-surfacing of existing footways with natural stone; granite kerbs; landscape proposals comprising semi-mature planting, raised planters and shrub planting; new street furniture - seating, litter bins and cycle racks, new feature lighting columns; plinth for future artwork; formalisation of existing on-street parking arrangements and surface treatment to carriageways

Address: Lands adjacent to Broad Street, Market Street, The Diamond, Queen Street and Rainey Street, Magherafelt,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

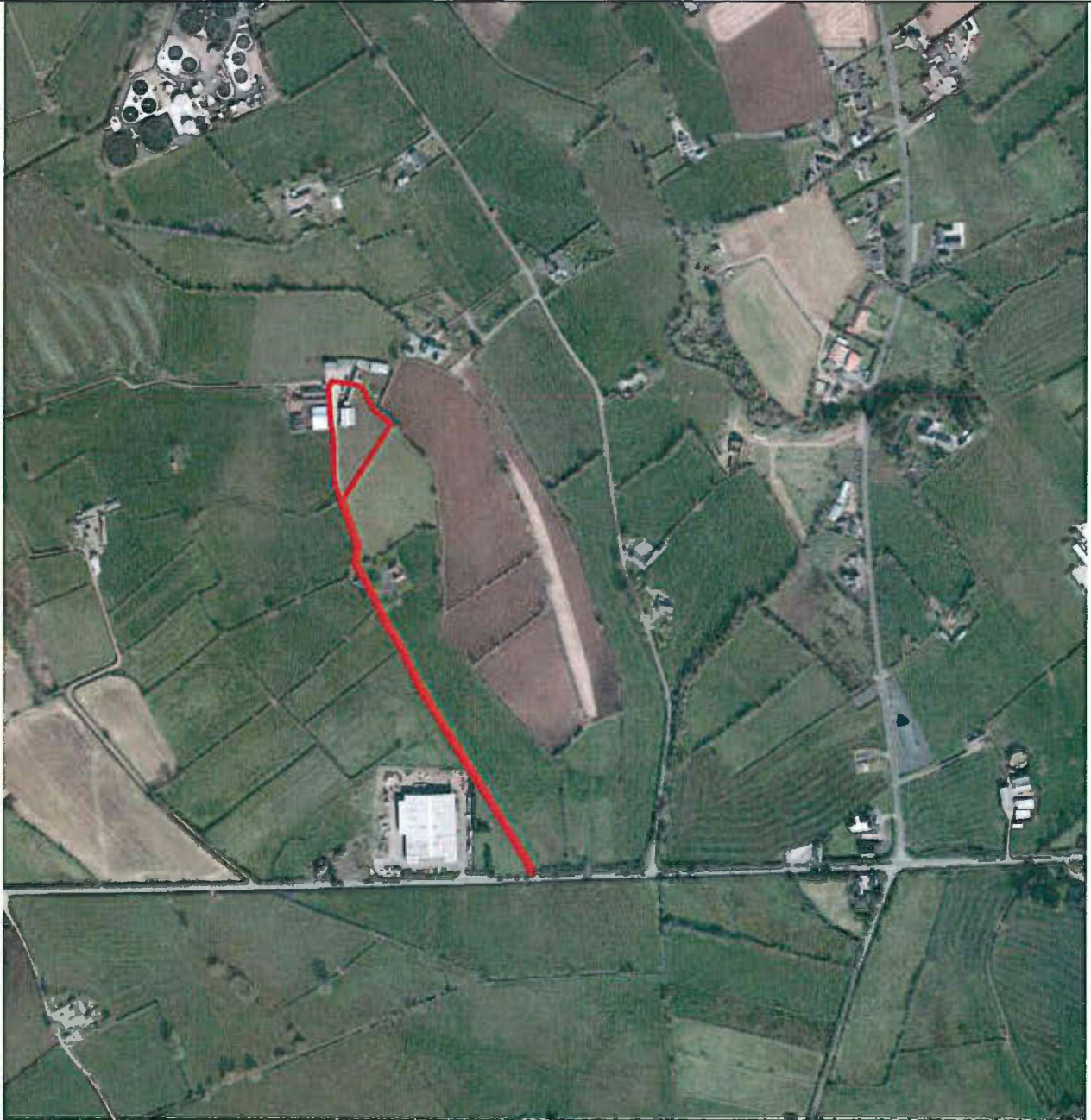
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0652/O	Target Date:
Proposal: Proposed replacement dwelling	Location: 130m NW of 78 Aughrim Road Castledawson
Referral Route:	
Recommendation: refusal – proposal does not comply with CTY 3 of PPS21	
Recommendation:	Refusal
Applicant Name and Address: Eric Watterson 15 Ballynagarve Road Ballyronan Magheraelt BT45 6HY	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

signatures	
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>Contained within the farm yard there is a modest detached single storey uninhabited dwelling however this is not the property proposed to be replaced and is outside the applicants red line. Within the yard there are several sheds, the building proposed to be replaced does not in my opinion exhibit any characteristics of a dwelling but rather an agricultural store/blacksmith type building which had been used to for storage both of household items and also equestrian/agricultural items. The yard is accessed via a long existing lane off the Aughrim road, this access also serves a detached 1 1/2 storey dwelling (No 78 Aughrim road). The proposal site is not seen from the main Aughrim road or from the nearby Killyneese road due to the surrounding landform and the distance between each.</p> <p>The replacement dwelling is proposed to be re sited to the south of the agricultural buildings within the corner of a large field although this would be off site I would not have any concerns about this siting as it would take the property out of the working farm yard which may be a safer/more acceptable choice for modern living. A property at this location as long as design and planting was conditioned could be found acceptable.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>I have assessed this proposal under the following:</p> <p>The Magherafelt Area Plan 2015. Planning Policy Statement 21 - Sustainable development in the countryside CTY 3 (Replacement Dwellings)</p> <p>The proposed building to be considered under the replacement category is single storey, located within an existing farm yard and attached to a further single storey building. The building has all external walls substantially intact and a tin roof still intact with one chimney stack still in place. To the front elevation of the building there are two door openings and no evidence of previous openings. To the rear of the building there is one window opening only. Within the property there is no internal evidence of any other previous use apart from storage.</p> <p>A replacement dwelling is one type of development which in principle may be considered acceptable in the countryside. In order for this form of development to be considered as acceptable all external structural walls are required to be substantially intact as a minimum. The building in question in this proposal has all external structural walls intact.</p> <p>As previously mentioned there is an existing dwelling immediately to the north of the proposal site which is a single storey detached property not currently inhabited however it is clear from the site visit that the property exhibits all the essential characteristics of a dwelling and could be inhabited without major development to the site, however the building proposed to be replaced indicated in green on the submitted plan in my opinion does not exhibit any characteristics of a dwelling. The building is structurally intact however I saw no evidence of a dwelling but rather a building which has been always used as an equestrian/agricultural store.</p> <p>Within the site there are several other detached farm sheds/buildings some being used for storage of machinery and some that appear not to have been used for some time.</p> <p>The proposal is to have an off site replacement located to the south of the existing farm sheds located within the corner of an agricultural field. I would question the need for this off site location.</p> <p>The existing access is acceptable.</p>	

Neighbouring properties were notified of this proposal on 3rd September 2015 with no objections having been received to date.

The proposal was advertised in the local press in August 2015 and no representations have been received to date.

As the access is existing and the application is for a replacement Transportni were not considered necessary to consult.

As this is an outline application the design and siting could be conditioned.

Recommendation: Refusal - no evidence that building has ever been used as a dwelling.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Proposal contrary to CTY 3 of PPS21 – the building proposed for replacement does not exhibit the essential characteristics of a dwelling.

Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building has been designed and used for agricultural purposes.

Signature(s)

Date:

ANNEX	
Date Valid	10th August 2015
Date First Advertised	24th August 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 80 Aughrim Road, Castledawson The Owner/Occupier, 80a Aughrim Road, Castledawson The Owner/Occupier, The Maples 78 Aughrim Road Tullylinkisay	
Date of Last Neighbour Notification	3rd September 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1993/6114 Proposal: SITE OF DWELLING AUGHRIM ROAD MAGHERAFELT Address: AUGHRIM ROAD Decision: Decision Date: Ref ID: H/1995/6127 Proposal: DWELLING FOR BED AND BREAKFAST ACCOMMODATION AUGHRIM ROAD MAGHERAFELT Address: AUGHRIM ROAD Decision: Decision Date: Ref ID: H/1998/0353 Proposal: ALTS & ADDS TO DWELLING Address: 78 AUGHRIM ROAD MAGHERAFELT Decision: Decision Date: Ref ID: H/1993/6115 Proposal: SITE OF DWELLING AUGHRIM ROAD MAGHERAFELT	

Address: AUGHRIM ROAD

Decision:

Decision Date:

Ref ID: LA09/2015/0652/O

Proposal: Proposed replacement dwelling

Address: 130m NW of 78 Aughrim Road, Castledawson,

Decision:

Decision Date:

Ref ID:

Proposal: Proposed replacement dwelling

Address: 130m NW of 78 Aughrim Road

Castledawson

Decision:

Decision Date:

Summary of Consultee Responses

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:

Emma McCullagh

From: Yahoo Mail Center <kevinteague@btinternet.com>
Sent: 24 September 2015 14:50
To: Emma McCullagh
Subject: Fw: Report 1494-14 Final Version of Report pertaining to Geotechnical Assessment of Settlement Lagoons
Attachments: Report - Topographic Survey and Assessment at Core Aggregates Settlement Lagoons 31-05-14A.pdf

Emma,

I forward some information that may be helpful to the application LA09/2015/0674. The current work is strengthening the retainer along the northern side of the ponds. This material is very suitable for this operation as verified by Whiteford Geoservices on the attachment which can be downloaded from their email below.

Would you please confirm that you have received today's and yesterday's email. I tried to contact you several times today and yesterday without success. I did speak to Maeve yesterday and explained the situation and forwarded letter from NIEA on yesterday's attached email.

Kevin

----- Forwarded Message -----

From: Siobhan Hollywood <siobhan@jjloughran.com>
To: "kevinteague@btinternet.com" <kevinteague@btinternet.com>
Sent: Thursday, 24 September 2015, 14:14
Subject: FW: Report 1494-14 Final Version of Report pertaining to Geotechnical Assessment of Settlement Lagoons

Kevin

Please see item 1,2, 3, 4 as per sean.

Regards

Siobhan Hollywood
Accounts

Tel: +44 (0)28 867 62295
Email: siobhan@jjloughran.com

From: Whiteford, John [mailto:John@whitefordgeoservices.com]
Sent: 24 September 2015 13:56
To: Siobhan Hollywood
Subject: Report 1494-14 Final Version of Report pertaining to Geotechnical Assessment of Settlement Lagoons

Attn: Sean Loughran

Sean,

Further to our recent telephone call please find attached the most recent version of the report relating to the Geotechnical Assessment of Settlement Lagoons at your site on Crancussey Road.

If I can be of further assistance please let me know.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Whiteford', with a long horizontal flourish extending to the right.

John Whiteford (Managing Director)
Whiteford Geoservices Ltd

Tel: +44 (0)28 9334 9351

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Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

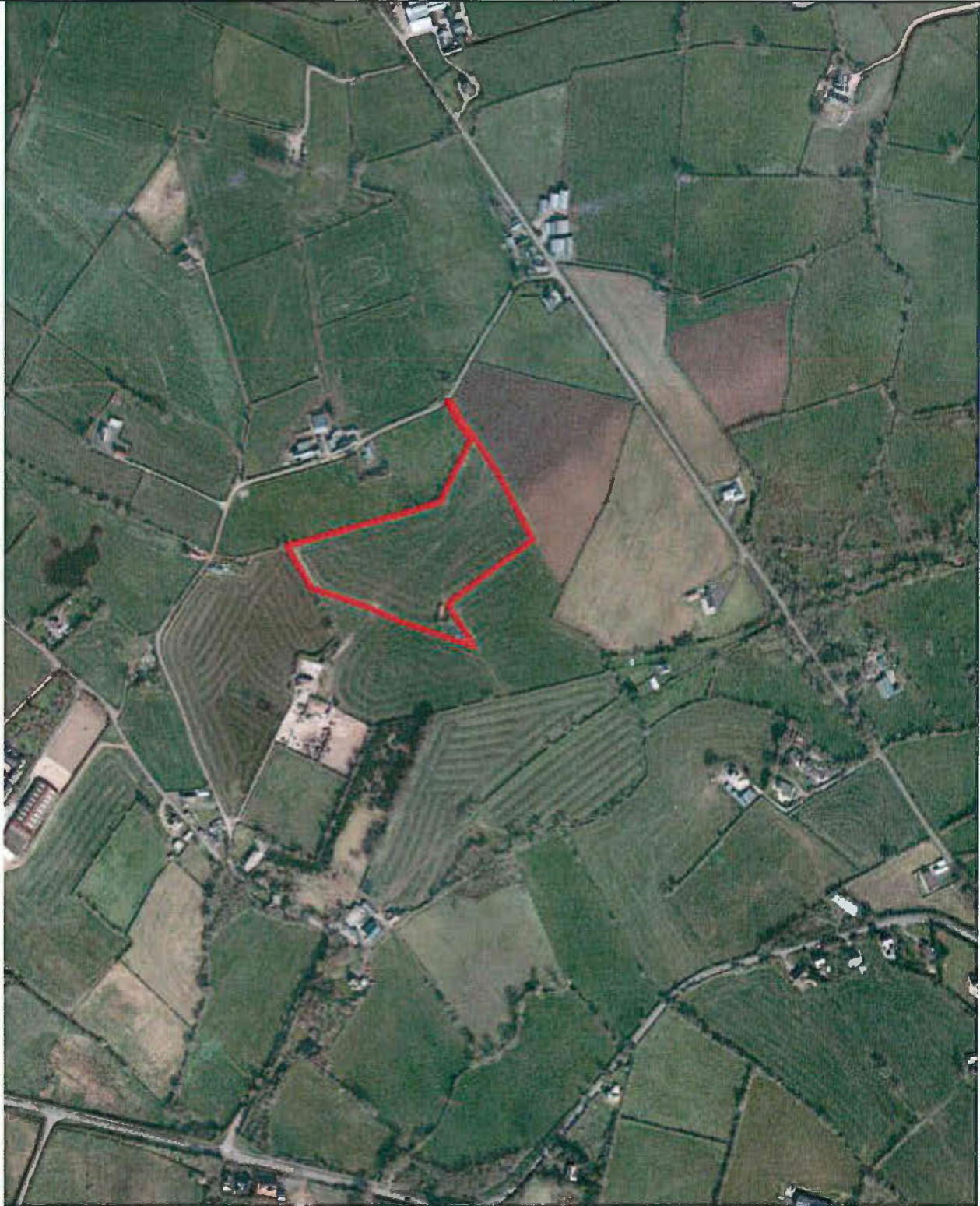
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0688/O	Target Date:
Proposal: Proposed replacement dwelling	Location: 150m SE of 12 Motalee Lane Magherafelt
Referral Route: Proposal contrary to CTY 3 of PPS21	
Recommendation:	Refusal
Applicant Name and Address: Mr G McCullagh 16 Gortnaskey Road Draperstown	Agent Name and Address: Slemish Design Studio Raceview Mill 20 raceview Road Broughshane BT42 4JJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NI Water - Single Units West -	No Objection

Planning Consultations	
Representations: Non received	
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	
<p>Characteristics of the Site and Area</p> <p>The proposal site is accessed via an existing agricultural lane off Motalee Lane. The access lane runs into a large agricultural field which has one building in the southern corner of it and the remains of a further building adjacent. The field is agricultural in nature and on the day of the site visit had a flock of sheep in it.</p> <p>The site is surrounded by undulating agricultural land. There are short views of the site when travelling along the Motalee Lane.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>I have assessed this proposal under the following:</p> <p>Magherafelt Area Plan 2015 Planning Policy Statement 21 - Sustainable development in the countryside CTY 3 - Replacement Dwellings</p> <p>The building indicated on the forementioned map to be considered for replacement has four sound external walls and a tin roof which is substantially intact, the floor within the building is hard earth. Within the building there is one internal wall however no internal indications of the building ever being used as a dwelling. There are no external or internal indications of a chimney or fireplace. On one elevation there are two large openings and one smaller opening, there are no visible openings or indications of previous openings on either gable ends, on the second elevation there is one small 'window' opening and the evidence of previous smaller openings which have been blocked up. The adjacent building is in ruins with no walls being substantially intact and the ruins being completely overgrown. There is no indication of previous boundaries or curtilage to indicate either buildings previous uses.</p> <p>Replacement dwellings are one of the types of development which in principle are considered acceptable in the countryside. The building identified within this proposal to be considered as a replacement opportunity is identified on Drawing No 01 date stamped 17th August 2015.</p> <p>In order for a building to be considered acceptable for a replacement it must exhibit all the essential characteristics of a dwelling and as a minimum all external structural walls have to be substantially intact.</p> <p>The building to be considered appears to be agricultural in nature and always to have been used for this purpose and the redevelopment of the building would not bring significant environmental benefits to the character or appearance of the locality.</p> <p>The proposal site outlined in red on the submitted location plan drawing No 01 is a relatively large site. The boundaries on all sides of the proposal site consist of a modest agricultural hedge and scrub, the site is relatively flat and there is no integration provided thus the visual impact would be significantly greater than that of the existing structure on the site.</p> <p>As this is an outline application no potential design or siting has been provided at this time.</p>	

As such following consideration of all of the above points it is my opinion that this structure cannot be considered as an acceptable replacement opportunity.

The proposal was advertised in the local press in September 2015 with no representations having been received to date. In addition neighbouring properties at Nos 3, 7 _ 12 Motalee Lane were notified on 9th September 2015 with no objections having been received to date.

Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended as proposal contrary to CTY 3 of PPS21

Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building has been designed and used for agricultural purposes.

Signature(s)

Date:

ANNEX	
Date Valid	17th August 2015
Date First Advertised	31st August 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Motalee Lane, Magherafelt The Owner/Occupier, 3 Motalee Lane Motalee Desertmartin The Owner/Occupier, 7 Motalee Lane Motalee Desertmartin	
Date of Last Neighbour Notification	9th September 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1987/0102 Proposal: CHANGE OF USE FROM AGRICULTURAL LAND TO CAR STORAGE COMPOUND INCORPORATING SECURITY FENCE Address: 3 MOTALEE LANE MAGHERAFELT Decision: Decision Date: Ref ID: LA09/2015/0688/O Proposal: Proposed replacement dwelling Address: 150m SE of 12 Motalee Lane, Magherafelt, Decision: Decision Date: Ref ID: Proposal: Proposed replacement dwelling Address: 150m SE of 12 Motalee Lane Magherafelt Decision: Decision Date:	

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

C

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: H/2014/0077/O	Target Date: <add date>
Proposal: Proposed site for farm dwelling and garage	Location: Approx. 200m east of 5 Ballynian Lane Swatragh
Applicant Name and Address: Mr T Quinn 5 Ballynian Lane Swatragh Maghera BT46 5QP	Agent name and Address: D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Summary of Issues: Site does not visually link or cluster with a group of buildings on the farm.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: <p>This site is located approximately 200m East of 5 Ballynian Lane, Swatragh. The site is accessed off an existing laneway and set back approximately 80m from the road. The boundaries of the site consist of 3-4m hedge along the northern boundary, trees along the eastern boundary, post and wire fence and 2m hedge along the eastern boundary. The western boundary of the site is undefined. There are two small structures existing within the site consisting of a wooden hut and a tin hut. The site is adequately screened from the public road. Farm dwelling and buildings associated with the farm are located approximately 160m west of the site.</p>	
Deferred Consideration: <p>This is an application that has been presented previously to the then Magherafelt District Council in October 2014 with a recommendation to refuse the application based on the fact that the proposal was contrary to Policies CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and it did not merit being considered as an exceptional case in that it had not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.</p> <p>Policy CTY 1 of PPS 21 details the range of types of development which in principle are considered to be acceptable in the countryside and one of these is a dwelling on a farm in accordance with Policy CTY 10. This application fails to satisfy Part (c) of Policy CTY 10 as there is an existing group of buildings on the farm approximately 160m west of the site. The small structures existing at the site do not constitute a group of buildings and it is considered that the proposal is contrary to Policy CTY 10 as the site does not visually link nor is it clustered with a group of buildings on the farm and therefore the proposal does not comply with Part (c).</p>	

The application was deferred for an office meeting which was held and the application was subsequently reconsidered. It was still considered to be contrary to Policies CTY 1 and CTY 10 of Planning Policy Statement 10 for the same reason as outlined above. The application was never presented again before Magherafelt District Council as the agent requested further time for discussions with the applicant with a view to moving the siting of the proposed dwelling to a field adjacent to the existing farm buildings on the applicant's holding following discussions with planning officers. However, despite repeated requests for this information in April, June and August 2015 the agent has failed to submit either an amended scheme or any additional information. The buildings that are proposed to be used for siting a dwelling with do not constitute a group of buildings. There is however an established group of buildings beside the applicant's dwelling house at No 65 Ballynian Land and it is still my opinion there are options to the immediate south of the farm buildings and a new dwelling house would be both clustered and visually linked with that group of buildings.

I recommend a continued refusal of the application.

Reason for Refusal:

1. The proposal is contrary to Policies CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: H/2014/0356/F	Target Date:
Proposal: Proposed Fun farm, animal pens and associated parking which is to be run alongside the existing agricultural business.	Location: 45m North East of 47 Magherafelt Road Castledawson.
Applicant Name and Address: Mr Adrian Cudden c/o Agent	Agent name and Address: CMI Planners Ltd 80/82 Rainey Street Magherafelt
Summary of Issues: The nature of the farm diversification	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: This site is located outside the settlement limit and is close to the Castledawson Roundabout with the red line of the site running between the Magherafelt Road and Killyneese Road. The site contains two single storey dwellings and a number of farm buildings. In the field adjacent to the existing farm complex and adjacent to Magherafelt Road is an area which has been stripped of topsoil and which has an approval H/2012/0381/LDP for an agricultural shed.	
Deferred Consideration: This application was presented to the then Magherafelt District Council in February 2015 with a recommendation to refuse the application based on the following refusal reasons: <ol style="list-style-type: none"> 1. The proposal is contrary to Policies CTY 1 and CTY 11 of PPS 21 as part of the proposal does not propose a reuse or adaption of an existing farm building. 2. The proposal is contrary to Policy CTY 14 of PPS 21 as the impact of its ancillary works, namely car park and coach park area would damage rural character. At that meeting the application was deferred for an office meeting and I subsequently met with the agent to discuss the reasons for refusal.	

Originally this application was for a “Proposed change of use from a permitted agricultural shed to a building used as a fun farm, animal pens and associated parking which will be run alongside the existing agricultural business”.

However upon inspection of the site it was clear to the case officer that the building for which a certificate of lawfulness was granted under planning reference H/2012/0381/LDP has not yet been built. As such a change of use for a building which has not been constructed cannot be considered as an approval.

Following the deferred office meeting the agent subsequently amended the description in April 2015 to read as per the current description which states that it is for a fun farm and animal pens. Neither the superseded nor the amended plans that were received in April 2015 show any animal pens, all that has been shown is a soft play area, a reception, a store and a disabled toilet. The plans do not reflect the description and it is thus very clear that what the intended use for the proposed building is and that is solely for a soft play centre.

Policy CTY 11 of Planning Policy Statement 21 allows for farm or forestry diversification proposals where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The only connectivity to the farm business in this case is the fact that it is proposed to use a building that was granted a certificate of lawfulness for agricultural purposes but it will not be used for these means. Policy CTY 11 states that it is important the countryside is not spoilt by the unfettered development of urban uses. Whilst the agent has demonstrated that the existing buildings are all currently used for the farm business for the purposes of housing livestock, storing feed and machinery he has not demonstrated that the diversification scheme for a soft play area is to be run in conjunction with the agricultural operations on the farm.

With regards to the area shown for car parking and access, I am of the opinion that this would damage the rural character of this area. At the deferred office meeting the agent referred to the proposed park and ride scheme, the KFC fast food restaurant and the industrial estate further along to the west. In response to this the park and ride scheme is zoned in the Magherafelt Area Plan and it is to serve as an extension to the existing provision currently at the Castledawson Roundabout. The extension to the park and ride scheme is to the immediate east of the proposed parking area as shown in this current application. It is my opinion that other examples in the area of parking and ancillary works do not render the current application acceptable. An approval will only serve to extend such areas of hardstanding in what is the rural countryside and it is my opinion that the impact of the ancillary works would further erode the rural character of this area.

I would recommend a continued refusal of this application.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY 1 and CTY 11 of PPS 21 as part of the proposal does not propose a reuse or adaption of an existing farm building, nor is the diversification proposal of a scale and nature appropriate for the location.
2. The proposal is contrary to Policy CTY 14 of PPS 21 as the impact of its ancillary works, namely car park and coach park area would damage rural character.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: H/2014/0438/O	Target Date:
Proposal: Proposed new dwelling and garage	Location: 35m south of 10 Ballynian Lane Swatragh
Applicant Name and Address: Richard Dempster C/O Agent	Agent name and Address: Bannvale Architectural Services 104a Ballynease Road Portglenone BT44 8NX
Summary of Issues: Infill development	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located in the open countryside in accordance with the Magherafelt Area Plan 2015, approximately 1 mile east of Swatragh village. The site is located within an existing agricultural field. The site is defined to the north, south and west by a post and wire fence; however there is no defined boundary to the east as the eastern boundary dissects the agricultural field. The eastern boundary of the field is defined by mature vegetation and a post and wire fence. The site is currently being used for sheep grazing. There is a small building within the field made of corrugated iron. During the course of the planning application the building has been enlarged and a concrete base has now been added to it. The building is being used to store a small stack of hay. This building is within the agricultural field, however it lies outside the boundary of the site. To the north of the site, there are 2 buildings / sheds. It is unclear what the buildings are being used for, however the site was secured and at least one of the buildings was locked. There is one dwelling to the north of this plot and one dwelling being constructed further to the north, creating a minor ribbon of development.	
Deferred Consideration: The application was taken to the then Magherafelt District Council as a refusal in March 2015 based on the following reasons for refusal:	

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Ballynian Lane.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; it would result in a suburban style build-up of development when viewed with existing and approved buildings; it would not respect the traditional pattern of settlement exhibited in that area; it would add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

The application was deferred for an office meeting which took place and I have since revisited the site and carried out a reassessment of the application.

There has been much discussion since the application has been deferred as to whether the shelter that has been erected is in fact a building or if it is of such a temporary nature that it does not constitute being a building. As stated in the "Characteristics of the site and the area" the shelter has been enlarged over the course of the planning application and the shelter now sits on top of 2 rows of blockwork on top of a concrete base. Irrespective of whether there is agreement or not over the permanency of the shelter I am of the opinion that the application fails to satisfy the requirements of Policy CTY 8 of Planning Policy Statement 21. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. There is an exception where the development of a small gap site within an otherwise substantial or continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of scale, size siting and plot site. The definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

When considering the application site from both a transient and static point of view I am of the opinion that this is not an infill opportunity. The agricultural shelter cannot be read with the line of development along the Ballynian Lane on either approach. When travelling in a north westerly direction the agricultural shelter can only be seen with the agricultural buildings beyond the site to the north. The shelter cannot be read with Nos 8 and 10 Ballynian Lane. It is only when the agricultural sheds associated with No 10 Ballynian Lane have been reached that it is possible to see the fence of No 10. On the opposite approach to the site when approaching the site in a south easterly direction the agricultural shelter can only be seen once the southern boundary of the agricultural sheds associated with No 10 has been passed. It is therefore not possible to read the agricultural shelter, the agricultural buildings to the north and the 2 dwellings at Nos 8 and 10 to the north together from either a transient or static viewpoint and as such it is neither a substantial nor a continuously built up frontage. If a dwelling is constructed on the application site it is my opinion that it would re-inforce a built-up appearance at this location and would be detrimental to the rural character of this area and would result in adding to a ribbon of development.

Policy CTY 13 of PPS 21 deals with the 'Integration and Design of Buildings in the Countryside'. The policy states that planning permission will be granted for a building in the countryside where it can be visually

integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 13 lists 7 criteria where a new building will be unacceptable. It is my opinion that the proposed site fails to fulfil the following criteria OF Policy CTY 13:

- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- (c) it relies primarily on the use of new landscaping for integration; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

It is my opinion that a new dwelling on this site, even a low ridge single storey dwelling, would be unacceptable on this site for the reasons outlined above. This is a very open roadside site with no currently natural means to provide any sense of enclosure or integration into the local landscape. It is a roadside field with that lacks any vegetation and as a result the site will not benefit from any natural screening. The use of new planting will have to be relied upon for the purposes of integration to all boundaries and this is contrary to Policy CTY 13.

Policy CTY 14 of PPS 21 deals with 'Rural Character'. The policy states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. There are 5 key criteria which guide the acceptability of a new building in the countryside.

It is my opinion that a dwelling on this site will be unacceptable for the following reasons:

- (b) it results in a suburban style build-up of development when viewed with existing buildings;
- (d) it creates or adds to a ribbon of development;

The proposed site is open and sits on rising land and will appear as incongruous in its setting owing to the shape of the road around the site. It is considered that this development, if permitted, would conflict with criteria b and d of CTY 14. The issue of ribbon development has been addressed earlier in this report. Given that it cannot be read as a substantial or continuously built up frontage it is my opinion that a new dwelling will result in a suburban style build-up of development that is out of character in this rural area.

For the aforementioned reasons I recommend a continued refusal of this application.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Ballynian Lane.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and it would add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s):

Date





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Miss Cathy Hughes	
Application ID: M/2014/0566/O	Target Date: 19 March 2015
Proposal: Proposed housing development	Location: Between Annagole Park and Lisnahull Park Dungannon
Applicant Name and Address: Glengannon Inns Ltd 30 Mullaghmore Road Dungannon BT70 1QT	Agent name and Address: J Aidan Kelly Ltd 50 Tullicullion Road Dungannon BT70 3LY
Summary of Issues: This application was presented to the Planning Committee on 5 May 2015 and was deferred to allow further consideration. Issues raised by Councillors and objectors related to: apartments on the site, the loss of open space, the impact on the periphery pedestrian and cycle route and lack of housing in the area for less abled citizens.	
Summary of Consultee Responses: NI Water – no capacity in network Transport NI – development roads will be adopted if provided to necessary standard NIEA-Waste Management Unit – recommends conditions to monitor potential contaminated lands issues	
Characteristics of the Site and Area: This application site comprises a narrow parcel of land to the rear and west of Annagole Park. An area of open space separates it from Lisnahull Park to the west and immediately south of the site sits a stone monument. The site measures 0.6 hectares and is approximately 190 metres long and 20 metres wide and 60 metres at its widest to the south.	

Currently the site is an area of unused ground along the old disused railway line. It sits above the land to the west and the southern boundary is hedgerow with the eastern boundary a close board fence.

M/2006/1646/F was refused planning permission on this site and including a parcel of land to the east for 2 blocks of 24 apartments in January 2007. This was subsequently appealed and an informal hearing took place with the PAC dismissing the appeal in July 2009.

Planning application M/2005/1213/O for phase two housing was withdrawn in June 2006 as it was recommended for refusal due to road safety concerns.

This site is located within the development limits of Dungannon in the western section. It is mostly whiteland in the Dungannon and South Tyrone Area Plan with a designated Peripheral Cycle Route going through the site in a north south orientation along the eastern boundary of the site. The land immediately west and south of the site is zoned as existing recreation and open space. The land to the east is zoned as housing DH25 which is mostly developed, apart from a small triangular portion which is included within this application site.

Deferred Consideration:

A revised concept plan has been submitted for 1 no 2 storey apartment block and 14 houses, the houses are 2 storey and arranged in 3 blocks of 4 and 1 pair of semi detached houses. The application is for outline planning permission and no detailed plans have been submitted to show the external appearance of the building, however a conceptual layout has been provided which promotes passive surveillance of the adjoining open space by locating the living rooms at the rear of the houses and illustrating how the houses will be designed to lifetime homes standards. The apartment block is proposed to be 2 storey, located close to existing single storey dwellings, I do not consider this this will have any significant adverse impact on the residential amenity of those houses as it is located approx. 19m from the nearest part of the houses, is sited at a oblique angle and on the other side of the public footpath which will limit overlooking of the private spaces within the existing houses, it is located on the northwest side of the houses and is proposed as 2 storey which will limit any overshadowing potential. Following representations from Cllr Monteith, Council officials in the Culture and Leisure Department have advised the current Earls Project is due to finish on 27 October 2015 and they have assessed the proposal and are not convinced of the need for this land. The District Valuer placed a valuation of £85k on this land and this could significantly increase if permission for housing was granted. It is recognised there is no shortage of open space provision in the area and no strong need for children's play or sport. It is also noted the proposal incorporates a cycleway within the development that can be secured at no cost to the Council. Dr Boomer has verbally appraised Cllr Monteith of this position.

Members are reminded of the planning history attached to this site where refusal reasons on the basis of protection of open space were not successfully defended at planning appeal and if the Council were to refuse on these grounds it is highly likely the Planning Appeals Commission would grant planning permission and award costs against the Council.

It is recommended that the Committee grants Planning Permission subject to conditions.

Conditions

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

i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

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

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

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

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

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

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

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

The development shall be in accordance with the requirements of the Department for Regional Development's Layout of Housing Roads Design Guide 1980 and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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.

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

REASON: In the interests of visual amenity

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

REASON: In the interests of public health.

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

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

9. If during development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. A "No Development Area" will be agreed and this new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing all remediation works under Condition 9 and prior to the occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all risks and achieving the remedial objectives.

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

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

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

12. A landscape management plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Council prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be carried out as approved.

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

13. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council and these works shall be carried out as approved. These details shall include: proposed finished levels, existing and proposed contours, means of enclosure, car parking layout, vehicle and pedestrian access and circulation areas, hard surface materials, minor artefacts and structures e.g. street furniture, equipment, refuse storage, lighting, existing and proposed services above and below ground, retained historic landscape features and proposals for restoration.

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

14. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

15. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no garages/extensions shall be erected other than those expressly authorised by this permission.

Reason: To preserve the open plan nature of the development

16. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To preserve the open plan nature of the development

17. Prior to the occupation of any of the development hereby approved, the periphery cycle route shall be provided in accordance with details to be submitted and approved at Reserved Matters stage.

Reason: To secure the provision of the periphery cycle route.

Signature(s):

Date

D

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0102/F	Proposed two storey sitting room, kitchen, bedroom and bathroom gable extension to dwelling	6 Orpheus Drive Dungannon	8/3/15	Paul Crowe 6 Orpheus Drive Dungannon BT71 6DR	
I/2015/0097/F	Change of use to gym (retrospective)	25A Anneeter Road Moortown Ardboe BT80 0HZ	8/4/15	Mr Daniel Kelly C/o.agent	Ross Planning 9A Clare Lane Cookstown BT80 8RJ
LA09/2015/0003/F	Proposed three bedroom two storey detached dwelling house to include the reduction and retention of existing domestic garage	Lands west and adjacent to 17 Gortgonis Road Coalisland	8/4/15	Vivian Teague 8 Maplebrook Lane Coalisland	Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
LA09/2015/0020/F	Proposed change of use from offices to dinning and workshop facilities for local community group (o4o)	Cookstown Enterprise Centre Derryloran Industrial Estate Cookstown BT80 9LU	8/4/15	o4o C/o.agent	Teague and Sally Ltd Loy Buildings 18 Loy Street Cookstown BT80 8PE
LA09/2015/0093/O	Proposed offsite replacement dwelling and garage	350m North West of 14 Mackenny Road Cookstown	8/4/15	Mr Mervyn Greer 20 Barrs Road Taplow Maidenhead SL6 0LE	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0110/F	Single storey extension to rear to provide a livingroom and larger kitchen	20 Drumlea Park Cookstown BT80 9JU	8/4/15	Paddy Joe Mullan 20 Drumlea Park Cookstown BT80 9JU	Sam Smyth Architecture Unit 45D 2 Coalisland Road Dungannon BT71 6JT
LA09/2015/0136/F	Proposed extension and alterations to dwelling	74 Fairhill Road Cookstown	8/4/15	Mr Douglas Rankin 74 Fairhill Road Cookstown	Don Sonner 26a St Jean's Cottages Cookstown BT80 8DQ
LA09/2015/0148/RI	Proposed farm dwelling and garage	Land approx. 120m North East of 1 Annaginney Road Tullydonnell Dungannon	8/4/15	Mr Stuart Pedlow 1 Annaginney Road Tullydonnell Dungannon BT71 4BP	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
LA09/2015/0185/F	Rear single storey kitchen extension	50 Oaks Road Dungannon	8/4/15	NI Housing Executive The Housing Centre 2 The Adelaide Street Belfast BT2 8PB	Moore MacDonald and Partners 2 High Street Holywood BT18 9AZ
LA09/2015/0380/F	Full permission to demolish the existing dwelling and outbuildings, to be replaced with new replacement dwelling and associated site works	21 Aghalarg Road Stewartstown BT71 5AB	8/4/15	Mr and Mrs Lavery C/ o.agent	Urban Innovations Wellington Buildings 2 Wellington Street Belfast BT1 6HT

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Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0089/F	Proposed material store for the storage of screenspare equipment and vehicles	47A Moor Road Coalisland	8/4/15	Screenspares Ltd 47A Moor Road Coalisland BT71 4QB	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
M/2015/0100/F	Change of house type application to that approved under application M/2008/0551/RM	Approximately 50m west of No. 27 Gorestown Road Dungannon	8/4/15	Ms Gemma Webb c/o agent	NI Planning Consultants 61 Glen Mhacha Armagh BT61 8AF
M/2015/0168/RM	Proposed single storey dwelling	260m North of 17 Drumnafern Road Drumnafern Dungannon BT70 1RT	8/4/15	Plunket McGartland 17 Drumnafern Road Drumnafern Dungannon BT70 1RT	Peter McCaughey 31 Gortnasaor Dungannon BT71 6OA
H/2014/0327/F	Proposed Farm Building	106 Gulladuff Road Magherafelt.	8/5/15	N Duggan c/o Agent	CMI Planners 80-82 Rainey Street Magherafelt BT45 5AG
H/2014/0444/O	Proposed dwelling on a farm in accordance with PPS21 policy CTY10	Approx 60m SW of 14 Desertmartin Road Moneymore	8/5/15	Mr Chambers C/O Agent	MDF Architecture 11 Blackthorn Road The Brambles Newtownabbey BT37 0GH

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
H/2015/0015/F	Construction of one and a half storey cottage style dwelling and one a half storey detached garage/carport for residential use	50 metres south of 106 Ballynease Road Portglenone	8/5/15	Gerard Graham and Edel Quinn 37 New Road Ahoghill Ballymena BT42 2QL	
H/2015/0058/F	Proposed Replacement 2 Storey Dwelling and Garage	No 42 Kilrea Road Maghera	8/5/15	Mr McCusker c/o Agent	Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA
LA09/2015/0077/F	Proposed single storey extension to existing dwelling	6 Ballyriff Road Magherafelt BT45 6NL	8/5/15	Gerry O'Neill 6 Ballyriff Road Magherafelt BT45 6NL	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2015/0144/NI	Proposed minor amendments	Site at Kilmascully Road Ardboe	8/5/15	John McConville 23B Kilmascully Ardboe	
LA09/2015/0189/F	Rear Single Storey Kitchen Extension	83 Moygashel Park Moygashel Dungannon	8/5/15	NIHE c/o Agent	Moore MacDonald and Partners 2 High Street Holywood BT18 9AZ

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0207/F	Non compliance with conditions 14 and 20 of I/2008/0157/F so as to vary blade tip of the consented wind turbine from 101.2 metres to 110.2 metres and to effect for this change in turbine height the submission of a revised Noise Impact Assessment	Crockbrack (north of Loughnamarve Road and West of Gortsraheen Road) Limehill Pomeroy BT70 2SJ	8/5/15	Gaelectric Developments Ltd Portview House Thorncastle Street Dublin Dublin 4	
LA09/2015/0061/F	Retention of conversion of domestic garage to living space to provide additional bedrooms to existing dwelling (including link corridor)	36 Cranlome Road Ballygawley	8/6/15	Mr and Mrs D Mallon c/o ACA	ACA Cottage Studio's Gortrush Great Northern Road Omagh BT78 5EJ
M/2015/0062/F	Proposed free range poultry shed with 2No feed bins (shed to contain 16000 free range egg laying hens)	Land approx 100m SSW of 115 Caledon Road Aughnacloy BT69 6HZ	8/6/15	D J Brady and Sons 115 Caledon Road Aughnacloy BT69 6HZ	Henry Marshall Brown Architectural 10 Union Street Cookstown BT80 8NN
LA09/2015/0037/F	Renewal of previous approval H/ 2010/0210/F extension to building to accommodate an enlarged craft shop, a coffee area and provision of a tourist interpretative area	An Carn Centre 132a Tirkane Road Maghera BT46 5NH	8/7/15	Carntogher Community Association C/o agent	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2015/0140/F	Single storey extension to rear	7 Ash Drive Maghera BT46 5HF	8/7/15	Mr and Mrs Paul McGinnis 7 Ash Drive Maghera BT46 5HF	

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0316/F	Proposed Replacement Dwelling	38 Millburn Street Cookstown	8/7/15	Mervyn and Pam Brown c/o Agent	APS Architects llp T3 CEC Sandholes Road Cookstown BT80 9LU
M/2015/0071/F	Small single storey rear extension to form office ,staff room,WC and storage. Internal alterations.Change of use to first floor from residential to offices	Centra 40-42 Main Street Ballygawley BT70 2HE	8/7/15	Mr John McDade Centra 4042 Main Street Ballygawley BT70 2HE	Keys and Monaghan Architects Ltd 12 Main Street Irvinestown BT94 1GJ
M/2015/0080/F	Change of previously approved house design by the addition of an attached garage and a sun-lounge	Site 12 Lisnamonaghan Meadows Lisnamonaghan Road Castlecaulfield Dungannon	8/7/15	P K Murphy Developments Ltd c/o Agent	P G Quinn Ltd 15 Derrytresk Road Dungannon BT71 4QL
LA09/2015/0059/F	Proposed infill dwelling	Adjacent to 17 Quintinmanus Road Cullion Dungannon BT71 4EG	8/10/15	Shane McGeary 17 Quintinmanus Road Dungannon BT71 4EG	Sam Smyth Architecture DGN Enterprise Centre Unit 45D Dungannon BT71 6JT
LA09/2015/0105/F	2 storey rear extension to allow extra kitchen and bedroom above	6 Westland Park Cookstown BT80 8DA	8/10/15	Ronan Smith 6 Westland Park Cookstown BT80 8DA	Forthill Design and Development Ltd 5 Forthill Drive Cookstown BT80 8JW

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0116/F	Retention of alterations and extension to existing 2 storey outbuilding to the rear of 36 and 38 Molesworth Road, Cookstown to form store/utility on ground and games room above	To the rear of 36 and 38 Molesworth Road Cookstown	8/10/15	Mr J McCrystal C/o.agent	APS Architects LLP Unit T3 Cookstown enterprise centre Sandholes Road Cookstown BT80 9LU
LA09/2015/0141/F	Proposed single storey rear extension to hall (storage)	4 Tamlaghtmore Road Cookstown BT80 9UT	8/10/15	C/o.Alastair Harkness . Hall Trustee 11 Clare Lane Cookstown BT80 8RJ	
H/2015/0089/F	Proposed Change of House Type and Garage	To the Rear of 49 Lurganagoose Road Curran Magherafelt (Site 2)	8/11/15	Mr and Mrs D Steele c/o Agent	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
I/2015/0023/F	Single wind turbine with a hub height of 50m with 27m blades, including 2 no. ancillary electricity cabinets and associated access (in substitution of approval I/ 2011/0198/F)	305m South of 30 Kilcronagh Road Cookstown	8/11/15	Mr D Stewart c/ o Strategic Planning	Strategic Planning 4 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
LA09/2015/0012/F	Alteration to planning approval H/ 2010/0470/F to provide 2No self catering holiday homes in lieu of 2No semi detached dwellings	34 Main Street Bellaghy BT45 8HT	8/11/15	Genmark Developments Ltd 16 Tamlaghtduff Road Bellaghy BT45 8JQ	Vision Design 31 Rainey Street Magherafelt BT45 5DA

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0021/A	Recessed L.E.D. shop sign	62-64 Rainey Street Magherafelt BT45 5AH	8/11/15	Francis Higgins 4 Grange Road Magherafelt BT45 5EL	M.J. Fullerton Design 12 Rainey Court Magherafelt BT45 5BX
LA09/2015/0044/F	Proposed change of house type 5 to include second floor level for residential purposes	Site 29 Cloneen Crescent off Crew Road Maghera	8/11/15	P & K McKaigue C/O Agent	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2015/0060/O	Proposed dwelling	108m SE of 9 Drumrot Road Moneymore BT45 7QQ	8/11/15	Sarah O'Kane C/o.Agent	OJQ Architecture 89 Main Street Garvagh Bt51 5AB
LA09/2015/0081/F	Proposed development of existing all weather playing surface and grass pitches to synthetic training areas including perimeter fencing and floodlighting	St Mary's Grammer School 3 Castledawson Road Magherafelt BT45 6AX	8/11/15	St Mary's Grammer School 3 Castledawson Road Magherafelt BT45 6AX	Simon Francis CPD Civil Engineering Branch Clare House 303 Airport Road West Belfast BT3 9ED
LA09/2015/0088/F	Retrospective application for the retention of existing domestic garage and loft storage area	18 Coltrim Road Drumrot Moneymore	8/11/15	Mr and Mrs David Johnston 18 Coltrim Road Drumrot Moneymore BT45 7QG	T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
LA09/2015/0106/F	Proposed development of existing grass pitches to synthetic training areas, including perimeter fencing and floodlighting	St Patrick's College 25 Coleraine Road Maghera	8/11/15	St Patrick's College Maghera c/o Agent	CPD Civil Engineering Branch Clare House 303 Airport Road West Belfast BT3 9ED

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0121/F	Retention of dining room extension to rear of dwelling	4 Meadowvale Dungannon BT70 1QJ	8/11/15	Mrs Donna McGivern 4 Meadowvale Dungannon BT70 1QJ	Paul Lavery 14 Bernagh Gardens Dungannon BT71 4AP
LA09/2015/0133/F	Single storey extension to side of existing bar to provide additional bar area and function area	Mulligan @ INF Club 33 Chapel Street Cookstown BT80 8HY	8/11/15	Owen Mulligan 83 Church Street Cookstown BT80 8HT	Forthill Design and Development Ltd 34 Sweep Road Cookstown BT80 8JW
LA09/2015/0186/F	Rear Single Storey Kitchen Extension	18 Knockview Augher	8/11/15	NIHE c/o Agent	Moore MacDonald and Partners 2 High Street Holywood BT18 9AZ
LA09/2015/0187/F	Rear single storey kitchen extension	7 Hillview Terrace Moy Dungannon	8/11/15	NI Housing Executive The Housing Centre 2 Adelaide Street Belfast BT2 8PB	Moore McDonald and Partners 2 High Street Holywood BT18 9AZ
LA09/2015/0188/F	Rear Single Storey Kitchen Extension	11 Knockview Augher	8/11/15	NIHE c/o Agent	Moore MacDonald and Partners 2 High Street Holywood BT18 9AZ
LA09/2015/0190/F	Rear Single Storey Kitchen Extension	19 Knockview Augher	8/11/15	NIHE c/o Agent	Moore MacDonald and Partners 2 High Street Holywood BT18 9AZ

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Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0191/F	Rear single storey kitchen extension	12 Knockview Augher	8/11/15	NI Housing Executive The Housing Centre 2 Adelaide Street Belfast BT2 8PB	Moore MacDonald and Partners 2 High Street Holywood BT18 9AZ
LA09/2015/0192/F	Rear Single Storey Kitchen Extension	2 Knockview Augher	8/11/15	NIHE c/o Agent	Moore MacDonald and Partners 2 High Street Holywood BT18 9AZ
LA09/2015/0218/F	Single storey rear extension	30 Crawfordsburn Drive Maghera	8/11/15	Northern Ireland Housing Executive Design Services Richmond Chambers The Diamond Londonderry BT48 6QP	Patrick F Corr 17 Catherine Street Limavady BT49 9DA
LA09/2015/0219/F	Single storey rear extension	16 Crawfordsburn Drive Maghera BT46 5AJ	8/11/15	Northern Ireland Housing Executive Design Services Richmond Chambers The Diamond Londonderry BT48 6QP	Patrick F Corr 17 Catherine Street Limavady BT49 9DA

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Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
H/2015/0020/F	Proposed replacement dwelling and detached domestic garage	11 Curragh Road Maghera	8/12/15	Ruth McFarland C/o.Agent	Diamond Architecture 77 Main Street Maghera BT46 5AB
H/2015/0059/F	Infill Dwelling	Adjacent to 150-152 Creagh Road Castledawson	8/12/15	Ms J Gribbin C/ o.agent	CMI Planners Ltd 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2015/0007/O	Proposed off-site replacement dwelling and garage	7 Cranny Lane Moneymore Magherafelt	8/12/15	Sean Connery 72 Glenshane Road Castledawson BT45 8DQ	DMKearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2015/0264/F	Single storey extension to front of the property to allow for a reception room	11 Carrowcolman Road Eglish Dungannon	8/12/15	Graeme Cathers 11 Carrowcolman Road Eglish Dungannon BT70 1LF	Daly O'Neill and Associates 23 William Street Portadown Craigavon BT62 3NX
LA09/2015/0327/F	Retention of Existing Domestic Garage	33 Martray Road Ballygawley	8/12/15	Mr Trevor McDaniel	Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
LA09/2015/0466/F	Overhead three phase commercial line on wooden poles	West of 44 Drumflugh Road Benburb Derrygoonan	8/12/15	Denise Irvine N.I.E Carn Industrial Estate Portadown BT63 5QJ	

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0103/F	Proposed vehicular entrance to existing dwelling	No. 9 Fashglashagh Road Dungannon	8/12/15	Barry Holland 9 Fashglashagh Road Dungannon	McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
M/2015/0118/F	Proposed new access road	Lands opposite Tullyallen Grave Yard Tullyallen Road Dungannon	8/12/15	Kevin Mallon 63 Cadian Road Eglish Dungannon	McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2015/0246/A	1 no fascia sign and 1 no projecting sign	70 Scotch Street Dungannon BT70 1BJ	8/13/15	Domino's Pizza Group Ltd 1 Thornbury West Ashland Town Milton Keynes MK6 4BB	G Gary Studio 2/1 8 Garrioch Drive Glasgow G20 8RP
LA09/2015/0341/NI	To re-position turbines T4 and T5 of the approved Eshmore Wind Farm (Doe Ref: M/2006/1802/F). It is proposed to re-position Turbine T4 19.4m West/Southwest of its consented position and to re-position Turbine T5 14.2m Southeast of its consented position	Crockanavarak Eshmore and Altaglushan Townlands Galbally Dungannon	8/13/15	Eshmore Ltd c/ o Agent Canavan Associates Ltd	Canavan Associates Ltd 23 Prince's Street Derry BT48 7EY

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0441/F	Proposed single storey detached garage	90 Dergenagh Road Aughnacloy	8/13/15	Mr Robert Watt 90 Dergenagh Road Aughnacloy	McCarter Hamill Architects 44 Circular Road Dungannon BT71 ^BE
LA09/2015/0521/NI	Increase in the building height from 5050mm to 5776mm, Decrease in the footprint of the outdoor compound area from 1260m2 to 588m2, decrease in the substation building with from 9.7m to 7.5m and inclusion of 3 double doors 3 single doors and 1 window to the front of the building and 1 double door and window to the rear of the building	Crockandun Wind Farm Draperstown Magherafelt	8/13/15	Brookfield Renewable Energy Group 5th Floor City Quarter Lapps Quay Cork	
M/2015/0084/F	Proposed dwelling	95m south of 68 Annaghmore Road Coalisland	8/13/15	James O'Neill 47 Annaghmore Road Coalisland	Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
I/2015/0032/F	An application under article 28 of the Planning (Northern Ireland) Order 1991 to vary condition 2 of planning permission I/2013/0081/F to include additional feedstock EWC codes for an operational 500kw anaerobic digestion and combined heat and power (CHP) plant.	Lands approximately 220 metres east of No. 14 Tullywiggan Cottages Tullywiggan Road Tullywiggan Cookstown	8/14/15	PAR Renewables Ltd c/o Agent	Clyde Shanks 5 Oxford Street Belfast BT1 3LA

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Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0137/F	Proposed extension to dwelling	65 Cooke Crescent Cookstown	8/14/15	Mr R Allen 65 Cooke Crescent Cookstown	Don Sonner 26a St Jean's Cottages Cookstown BT80 8DQ
LA09/2015/0149/F	Rear extension single storey to provide disabled shower room	8 Curran Terrace Dungannon BT71 6LD	8/14/15	Thomas Wallace 8 Curran Terrace Dungannon BT71 6LD	Seamus Donnelly 80A Mountjoy Road Coalisland BT71 5EF
LA09/2015/0156/F	Single storey extension to the rear of a dwelling to form a sunroom/living room	4 Westclare Court Killeen Dungannon	8/14/15	Mr and Mrs K Coyle 4 Westclare Court Killeen Dungannon BT71 5BF	J W S Preston 33 Harcourts Hill Ballyworkan Portadown BT62 3RE
LA09/2015/0159/O	Proposed infill site for dwelling and garage	Approx 35m SE of 38 Bellagherty Road Coagh Cookstown	8/14/15	Ms H And Ms L Berryman 58 Oaklea Road Ballyronan Magherafelt BT45 6LT	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2015/0160/O	Proposed infill site for dwelling and garage	Approx 25m NW of 30 Bellagherty Road Coagh	8/14/15	Ms L And Ms H Berryman 58 Oaklea Road Ballyronan Magherafelt BT45 6LT	D M Kearney Design 2a Coleraine Road Magherafelt BT46 5BN

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0183/RI	Proposed 1no Domestic Dwelling with Proposed 1no Domestic Garage with remainder of site used for Domestic Garden	70 metres south of 39 Annaghmore Road Coagh Cookstown.	8/14/15	Barry Ryan	Custom Interiors 61c Aneeter Road Coagh Cookstown BT80 0HZ
LA09/2015/0206/F	11 Kv overhead Line	300m North East of 17 Annaghroe Road Caledon BT68 4UJ	8/14/15	Peter Miller N.I.E. 57 Dargan Road Belfast BT3 9JU	
M/2015/0170/RM	Dwelling and Garage	15 m south of 73 Moor Road Coalisland.	8/14/15	Helen & Paul O'Neill	Seamus Donnelly 80A Mountjoy Road Aughrimderg Coaslisland BT71 5EF
LA09/2015/0163/O	Proposed off site replacement dwelling and garage for domestic use with existing dwelling to be demolished	Site located 470m North of 80 Claggan Road Lissan Cookstown BT80 9UD	8/17/15	Mr Peter Quinn 38 Derrygarve Park Castledawson BT45 8EZ	OJQ Architecture 89 Main Street Garvagh BT51 5AB
LA09/2015/0205/F	Proposed 2No. broiler poultry sheds with 4No. feed bins, 2No. gas tanks . A biomass boiler shed with fuel bin and an office. Changing and standby generator building. (to contain in total 74000 broilers)	Land approx. 250m South East of 30 Ballynasollus Road Cookstown BT80 9TQ	8/17/15	Mr Graham Bell 24B Balynasollus Road Cookstown BT80 9TQ	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

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Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0300/O	Proposed site for new dwelling in infill site	Between 69 and 73 Kinturk Road Coagh Cookstown BT80 0JD	8/17/15	Mr Damian McCormick 73 Kinturk Road Coagh Cookstown BT80 0JD	Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
I/2014/0402/O	Site for dwelling	Lands 25m north of 54 Meenanea Road Dunnamore Cookstown Co Tyrone	8/18/15	Mr F Corey c/o 76 Main Street Pomeroy	Building Design Solutions 76 Main Street Pomeroy BT70 2QP
LA09/2015/0017/F	Proposed re-positioning and change of house type to that previously approved under application M/2005/2166/RM	Site adjacent to 23 Lurgylea Road Galbally Dungannon BT70 2NX	8/18/15	Finbarr & Carmel McNamee 115 Clonvaddy Road Galbally Dungannon	McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2015/0068/F	Proposed renewal of extant approval H/2010/0050/F - carpark consisting of 20no spaces opposite Naiscoil, 131 Tirkane Road, Maghera	Opposite Naiscoil 131 Tirkane Road Maghera	8/18/15	Naiscoil c/o Niall O'Kane An Carn Tirkane Road Maghera BT46 5NH	DM Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2015/0132/F	Proposed single storey flat roof rear extension to existing dwelling	4 Oak Park Draperstown BT45 7HA	8/18/15	Kevin Wilson 4 Oak Park Draperstown BT45 7HA	Vision Design 31 Rainey Street Magherafelt BT45 5DA

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0161/F	Extension to existing day nursery to provide after school club	Unit 1A 21 Hillhead Road Toomebridge	8/18/15	Building Block Nursery c/o Agent	James Hughes Architect 10B Fallylea Road Maghera BT46 5JT
LA09/2015/0173/F	Proposed change of house type from previously approved planning application ref: H/2008/0592/F	95 Creagh Road Castledawson Magherafelt	8/18/15	Ciaran Higgins and Roisin Devlin 93 Creagh Road Castledawson Magherafelt BT45 8EY	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2015/0216/F	Single storey rear extension	44 Tamney Crescent Maghera BT46 5AQ	8/18/15	Northern Ireland Housing Executive Design Services Richmond Chambers The Diamond Londonderry BT48 6QP	Patrick F Corr 17 Catherine Street Limavady BT49 9DA
LA09/2015/0217/NI	Proposed Change of House Type to Planning Approval I/2007/0601/RM	126b Killycolpy Road Cookstown	8/18/15	Mr Robert McCluskey 139 Ballymaguire Road Kilsally Stewartstown BT71 5NJ	

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0225/F	Single storey rear extension	8 Crawfordsburn Drive Maghera BT46 5AJ	8/18/15	Northern Ireland Housing Executive Design Services Richmond Chambers The Diamond Londonderry BT48 6QP	Patrick F Corr 17 Catherine Street Limavady BT49 9DA
LA09/2015/0344/RI	Dwelling on a farm with detached domestic double garage	80m NE of 36 Killyfaddy Road Magherafelt	8/18/15	Ms Alison and Mr Robert Murphy c/o Agent	M J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX
LA09/2015/0453/NI	Proposed New Dwelling and Garage (in substitution of previously approved H/ 2013/0425/RM)	175m SE of 148 Moneymore Road Magherafelt	8/18/15	Mr Niall Barry c/o Agent	Newline Architects 48 Main Street Castledawson BT45 8AB
LA09/2015/0565/NI	The window to the sun lounge is to be changed from square opening to a vaulted window	45m South East of 114 Creagh Road Castledawson Magherafelt	8/18/15	Roisin Dougan 114 Creagh Road Castledawson Magherafelt BT45 8EY	
LA09/2015/0204/O	Erection of Dwelling and Domestic Garage on a Farm	Land 20m West of 37 Annaghilla Road Augher	8/19/15	Mr William Maxwell c/o Agent	Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0237/F	Proposed replacement 2 storey dwelling house and detached domestic garage	190m North East of 15 Ashfield Road Ballymacan Clogher	8/19/15	Mr David Potter 15 Ashfield Road Ballymacan Clogher	McCann Architecture Castletown Finrona BT78 2BX
M/2015/0140/RM	Proposed dwelling and domestic garage	Adjacent to 23 Derryloughan Road Coalisland	8/19/15	Mr Tony Grew 1 Oakfield Gardens Moy	McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2015/0293/F	Proposed two storey replacement dwelling and one and a half storey detached garage	21 Ballymagowan Road Tullybroom Clogher BT76 0DB	8/20/15	Mr and Mrs R Crawford 33d Primrose Hill Clogher BT76 0AF	Gemma Mannix Architect 120 Silverhill Manor Enniskillen BT74 5JJ
M/2015/0061/F	Provide ground floor bedroom and shower room	79 Altmore Drive Dungannon	8/20/15	Mrs Rachael Mulgrew 79 Altmore Drive Dungannon BT71 4AF	J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
M/2015/0101/F	Domestic Storage Shed	130 Screeby Road Fivemiletown	8/20/15	Noel Trimble 130 Screeby road Fivemiletown	Neil Irvine Design Ltd Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0090/F	Erection of carport and out door play area to rear of dwelling	103 Tirkane Road Maghera BT46 5NE	8/21/15	Mr B Convery C/o.agent	Diamond Architecture 77 Main Street Maghera BT45 5AB
LA09/2015/0411/RI	Proposed dwelling and detached garage on a farm	Approx 140m North East of 9 Lisalbanagh Road Lisalbanagh Magherafelt	8/21/15	Mr David Lawrence 9 Lisalbanagh Road Magherafelt BT45 5HR	3rd Demension 27 Gracefield Road Magherafelt BT45 6LD
LA09/2015/0449/F	New two storey dwelling and garage (change of house type from that approved under I/ 2006/1190/RM)	160m South West of 12 Dunmore Lane Cookstown	8/21/15	Mr and Mrs McGarvey C/ o.Shangarry 99 Lough Fea Road Cookstown	Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
LA09/2015/0585/NI	Alteration and extension to Kitchen previously approved under H/2014/0016/F	Woodhill Ballymacombs Road Portglenone	8/21/15	Mr and Mrs Rea C/o.agent	FMK Architecture Ltd Unit 5 Ahoghill Buisness Centre Ahoghill Ballymena BT42 1LA

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2015/0133/O	Replacement dwelling	70m West of 18 Tullyallen Road Dungannon	8/21/15	Mr Michael O' Neill 47 Drumbearn Gortnagola Road Donaghmore Dungannon	Mc Carter Hamill Architects 44 Circular Road Dungannon BT71 6BE
M/2015/0146/F	Amendment of design/location as approved under M/2011/0263/F	50m South East of 11 Killybracken Road Derryveen Dungannon	8/25/15	Mr J McSorley 11 Killybracken Road Derryveen Dungannon BT70 1NU	J Aidan Kelly Ltd 50 Tullycullion Road Dungannon Bt70 3LY
LA09/2015/0045/F	Proposed agricultural shed with associated slurry tank	73m North East of 40 Ballymacilcurr Road Maghera	8/26/15	Graham White C/O Agent	OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
LA09/2015/0055/F	Proposed change of house type and re-location on site, to supersede application H/ 2011/0129/F Dwelling and garage	200m NW of 18 Gracefields Road Castledawson	8/26/15	Mr and Mrs Johnston	CMI Planners Ltd 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2015/0169/F	Single storey side extension for sun room, 2 storey rear extension to allow kitchen and dining area on ground floor with bedroom and en-suite above. Double domestic garage and boat shed	141 Moneymore Road Magherafelt	8/26/15	Kenny Wylie c/ o Agent	M J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0231/O	Proposed site for dwelling and domestic garage	30m South of 85 Ballymacombs Road Bellaghy	8/26/15	Mr David Mulholland c/o Agent Diamond Architecture	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2015/0279/F	Proposed single storey rear extension to existing dwelling to include detached garage	7 Derramore Heights Magherafelt	8/26/15	Thomas and Sinead Maynes 7 Derramore Heights Magherafelt BT45 5RX	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2015/0315/F	Proposed single storey extension to side of dwelling	9 Castle Park Caledon	8/26/15	Rachel McGettigan 9 Castle Park Caledon	Jeffrey Morrow 15 Finglugh Road Caledon BT68 4XW
LA09/2015/0388/F	Proposed replacement of aluminium roof	7 Meadowview Fivemiletown	8/26/15	Isabella Morrow 7 Meadowview Fivemiletown BT75 0PZ	Neil Irvine Design Ltd Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2015/0414/F	Sun room extension to kitchen and living area, existing lobby roof to be replaced with one of greater pitch ,existing boiler room roof to be replaced with flat roof and parapet	Richmond Lodge 12 Richmond Lane Ballygawley	8/26/15	Mr Noble Patterson Market Yard Old Dungannon Road Ballygawley BT70 2EY	McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0421/LI	Replacement of existing covered terrace with new single storey sun room extension	28 Dunore Avenue Moygashel Dungannon	8/26/15	Colin McWhirter 28 Dunore Avenue Moygashel Dungannon BT71 7RF	J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
LA09/2015/0455/NI	Application is for works to include fixed timber louvers on the south gable elevation and a timber awning to the rear	91 Oldtown Road Castledawson Magherafelt	8/26/15	Emma McCullagh 91 Oldtown Road Castledawson BT45 6BZ	
LA09/2015/0486/F	Proposed Single Storey Side Extension to Dwelling	17 Mullaghbane Road Dungannon Co Tyrone	8/26/15	Darrell Quinn C/o Agent	Somerville Architectural Services Somerville Architectural Services 23 Todds Leap Road Ballygawley Ballygawley BT70 2BW
LA09/2015/0491/F	Proposed detached single storey sun pavilion (to front of existing dwelling house)	23 Tullydraw Road Dungannon	8/26/15	Colm Rush 23 Tullydraw Road Dungannon BT701RE	Rush and Company Limited 7 Upper Malone Road Belfast BT9 6TD
LA09/2015/0597/LI	Proposed external ramp and alterations to bathroom	22B Gort Road Dungannon	8/26/15	Mr Peter McKenna 22B Gort Road Dungannon BT70 1PT	J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
M/2014/0603/O	Dwelling and garage	150m West of 58 Reclain Road Galbally Dungannon	8/26/15	Mr Shane Mc Crory 58 Reclain Road Galbally Dungannon	Mc Keown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2015/0062/RI	Proposed 2 storey dwelling	250 m north north west of 93 Mullyneill Road Minterburn Caledon	8/27/15	Frank Clewer 19 Tullybletty Road Minterburn Caledon	Sam Smyth Architecture Unit 45D Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
I/2015/0113/F	Retention of dwelling not in accordance with previous planning approval I/2010/0042/F and alterations to convert existing dwelling into agricultural building and welfare facilities.	266 Mountjoy Road Stewartstown Co Tyrone	8/28/15	Mr Michael and Mrs Josephine Duffy c/o Agent	Building Design Solutions 76 Main Street Pomeroy BT70 2QP
LA09/2015/0063/F	Dwelling in gap site	Between 64 and 68 Killyliss Road Dungannon	8/28/15	Mr Sean Hughes 15 Willow Drive Dungannon	J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
LA09/2015/0199/F	Proposed extension to the rear of the youth club building to create 2 new project rooms /activity hubs and a new lift provision	Youth Club Building Hillview Avenue Donaghmore	8/28/15	Trustees of Donaghmore Youth Club Hillview Avenue Donaghmore	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0202/F	Proposed two storey extension to side a single storey extension to rear of existing dwelling to form granny flat and additional living accomodation	1 Roan Park Eglish	8/28/15	Mr and Mrs D McVeigh 1 Roan Park Eglish Dungannon	A P Mackle 127 Benburb Road Moy Dungannon BT71 7QA
LA09/2015/0221/F	Ground floor extension to side and rear of existing dwelling	21 Queens Avenue Cookstown	8/28/15	Jay Jeffers 21 Queens Avenue Cookstown BT80 8EX	J Lamont 82 Windsor Crescent Cookstown BT80 8EZ
LA09/2015/0234/F	Proposed extension to existing dwelling to provide granny flat accommodation (amendment to previous planning approval H/ 2013/0380)	79 Iniscarn Road Desertmartin Magherafelt BT45 5NQ	8/28/15	Brian and Veronica Smith 79 Iniscarn Road Desertmartin Magherafelt BT45 5NQ	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2015/0239/F	Alterations to façade and openings to provide improved shop fronts	24 - 26 The Square Coalisland	8/28/15	Declan Dorrity Annagher Filling Station Annagher Road Coalisland	Building Design Solutions 76 Main Street Pomeroy BT70 2QP
LA09/2015/0301/F	Proposed Alterations and extension to R.H.S. at rear for disabled person also includes car port and level access to house	43 Killucan Road Cookstown BT80 9JW	8/28/15	Patrick Loughran 43 Killucan Road Cookstown BT80 9JW	Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF

Delegated Planning Applications Decisions Issued

Decision Issued From: 8/1/2015 1 To: 8/31/2015 1

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0372/F	Proposed dwelling and domestic garage on a farm in substitution of M/2012/0532/O and M/2014/0221/RM (change of house location)	25m NW of 57 Annaghmore Road Coalisland	8/28/15	John Devlin 57 Annaghmore Road Coalisland BT71 4QZ	Paul Lavery 14 Bernagh Gardens Dungannon BT71 4AP
LA09/2015/0502/F	2 Storey side and front extensions to existing womens resource centre	27 Old Coagh Road Cookstown	8/28/15	Mid Ulster Womens Aid C/o agent	Henry Murray 370 Claggan Road Cookstown Bt80 9XJ
LA09/2015/0568/F	Proposed 2 storey side extension to supersede previous approval I/2013/0152/F	4 Golf View Cookstown	8/28/15	Mr and Mrs Simpson 4 Golf View Cookstown	APS Architects Unit 4 6 Derryloran Ind Estate Cookstown BT80 9LU

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Subject	PAC Decisions
Date	25th Sept 2015
Reporting Officer	Area Planning Manager, Mid Ulster Council
Contact Officer	Melvin Bowman

1	Purpose of Report
1.1	To inform members of recent Planning Appeal decisions.

2	Background
2.1	The PAC has issued its decisions on the following 3 cases:
2.2	<ol style="list-style-type: none">1) H/2014/0030/A- Retention of free-standing sign, 62 Church St, Magherafelt for Mr B Higgins. (allowed)2) 1/2014/0215/0- Farm dwelling and garage, Adjacent to and immediately North of 29 Carrydarragh Road, Moneymore for Mr NMcAdoo (allowed)3) 1/2013/0141/0 - Dwelling and garage on a farm, 40m North of 3 Killycolpy Road, Stewartstown for Mr F Gallagher . (allowed)

3	Key Issues
3.1	H/2014/0030/A - The main issue in the appeal was whether the impact of this sign on amenity is acceptable. The Commissioner concluded that the sign benefits from a backdrop and is viewed in the wider context of large scale buildings that are set back from the road on the street. In this context it was felt that the sign is not dominant nor is out of scale and character with the immediate

	<p>neighbourhood. The Commissioner also stated that the cumulative impact on the amenity of the area falls just within the margin of acceptability given the town centre location.</p> <p>The appeal was allowed.</p>
3.2	<p>1/2014/0215/0 – The main issues in this appeal were whether or not the proposal would be visually linked or sited to cluster with existing buildings on the farm and be prominent in the landscape.</p> <p>The Commissioner accepted that No 29, its garage and a small agricultural building constituted a group of buildings and concluded that a dwelling would be sited to cluster with this group.</p> <p>A backdrop of rising land as well as mature vegetation along field boundaries, along with the dwelling being able to read against the accepted group of buildings, reduced any likelihood of prominence and associated harm to rural character.</p> <p>The appeal was allowed.</p>
3.3	<p>1/2013/0141/0 – The main issues in this appeal was whether the proposed development is acceptable in principle in the countryside.</p> <p>The Commissioner accepted that the applicant had a farm business established back in 2002 and concluded that the business was therefore established and also active.</p> <p>In addressing the Council's concerns that the applicant seemed only to have recently acquired the field in which the application was sited, It was also stated by the Commissioner in the decision that the Policy test is that the overall farm business holding is active and established for 6 years, not when individual fields were acquired.</p> <p>The appeal was allowed.</p>

4	Resources
4.1	<p>Financial</p> <p>None</p>
4.2	<p>Human</p> <p>None</p>
4.3	<p>Basis for Professional/ <u>Consultancy Support</u></p> <p>None</p>

4.4	Other None
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5	Other Considerations
5.1	N/A

6	Recommendations
6.1	That members note the decisions .

7	List of Documents Attached
7.1	- Copies of decision notices.

Appeal Reference: 2015/A0021
Appeal by: Mr B Hughes
Subject of Appeal: The refusal of consent to display
Proposed Development: Retention of Free Standing Sign
Location: 62 Church Street, Magherafelt
Planning Authority: Department of the Environment (DOE)
Application Reference: H/2014/0030/A
Procedure: Written representations and accompanied site visit on
21 August 2015
Decision by: Commissioner D McShane, dated 28 August 2015

Decision

1. The appeal is allowed and consent is granted.

Reasoning

2. The main issue in this appeal is whether the impact of the sign on amenity is acceptable.
3. At the time the appeal was submitted, the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992, as amended, was the relevant statutory instrument for the control of advertisements, made under Article 67 of the Planning (Northern Ireland) Order 1991. The arrangements for the enforcement of those controls were set out under Article 84 of the Order. From 1 April 2015, the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is the relevant statutory rule for the control of advertisements, made under the provisions of Section 130 of the Planning Act (NI) 2011 (the 2011 Act). The arrangements for the enforcement of those controls are set out under Section 175 of the 2011 Act.
4. The policy context is provided by Planning Policy Statement 17: Control of Outdoor Advertisements (PPS 17). Policy AD 1 states that consent to display an advertisement will be granted provided it respects amenity when assessed in the context of the general characteristics of the locality. In policy terms, amenity is usually understood to mean an advertisement's effect upon the appearance of the building or the immediate neighbourhood where it is displayed or its impact over long distance views. The policy head-note states that Annex A of PPS 17 will be taken into account in assessing different categories of outdoor advertisements.

5. There was a general assertion that as a sign has been on the site for between 5 and 9 years, the appeal sign may be immune from enforcement action. However, for an advertisement to benefit from deemed consent by virtue of Class 12 of Schedule 3 of the Regulations, the first requirement is that it must have been in situ for a 10 year period; four additional criteria must also be complied with.
6. The appeal site, which is located within the town centre, comprises a petrol filling station and flooring shop. Both businesses have associated fascia signage. In 2014, consent was granted for a wall mounted sign 40m to the north east of the appeal sign (DOE Ref: H/2014/0029/A). There are a further eight signs of varying shapes and sizes, affixed to a wooden fence along the northern boundary of the appeal site. These do not benefit from consent to display and consequently, I have not taken them into account in my assessment. It is a matter for the Planning Authority to determine whether it is expedient to take enforcement action in respect of advertisements that are displayed without the benefit of consent.
7. The proposed 2.5m by 5m, free standing, externally illuminated sign, which stands 0.5m above ground level, is located at the south west corner of the appeal site. It is angled towards traffic travelling into Magherafelt and is in view for a distance of 130m; the sign benefits from a backdrop of 3m high hedging and a 2.5 storey building beyond. In addition, the sign is viewed within the wider context of large scale buildings that are set back from the road on the opposite side of the street, including a school, church and hall. In this context, the appeal sign is not dominant and it is not out of scale and character with the immediate neighbourhood.
8. The appeal sign reads cumulatively with the fascia signage of the petrol filling station and the flooring shop. Furthermore, at a distance of 100m it begins to read with the approved wall mounted sign, which measures 3m by 8.3m; its top 4.8m above ground level. The wall mounted sign currently contains two separate hoarding style advertisements. The appeal sign reads first with one and subsequently with the other. The cumulative impact on the amenity of the area falls just within the margin of acceptability, given the town centre location. As the cumulative impact on amenity is not so unacceptable as to merit refusal of consent, the appeal proposal complies with Policy AD1 and the Planning Authority has failed to sustain the reason for refusal.

This decision is based on the following drawings:-

- Drawing No 01: Site Location map
- Drawing No.02: Site Layout
- Drawing No.03: Existing and Proposed Elevations Free Standing Signage

COMMISSIONER D MCSHANE

2015/A0021

LIST OF APPEARANCES

Planning Authority

Ms K Doyle

Appellant

Mr J Diamond (Diamond Architecture)
Mr B Hughes

LIST OF DOCUMENTS

Planning Authority

Statement of Case
Planning history received at site visit

Appellant

Statement of Case

Appeal Reference: 2014/A0270.
Appeal by: Mr N McAdoo.
Subject of Appeal: The refusal of outline planning permission.
Proposed Development: Farm dwelling and garage
Location: Adjacent to and immediately north of 29 Carrydarragh Road, Moneymore.
Planning Authority: Department of the Environment.
Application Reference: I/2014/0215/O.
Procedure: Written Representations with Accompanied Site Visit on 30 July 2015.
Decision by: Commissioner Mark Watson, dated 12 August 2015.

Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions below.

Preliminary Matter

2. During the appeal process the planning authority introduced two additional reasons for refusal based on prominence and rural character. It was stated that these should have been included in the Department's decision notice. The Appellant had opportunity to respond and has not been prejudiced.

Reasons

3. The main issues in this appeal are whether or not the proposed development would:
 - be visually linked or sited to cluster with existing buildings on the farm; and
 - be prominent in the landscape and detrimentally change the existing rural character.
4. Section 45 (1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan, so far as material to the application. Section 6 (4) of the Planning Act states that where, in making any determination, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Cookstown Area Plan 2010 (CAP) is the statutory local development plan for the proposal. In it, the site lies within the countryside and outside any designations. The CAP

offers no policy or guidance in respect of the proposed development before me and I find that it is not material to the proposed development.

5. Policy CTY1 of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling on a farm in accordance with Policy CTY10 of PPS21. It follows that if the development meets Policy CTY10 it also meets Policy CTY1.
6. Policy CTY10 of PPS21 states that planning permission will be granted for a dwelling house on a farm where several criteria are met. The planning authority accepted that the proposed development met the first two criteria of CTY10 but considered that it did not meet criterion (c); i.e. that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The planning authority considered that the existing buildings did not exhibit the characteristics of an established group of buildings on a farm.
7. The site comprises the southern portion of a grassed agricultural field on the western side of the Carrydarragh Road. The land slopes upwards from the roadside to the south and west. No. 29, a single storey dwelling and garage sits adjacent and south of the site. At the south-western corner of the site lies a small building with rendered walls, a mono-pitch roof and two stable doors. It was being used to house hens. An existing gravel laneway runs along the western boundary and meets the public road to the south of No. 29. The roadside boundary is defined by a grass bank and mature hedge whilst the western and southern boundaries are also defined by hedge. The northern site boundary is undefined.
8. Access to the proposed dwelling is to be obtained via an existing laneway, thus this preference within Policy CTY10 is met. Policy CTY10 does not provide a definition of an established group of buildings, nor specify the use of those buildings or the characteristics of the group. The requirement is only that the established group of buildings be on the holding. On the Appellant's holding there is No. 29, its garage and the small agricultural building. Despite their low key appearance they nonetheless constitute an established group of buildings on the farm. A dwelling sited in the southern part of the site as per the Appellant's suggested location would be sited to cluster with the established group of buildings, irrespective of the sloping nature of the landform. Criterion (c) of Policy CTY10 is met, as is the Policy read as a whole. As the development complies with Policy CTY10 it also complies with Policy CTY1 of PPS21.
9. The additional objections raised by the planning authority under Policies CTY13 and CTY14 of PPS21 relate to prominence and the potential impact of the dwelling on rural character. Whilst the impact of ancillary works was referred to in the CTY14 reason for refusal, the evidence focused on the impact of the dwelling itself. The sole critical view identified by the planning authority is that travelling southwards towards the site along Carrydarragh Road. It was accepted that travelling the opposite direction the development would be acceptable in visual terms. A dwelling sited as per the Appellant's suggested location would avail of

the backdrop from rising land to the south and west, as well as the mature vegetation along the eastern, roadside boundary, which can be conditioned to be retained in the event of planning permission being granted. There is also intervening roadside vegetation further along the road to the north, preventing longer distance views of the site. Even in the event of removal of this vegetation, which is outside the Appellant's control, the dwelling would still read with the existing buildings as part of the farm cluster and have backdrop from this viewpoint. Whilst the new northern site boundary would require planting, given the existing boundary vegetation on three sides and the particular characteristics of this site, I am not persuaded that the development relies primarily on the use of new landscaping, as was suggested. As the proposed development is to access onto an existing laneway I do not agree that the provision of the access would open up views of the site. Subject to the imposition of siting and curtilage conditions as were discussed at the site visit, a dwelling with a ridge height of 6.45m including under-build would not appear as a prominent feature in the landscape or detrimentally change the rural character of the area. The proposed development would satisfy Policies CTY13 and CTY14 of PPS21. The additional reasons for refusal are not sustained.

10. As the objections to the development have not been sustained the appeal shall succeed. A ridge height condition would be necessary as well as a siting and curtilage condition, in order that the new buildings would be sited to cluster with the existing group of buildings and in the interests of preserving rural amenity. Given the topography of the site levels would be required as part of the reserved matters application. The required visibility splays of 2.4m x 60m are for the most part already in-situ, except for a short portion of the northern splay at the mouth of the existing laneway onto the public road. Provision of these splays in full would be necessary in the interests of road safety and the required land is in the Appellant's ownership. A landscaping scheme entailing retention of existing vegetation and new boundary planting along the northern boundary would be necessary in the interests of preserving rural amenity.

Conditions

1. Except as expressly provided for by Conditions 2, 3 and 4 the following reserved matters shall be as approved by the planning authority - the siting, design and external appearance of the dwelling and garage and means of access thereto.
2. The dwelling and garage and their curtilage shall be restricted to the area shown cross-hatched on the attached Location Map numbered PAC1.
3. The ridge height of the dwelling and garage shall not exceed 6.45 metres above existing ground level at the lowest point within their respective footprints.
4. Before the commencement of any other development, visibility splays of 2.4 metres x 60 metres shall be laid out in both directions at the point of access onto Carrydarragh Road and shall be permanently retained thereafter.
5. Any application for approval of reserved matters shall incorporate plans indicating existing and proposed ground levels, all in relation to a known datum point on Carrydarragh Road

6. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme including and providing for:
 - the retention of the existing vegetation along the site boundaries marked A-B and C-D on the attached plan PAC1 (except for that necessary to access the laneway); and
 - the planting of a new indigenous species hedge along the boundary marked B-C on the attached plan PAC1.

The scheme of planting as finally approved shall be carried out during the first available planting season after commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of completion of development shall be replaced with others of a similar size and species, unless otherwise agreed in writing with the planning authority.

7. Application for approval of the reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
8. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the Location Map numbered PAC1.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:-

Mrs E McCullagh (Mid Ulster District Council)

Appellant:-

Mr C Cassidy (CMI Planners Ltd)

Councillor G Shiels (Mid Ulster District Council)

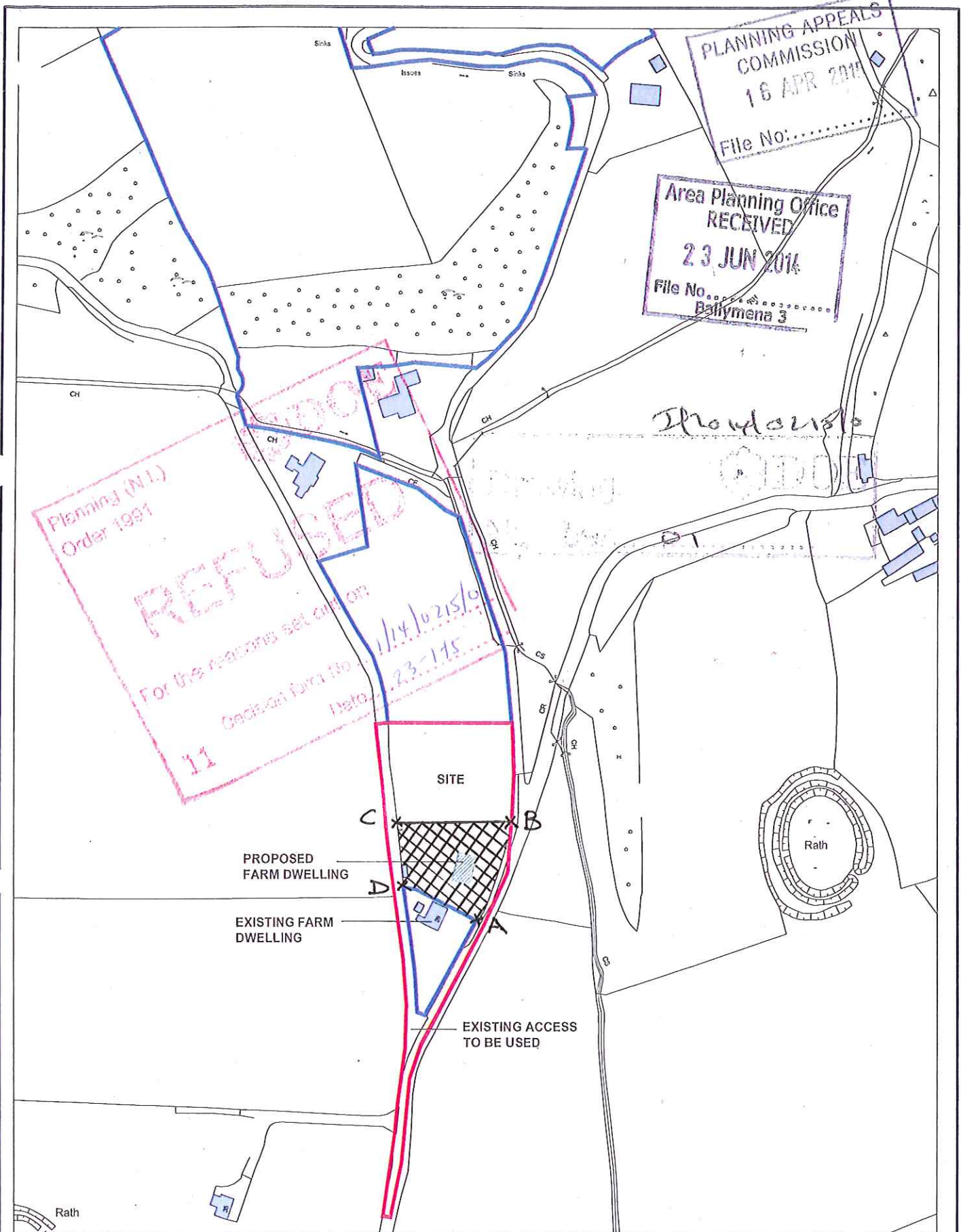
List of Documents

Planning Authority:-

A1 – Statement of Case. (DoE Planning)

Appellant:-

B1 – Statement of Case. (CMI Planners Ltd)



Planners Ltd

Unit C5
The Rainey Centre
80-82 Rainey St
Magherafelt
BT45 5AG

Mr Christopher Cassidy Planning Consultant
chris.cassidy@cmlcharteredplanners.com

Tel: 028 7963 2350

Client	Mr Noel McAdoo	Scale/Sheet	1:2500 @ A4	Drawing no.	L01
Project	Proposed Farm Dwelling and Garage on Adjacent to 29 Carrydarragh Road, Moneymore	Date	June 2014	Revision	-
Drawing Title	Location Map	Job No.	774	Drawn By	

Appeal Reference:	2014/A0269
Appeal by:	Mr. F. Gallagher against the refusal of full planning permission
Subject of Appeal:	Dwelling and Garage on a Farm
Location:	40m north of 3 Killycolpy Road, Stewartstown
Planning Authority:	Department of the Environment
Application Reference:	I/2013/0141/O
Procedure:	Written Representations and Accompanied Site Visit on 3 rd September 2015
Decision by:	Commissioner Helen Fitzsimons 14 th September 2015

Decision

1. The appeal is allowed subject to the conditions set out below.

Reasons

2. The main issue in this appeal is whether proposed development is acceptable in principle in the countryside.
3. The proposed development lies in the open countryside as designated by the Cookstown Area Plan 2010, and is outside any specific policy area. The Plan offers no policy or guidance in respect of the proposal before me. Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is a material consideration in this appeal. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is development in accordance with Policy CTY10 'Dwellings on Farms.
4. Policy CTY 10 allows for the development of a dwelling on a farm provided three stated criteria are met. The Planning Authority raised objections under criteria (a) and (c). Criterion (a) requires that the farm business is currently active and has been established for at least six years. Paragraph 5.38 of the justification and amplification text states that the applicant will be required to provide the DARD business ID number along with other evidence to prove active farming over the required period. The appellant provided a DARD Business ID number and farm map showing the appeal site to be a farm holding owned by himself and a business partner. The Planning Authority argued that the appeal site had belonged to a Mr Canavan who in 2009 requested that it be removed from the DARD mapping system and that it was subsequently transferred to the appellant and his partner in May 2013.

5. The appellant's evidence is that the farm business was established in 2002 and various documents from DARD relating to herd movements and herd numbers were submitted in support of this. In addition the background papers to this appeal contained minutes, dated January 2014, of a meeting held between DARD representatives and the Planning Authority to establish the extent of the appellant's farm business. Minutes of that meeting identify that the farm business was set up in 2002 by a Mr Lagan; Mr Gallagher joined the business in 2009; the appeal site is part of a larger holding comprising some 53.97 Ha declared hectares some of which are taken in conacre. Single Farm Payments (SFP) are claimed in respect of the land taken in conacre. The remainder of the land is declared for farming but no SFP is claimed in respect of them. The policy test is that the overall farm business holding is active and established for six years, not when individual fields were acquired, and I give this background paper determining weight and conclude that the farm business has been active and established for six years. Criterion (a) is met
6. Criterion (c) of Policy CTY 10 requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. Immediately adjacent to the appeal site is a dwelling, garage and storage shed. It is the appellant's residence and has been the address associated with the farm business for many years. As the policy only requires linkage with established buildings on a farm not the main farm complex the appeal proposal meets the requirements of the policy. Criterion (c) is met.
7. As the proposal meets both criteria (a) and (c) of policy CTY 10 of PPS 21 the Planning Authority has not sustained its only reason for refusal.
8. The appeal site is large and a curtilage restriction is necessary in the interests of the visual amenities of the countryside. Visibility splays are required in the interests of road safety. The retention and addition of new landscaping will assist in further integration into the landscape.

Conditions

1. The dwelling, garage and curtilage shall be located within the area hatched black on attached annotated drawing PAC 1.
2. Prior to the commencement of buildings works visibility splays of 2m x 4.5m shall be laid out at the junction of the access with Killycolpy Road and thereafter be permanently retained.
3. No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing the retention and augmentation of the existing vegetation along the appeal site boundaries, and new native species planting between points A and B and C and D as noted on PAC 1 during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

4. Application for approval of the reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1:2500 scale site location plan.

COMMISSIONER HELEN FITZSIMONS

List of Appearances

Planning Authority: Emma Mc Cullagh

Appellant: Mr C Cassidy
Mr F Gallagher

List of Documents

Authority: - PA 1 Written Statement

Appellant: A 1 Written Statement
A 2 Comments