



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

29 August 2017

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in the Magherafelt Offices on Tuesday 5 September 2017 at 7pm to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interests
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Planning Applications (**A**)

	Planning Reference	Proposal	Recommendation
A1	M/2015/0097/F	Housing development (40 units), state road and foul water treatment plant at 46 Tullyvar Road, Aughnacloy, for Mr Leo Daly.	APPROVE

A2	LA09/2015/0353/F	45 bedroom care home for the elderly at 180-182 Battery Road, Moortown, (renewal of I/2009/0134/F) for Mr Lawrence McGuigan	APPROVE
A3	LA09/2015/0452/F	Residential development of 65 dwellings, open space, landscaping, upgrade/traffic calming and ancillary site works at Mullaghboy Lane, Magherafelt, for Mr J Keatley.	APPROVE
A4	LA09/2015/1223/F	Engineering workshop, welfare buildine, drainage and service yard in relation to existing company at 21 Farlough Road, Dungannon, for Specrum.	APPROVE
A5	LA09/2016/1136/F	Single storey stand-alone coffee shop unit and car parking provision at Oaks Retail Park, Oak Road, Dungannon, for MBCC Foods (Ireland) Ltd.	APPROVE
A6	LA09/2016/1241/F	Extension to existing quarry at Carmean Quarry, Carmean Lane, Moneymore, for Northstone Materials.	APPROVE
A7	LA09/2016/1246/F	Winning and working of minerals (sand and gravel) with restoration to agricultural lands at land W of 53 Knockadeery Road, Cookstown, for Mr Wlibert Patterson.	APPROVE
A8	LA09/2016/1590/F	Store for existing moulds and vehicle parts at 15 Cullenfad Road, Dungannon, for Mr Ivan McKeown.	APPROVE
A9	LA09/2016/1624/O	Dwelling and garage on a farm at lands to the rear of 215-217 Washingbay Road, Coalisland, for B Donnelly.	REFUSE
A10	LA09/2016/1795/F	One and a half storey domestic garage at 31 Tullycall Road, Cookstown, for Mr Philip Thom.	APPROVE
A11	LA09/2017/0118/O	Dwelling (amended access detail) between 18 and 20 Brackagh Road, Moneymore, for Mr and Mrs P Cassidy.	APPROVE
A12	LA09/2017/0154/F	Dwelling on a farm at 120m SE of 48 Stiloga Road, Eglish, Dungannon, for PJ and Mikila McGee.	APPROVE

A13	LA09/2017/0180/F	New car dealership building, incorporating two new vehicle showrooms, workshop, valet shop sales and administration space; external car parking facilities and associated landscaping works and external car sales provision at lands immediately SE and adjacent to 59 Moy Road, Dungannon, for Donnelly Bros.	APPROVE
A14	LA09/2017/0231/O	Dwelling and garage/store on a farm at 55m NW of 132 Glen Road, Maghera, for Mr Jethro Selfridge.	APPROVE
A15	LA09/2017/0272/F	A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F), for Graham Bell.	APPROVE
A16	LA09/2017/0322/O	Site for 2 infill dwellings and garages 50m NW of 25 Aughagranna Road, Stewartstown, for Brian McCuskey.	REFUSE
A17	LA09/2017/0336/F	Dwelling and detached garage (in substitution for approved LA09/2016/1585/O at approx. 70m NW of 31 Rhone Road, Moy, for Matthew Hughes.	APPROVE
A18	LA09/2017/0380/O	Site for dwelling in a gap site 80m S of 31 Gortnaskey Road, Draperstown, for Oonagh Barrett.	REFUSE
A19	LA09/2017/0385/F	Retention of existing 14m lattice tower and security compound with new concrete base and transmission cabin at Slieve Gallion, Tullynagee Road, Moneymore, for Go Fibre Limited.	APPROVE

A20	LA09/2017/0576/F	Clean rainwater harvested attenuation lagoon, culvert (access) and ancillary site works associated with approved and under construction In Vessell Composting Facility at lands approx. 215m E of 17 Aghnagar Road, Ballygawley, for Northway Ltd.	APPROVE
A21	LA09/2017/0655/F	Health and beauty salon at 48A Milltown Street, Dungannon, for Leah Cuddy.	APPROVE
A22	LA09/2017/0827/O	Dwelling and garage 50m E of 37 Kilrea Road, Portglenone, for Richard Lowry.	APPROVE
A23	LA09/2017/0893/F	Domestic shed at 47 Annaghquinn Road, Rock, Dungannon, for Mr Kevin McGeehan.	APPROVE

5. Receive Deferred Applications **(B)**

	Planning Reference	Proposal	Recommendation
B1	LA09/2015/1239/F	Removal and alteration of conditions 2, 3 and 6 of previous approval H/2007/0546/F in relation to noise and operating hours, at Creagh Industrial Estate, Blackpark Road, for Creagh Concrete Products Ltd.	APPROVE
B2	LA09/2016/0693/F	Detached shed for winter storage of caravan and general domestic use at 239 Ballygawley Road, Dungannon, for Martin McCaul.	APPROVE
B3	LA09/2016/0797/F	Retrospective change of use to car sales yard (including front garden changing to hardstanding car display) and tyre/alloy wheels sales at 53 and 53a Ballyronan Road, Magherafelt, for Top Gear NI.	APPROVE
B4	LA09/2016/0965/O	Dwelling and garage at lands between 103 Killymeal Road and 7 Edendork Road, Dungannon, for Mr Rodger Jones.	APPROVE
B5	LA09/2016/1300/O	New dwelling at site 20m NE of 49 Brough Road and adj to Brough Road Crossroads, Castledawson, for Mr Cathal McOscar.	APPROVE

B6	LA09/2016/1307/F	Construction of motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; crèche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland. For Manna Developments.	APPROVE
B7	LA09/2017/0367/O	Dwelling at 51 Drum Road, Cookstown, for Mr and Mrs Glackin.	APPROVE

Matters for Information

6. Minutes of Planning Committee held on Tuesday 1 August 2017 **(C)**

CONFIDENTIAL BUSINESS

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

7. Receive 3 no. enforcement cases **(D)**

Matters for Information

8. Confidential Minutes of Planning Committee held on Tuesday 1 August 2017 **(E)**
9. Enforcement Live Caseload **(F)**
10. Enforcement Cases Opened **(G)**
11. Enforcement Cases Closed **(H)**

A



Comhairle Ceantair
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District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2015/0097/F	Target Date:
Proposal: Housing development consisting of 40 units of detached ,semi detached, terrace, apartments, state road and foul water treatment plant.	Location: 46 Tullyvar Road Aughnacloy
Referral Route: Letter of representation received	
Recommendation:	Approval
Applicant Name and Address: Mr Leo Daly 2 Moore Street Aughnacloy BT69 6AY	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: Housing development that is similar in design and scale to a scheme approved by the Department on this site. A neighbour has asked that their privacy is respected by the proposal.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Approve with conditions
Statutory	Protecting Historic Monuments	No further interest
Statutory	Rivers Agency	No reason to object
Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	NIEA	Content

Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues Protection of privacy of an existing property	
Characteristics of the Site and Area This is a 1.27ha site at the edge of the settlement of limits for the village of Aughnacloy. The site contains a vacant detached single storey dwelling and the remainder of the ground is overgrown grass. The site is elevated above the adjacent public road and gradually rises to the SW. The boundaries of the site are defined by mature trees to the roadside with an existing vehicular access onto Tullyvar Road; a good hedge to the entire north west boundary, which is beside a private lane accessing 2 detached dwelling and a good hedge with mature trees along the south west with Hilcrest, which is a public sector housing development with single storey semi-detached and terraced dwellings to this side and 2 storey terraced dwellings in the south. The rear boundary is a hedge with the former railway line route on the other side of it. Opposite the site is Aghaloo Close, a private housing development that has	
Description of Proposal The proposal is for the erection of a housing development for 40 residential units with access road, landscaped areas and private sewage treatment plant. The buildings are all 2 storey with painted dash walls and grey/black roof tiles. There are 4no detached, 3 pairs of semi-detached, 4 terraces of 3 dwellings, 2 terraces of 5 dwellings and block with 4 dwellings and 4 apartments. The development fronting towards Tullyvar Road is the detached and 1 pair of semi detached dwellings with the terraces around a central square to behind these with the access road into the square flanked by 2 pairs of double fronted semi-detached dwellings.	
Planning Assessment of Policy and Other Material Considerations Dungannon & South Tyrone Area Plan The Plan has defined settlement limits and allows for development provided it meets with the requirements of SETT 1. SETT 1 sets out 6 criteria and a general criteria to meet with regional policy, members are advised that if the development meets with the regional policies contained in PPS3 – Access, Movement and Parking, PPS7-Quality Residential Environments, PPS8 – Open Space and Outdoor Recreation and PPS11- Planning and Waste Management, in my opinion it will meet with the requirements of SETT1. The Plan also provides guidance in relation to residential development in Aughnacloy, requiring them to be guided and informed by the built form and characteristics of the Area of Townscape Character. The proposed development is similar in appearance to other approved development in close proximity to the site, members should note the Department deemed those to be guided and informed by the characteristics of the ATC and therefore it is reasonable to suggest this proposal also complies with this requirement. Members are advised planning permission M//2006/2146/F was granted for a housing development on this site on 15 December 2008, that	

development was for 40 dwellings with a mix of detached, semi-detached, terraced and apartments, this proposed development is similar in appearance and layout to that approved.

PPS 7 - Quality Residential Environments, PPS 8 Open Space and Outdoor Recreation and PPS6 – Planning, Archaeology and the Built Environment.

Policy QD1 encourages quality sustainable developments that draw upon positive aspects of the character and appearance of the surrounding area and sets out a number of criteria that area expected to be conformed to. The buildings are all 2 storey with painted dash walls and grey/black roof tiles. There are 4no detached, 3 pairs of semi- detached, 4 terraces of 3 dwellings, 2 terraces of 5 dwellings and block with 4 dwellings and 4 apartments. The development fronting towards Tullyvar Road is detached and 1 pair of semi detached dwellings with the terraces around a central open space area, behind these with the access road into the square flanked by 2 pairs of double fronted semi-detached dwellings. The proposed development is appropriate to the character and topography as it is similar to the houses across the road in Aghaloo Close and provides similar garden areas and separation distances to those already approved on the site by the Department. The development provides a generous amount of public open space within the development, 925sqm within the central area including a play area and 400sqm at the frontage, with the treatment plant within it. A detailed landscaping plan submitted identifies existing mature trees along the site boundaries that should be retained as well as a comprehensive scheme of new landscaping scheme for the open space areas. The mature trees along part of the road frontage will be removed to accommodate this development and this was agreed by the Department, it is noted there is a proposal to provide new landscaping along this boundary, with 4 new trees at 4.0m in height being planted. I feel it is necessary to condition the provision of this landscaping by the developer. The scheme also identifies these areas as being managed by a maintenance company which will be handed over to the residents to carry out the long term maintenance. I consider this is an appropriate method to secure this open space and its upkeep.

Historic Environment Division requested an archaeological survey of the site and following its submission and consideration are content there are no archaeological remains within the site and have no further interest in this site.

A representation received requested that properties do not face directly onto 52 Tullyvar Road and impact on its privacy. Sites 1, 2 and 7 have the potential to impact on the privacy of No 52. The dwelling on site 1 is at a lower level than 52 and the windows in the upper wall are for an on-suite bathroom and bedroom which will have limited potential for overlooking. The dwelling on site 7 has an on-suite window on the gable and bedroom windows in the rear wall which is at right angles to No 52, which also makes it difficult to overlook No52. The rear of the proposed dwelling on site 2 faces towards No 52, it is at a lower level than 52, 25m from the closest wall of No52, which has a window facing towards the development site. Windows at upper floors of site 2 are for bedrooms and the ground floor has a kitchen/dining room which extends into a conservatory facing towards No 52. The lower level of the site coupled with the retention and proposed landscaping along the boundary between the site and No 52 will limit any potential loss of privacy. I consider all of the above circumstances will limit the potential for loss of privacy of No 52.

Private amenity space has been provided and these are screened by wooden fences, walls and landscaping. Members are advised some of the private space is at the lower end of that advocated in Creating Places, however this was considered suitable in the previous scheme approved by the Department as such this level of private amenity space for this development on this site has already been accepted.

Member's attention is drawn to the fact this proposed development accesses off a Protected Route, the A5, with no reasonable access opportunity off an adjacent minor road. As there is no potential for development off an adjacent minor road I consider this development can access off the protected route as provided for in AMP3 of PPS3. Roads Engineers in the Department for Infrastructure have been consulted with the proposal and have recommended the Council attach conditions to any planning permission to ensure the access is provided to a safe standard. I consider these are reasonable and necessary in the interests of road safety.

PPS 11 – Planning and Waste Management

NI Water have advised they do not have the capacity within their network to accommodate the sewage from this development and it is proposed to provide a treatment plant within this site. WM2 specifically refers to Waste Water Treatment Works and points of concern relate to odour, quality of discharge and visual amenity. The facility proposed is below ground, within an area of open space and it will have limited visual impact. Members are advised Environmental Health Officers have considered the noise and odour from the plant and are content provided a condition is imposed about noise from the pump. I consider this is necessary to protect residential amenity. I also consider it necessary to condition to provision of the waste water plant and its upkeep to ensure this is provided and maintained until such times as capacity becomes available in the network.

PPS15 – Planning & Flood Risk

The site is not within an area identified as within a flood plain, however the development is for more than 10 houses and it exceeds 1ha therefore FLD3 places a requirement for a drainage assessment to be carried out. This was submitted and Rivers Agency have not raised any concerns with the proposal. I consider it appropriate to attach a condition requiring the provision of the storm water attenuation system to prevent the possibility of flooding.

I consider the proposed development is acceptable and recommend to the members that planning permission is granted with conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions

Conditions

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

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

2.Prior to the commencement of any development hereby permitted, the vehicular access, including visibility splays of 4.5m x 120.0m to the north and 4.5m x 105m to the south and any

forward sight distance, shall be provided in accordance with Drawing No. 13 Rev 01 bearing the date stamp 10 October 2016. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

5.None of the dwellings hereby permitted shall be occupied until the road works, including provision of a 2.0 metres wide footway along the entire frontage of the site, as indicated on Drawing No. 13 Rev 1 bearing the date stamp 10 October 2016 have been fully completed in accordance with the approved plans.

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

6.Prior to the occupation of any of the dwellings hereby approved a Viltta Matrix 300 waste water treatment plant, or other treatment plant as agreed in writing with Mid Ulster District Council, shall be installed in the location shown on drawing No 15 bearing the stamp dated 31 May 2017. The waste water treatment plant shall be commissioned and maintained at the developers expense, until such times as NI Water adopt the plant or upgrade the facility for Aughnacloy to accept waste water from this site.

Reason: To prevent pollution and deal with waste water from this development.

7.Prior to the occupation of any of the dwellings hereby approved the storm water drainage and attenuation system as detailed on drawing No 15 bearing the stamp dated 31 MAY 2017 shall be provided as detailed.

Reason: To prevent flooding.

8.The open space and amenity areas indicated on the stamped approved Drawing No 14 date stamped 15 MAR 2017 shall be managed and maintained in accordance with the Landscape Management Plan received on 15 MAR 2017, any changes or alterations to the approved

landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

9. All hard and soft landscape works shall be carried out in accordance with the appropriate British Standard or other recognised Codes of Practice the approved details as shown on drawing No 14, bearing the stamp dated 15 MAR 2017. The works shall be carried out as follows:

- 1) where the landscaping is within the curtilage of a dwelling, prior to the occupation of that dwelling
- 2) where the landscaping is within the open space areas, prior to the occupation of more than 20 of the dwellings hereby approved.
or in accordance with a programme to be agreed with Mid Ulster District Council. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

10. The external noise level when measured 1m from the Vacuum pump shall not exceed 63.7 dB(A).

Reason: In the interests of residential amenity.

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

1. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 13 Rev 01 bearing the date stamp 10 October 2016.

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

Informatives

1. Your attention is drawn to the comments of Transport NI, NIEA and Rivers Agency.

Signature(s)

Date:

ANNEX	
Date Valid	23rd February 2015
Date First Advertised	11th March 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Aghaloo Close Derrycush Aughnacloy Tyrone BT69 6BG The Owner/Occupier, 20 Hillcrest Derrycush Aughnacloy The Owner/Occupier, 21 Hillcrest Derrycush Aughnacloy The Owner/Occupier, 22 Hillcrest,Derrycush,Aughnacloy,Tyrone,BT69 6BH, The Owner/Occupier, 23, Hillcrest,Derrycush,Aughnacloy,Tyrone,BT69 6BH, The Owner/Occupier, 3 Hillcrest,Derrycush,Aughnacloy,Tyrone,BT69 6BH, The Owner/Occupier, 4 Aghaloo Close Derrycush Aughnacloy Tyrone BT69 6BG The Owner/Occupier, 4 Hillcrest Derrycush Aughnacloy The Owner/Occupier, 5 Hillcrest Derrycush Aughnacloy The Owner/Occupier, 50 Tullyvar Road Derrycush Aughnacloy The Owner/Occupier, 52 Tullyvar Road Derrycush Aughnacloy Clive and Violet McKeown 52 Tullyvar Road, Aughnacloy, BT69 6BQ	
Date of Last Neighbour Notification	24th July 2017
Date of EIA Determination	10th March 2015
ES Requested	No

Planning History

Ref ID: M/2005/0589/F

Proposal: Proposed extension and change of access.(amended proposal)

Address: 4 Hill Crest, Aughnacloy

Decision:

Decision Date: 21.11.2005

Ref ID: M/2006/2146/F

Proposal: Construction of housing development and associated landscaping and siteworks. 40 no. units consisting of detached, semi-detached and apartments (Amended proposal)

Address: 46 Tullyvar Road, Aughnacloy

Decision:

Decision Date: 16.12.2008

Ref ID: M/2005/0378/O

Proposal: Proposed Housing Development

Address: 46 Tullyvar Road, Aughnacloy

Decision:

Decision Date: 14.02.2006

Ref ID: M/2015/0097/F

Proposal: Housing development consisting of 40 units of detached ,semi detached, terrace and apartments

Address: 46 Tullyvar Road,Aughnacloy,

Decision:

Decision Date:

Summary of Consultee Responses

TransportNI – Development to be carried out in accordance with Private Streets Order and conditions to be imposed for access.

NI Water – no availability in the network

Rivers Agency – Drainage Assessment and infrastructure provided and no reason to object

NIEA – content subject to standard conditions

Historic Monuments Branch – report submitted, no further interest

Environmental Health – condition odour and noise

Drawing Numbers and Title

Drawing No. 01
Type: location map
Status: Submitted

Drawing No. 02
Type: elevations and floor plans
Status: Submitted

Drawing No. 03
Type: elevations and floor plans
Status: Submitted

Drawing No. 04
Type: elevations and floor plans
Status: Submitted

Drawing No. 05
Type: elevations and floor plans
Status: Submitted

Drawing No. 06
Type: elevations and floor plans
Status: Submitted

Drawing No. 07
Type: elevations and floor plans
Status: Submitted

Drawing No. 09
Type: elevations and floor plans
Status: Submitted

Drawing No. 10
Type: site layout
Status: Submitted

Drawing No. 12 rev 3
Type: site layout
Status: Submitted

Drawing No. 13 rev1
Type: PSD
Status: Submitted

Drawing No. 14
Type: landscaping

Status: Submitted

Drawing No. 15

Type: drainage layout

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0353/F	Target Date:
Proposal: Care/Residential Home for the elderly consisting of 45 bedrooms over 2 levels, with associated gardens and parking space. (Renewal of previous planning permission I/2009/0134/F). Care/Residential Home for the elderly consisting of 45 bedrooms over 2 levels, with associated gardens and parking space. (Renewal of previous planning permission I/2009/0134/F)(Private Streets Plans received-03 rev2)	Location: 180 and 182 Battery Road Moortown
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Mr Lawrence McGuigan c/o Agent	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Signature(s):	

Case Officer Report		
Site Location Plan		
Consultations:		
Consultation Type	Consultee	Response
Statutory	NIEA	Content
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Statutory	Transport NI - Enniskillen Office	
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Rivers Agency	
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Rivers Agency	
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 3 rd party ownership dispute, covered in main body of assessment.	
Description of proposal This is a full planning application for a Care/Residential Home for the elderly consisting of 45 bedrooms over 2 levels, with associated gardens and parking space. (Renewal of previous planning permission I/2009/0134/F). Characteristics of Site and Area Located within the development limits of Moortown, as defined in the Cookstown Area Plan 2010, the site is roadside frontage and is occupied by 2 No. unoccupied dwellings No.s 180 and 182 Battery Road. No 180 is a modest single storey dwelling with roof rafters exposed after a fire, on an overgrown site. No 182 is a 2 storey derelict dwelling with associated sheds and yard. Coniferous hedge runs to the rear of these properties. The site is adjacent and north of the Battery Road and Ardboe Road junction. Moortown is a small village, rural in character and close to Lough Neagh to the east. To the south is a public house, primary school and residential development. Roadside housing is located to the east and west. Land is relatively flat and beyond the limits of Moortown land is used mostly for agricultural purposes and is defined by dispersed single dwellings and farm holdings.	
Planning Assessment of Policy and Other Material Considerations Area Plan Cookstown Area Plan 2010- The site is located on unzoned land within the development limits of Moortown. Planning History I/2009/0134/F- permission was granted for Care/Residential Home for the elderly consisting of 45 bedrooms over 2 levels, with associated gardens and parking space on 15th June 2010. Consideration This planning application is an in-time renewal for I/2009/0134/F. SPPS has been introduced since this permission, which is a consolidation of some 20 Planning Policy Statements, states that existing policy provision remains until such time as a new Plan Strategy for the new Council Area is adopted, unless the SPPS dictates otherwise. The introduction of the SPPS does not have any impact on the assessment of this proposal from the previous assessment. PPS15 Planning and Flood Risk (revised) has also been introduced since I/2009/0134/F was approved. The site is not located within a flood plain however due to the size of the development, a Drainage Assessment (DA) is required to be carried out in accordance with FLD3. The applicant provided a DA and Rivers Agency required pre development enquiry (PDE) from NIW, as the applicant stated that they did not require discharge consent from Rivers Agency for storm drainage. The applicant provided a PDE from NIW which states that the development can be served by water mains, can connect to an existing foul sewer and there is sufficient capacity at the receiving Waste Water Treatment facility to serve the proposal, but that no public storm sewer is available. NIW advise 2 possible solutions; the first that the applicant should establish a liaison with DAERA Rivers Agency to see if discharge would be possible to any watercourse; the second is that the applicant may wish to requisition NI Water to provide a suitable storm outfall	

sewer. In an e-mail from the applicant/agent dated 7th Feb 2017, it states that the applicant will requisition a storm from NI Water, and discharge consent will not be required.

On discussion of this issue with fellow colleagues, it has been decided to proceed with a negative condition, should permission be granted, which states that the no development shall commence until a suitable outlet for storm drainage has been agreed in writing by Mid Ulster Council, as waiting for proper consent would be too timely given the length of time the proposal has already been in the system and the fact that this is an in time renewal. This may not be the approach adopted by Mid Ulster Council in all cases where it cannot be satisfactorily demonstrated that storm water disposal can be satisfactorily achieved, but given these certain set of circumstances, it is my view that Council can proceed on this basis in this instance. Plus, discharge consent is granted under separate legislation to planning legislation, and is equally important for the developer to secure should the development proceed.

The proposed design, siting, layout, parking and redline of this site is the same as what was granted under the 2009 application. Given that the layout and design was considered acceptable for this site and locality in terms of its impact on surrounding properties, landscaping, environmental impacts, townscape and village character in the 2009 application, it is my view that this proposal is acceptable as Planning Policy considerations has not changed, and, this is an in-time renewal. The proposal does not offend policy DES 2 of a Planning Strategy for Rural NI, or PPS3 Access, movement and parking. There will be no overlooking or overshadowing of neighbouring property.

A Development Control Advice note exists, DCAN 9- Residential and Nursing Homes. This proposal is in line with guidance contained within this advice note, as was the case in the 2009 application. .

In my view, the proposal should be granted permission with the same conditions attached to I/2009/0134/F, with the addition of the pre-commencement condition mentioned above.

Other considerations

As this is an in time renewal, consultation with Transport NI was not necessary in this instance. Given that a Private Street determination (PSD) was carried out by Transport NI under the 2009 application, I feel it acceptable to tie this permission to those PSD plans through a planning informative, as is the approach taken with other PSD in-time renewal applications.

A 3rd party raised ownership issues in terms of the provision of sight splays, and has made it clear that should the applicant/developer require any of their land for splays, that control would not be given. The applicant/agent were alerted about this, and they are content that they own sufficient, or are in control of sufficient land, in order to implement the sight splays. Both parties are aware of this issue, and Council is content to proceed on this basis. Should any 3 party land ownership arise in the future, this is a 3rd party dispute, one that Council cannot adjudicate and will be for the courts to resolve.

There are no land contamination issues to consider. The natural environment will not be detrimentally impacted by this proposal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions.

Conditions

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

Reason: Time Limit.

2.The visibility splays of 4.5 metres by 90 metres East and 4.5 metres by 80 metres West at the junction with the Battery Road and splays of 2.0 metres by 33 metres in both directions at the main access of the driveway, shall be provided prior to the commencement of any works or other development hereby approved, and shall be permanently retained thereafter.

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

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

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

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

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

5.The development hereby permitted shall not be occupied until the 2 metre wide footway adjacent to the Battery Road has been completed in accordance with the details indicated on Drawing No. 03 date stamp received 5th June 2015.

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

6.All planting comprised in the approved plans No. 02 date received 5th June 2015, shall be carried out in the first planting season following the commencement of development hereby approved and any trees or shrubs which, within a period of 5 years from the occupation of the building, dies or is removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity.

7.Prior to the commencement of development hereby approved, a satisfactory means of storm water disposal shall be agreed in writing by Mid Ulster Council.

Reason: To ensure a satisfactory means of storm water disposal, to protect the natural environment and to prevent incidents of flooding.

8. Private Streets Condition

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

Mid Ulster Council hereby determines that the width, position and arrangement of the streets (footpath), and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 03 revision 2 bearing the date stamp 31st July 2017.

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

Signature(s)

Date:

ANNEX

Date Valid

5th June 2015

Date First Advertised

22nd June 2015

Date Last Advertised

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
174 Battery Road Cluntoe (Quin) Cookstown
The Owner/Occupier,
175 Battery Road Ardean Cookstown
The Owner/Occupier,
176 Battery Road Ardean Cookstown
The Owner/Occupier,
178A Battery Road Ardean Cookstown
The Owner/Occupier,
178B Battery Road,Ardean,Cookstown,Tyrone,BT80 0HS,
The Owner/Occupier,
178C Battery Road,Ardean,Cookstown,Tyrone,,
The Owner/Occupier,
2 Ardboe Road Ardean Cookstown
The Owner/Occupier,
22 Ardean Close,Ardean,Ardboe,Cookstown,Tyrone,BT80 0JN,
The Owner/Occupier,
3 Ardboe Road Ardean Cookstown
Seamus Cassidy
Bannvale Architectural Services, 104a Ballynease Road, Portglenone, Co Antrim

Date of Last Neighbour Notification

9th August 2017



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0452/F	Target Date:
Proposal: Proposed residential development comprising 65 (16 semi-detached and 49 detached) dwellings, open space, landscaping, upgrade / traffic calming of Mullaghboy Lane (Farm Lodge) and ancillary site works (Amended Plans received 31.05.2017)	Location: Lands at no.50 Mullaghboy Lane and to the rear of nos. 10 and 12 Lissadell Drive and nos. 21 23 and 25 Beechgrove Heights Magherafelt
Referral Route: This application is being referred to Committee as one objection has been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Mr J Keatley c/o Agent Clyde Shanks	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	NIEA	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Statutory	Transport NI - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Rivers Agency	No Objection
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice

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

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

- The siting of the electricity sub-station adjacent to the rear of the objectors dwelling and the health and safety implications of this;
- The resulting devaluation of property;
- How much magnetic radiation will be emitted;
- The potential for resiting the sub-station to the western or southern boundary away from existing dwellings;

The above four issues have been addressed by the developer as the electricity sub-station referred to has been removed from the proposal.

- The retention of trees in the boundary hedge.

The boundary hedges can be conditioned to be retained and augmented where necessary.

Description of Proposal

The proposal is for the erection of 69 dwellings. These are in the form of two storey, either detached or semi-detached dwellings. There are two house types, Type A, 23no. standard detached, dual frontage detached with a choice of external finishes, Type B, 46no. standard semi-detached or dual frontage semi-detached with a choice of external finishes. All dwelling have incurtilage parking with all, but sites 11 and 58, having the provision of detached garages. Private amenity spaces range from 102m² to 348m².

Public open space is provided in two large centrally located area. One being shared with phase 1 and the second being centrally positioned within the overall development.

Characteristics of the site and area

The site is located at Mullaghboy Lane and within the settlement development limits of Magherafelt. The site comprises a large arable field with an associated redundant farmyard and vacant dwelling to the south. The site is bounded to the south and west by the settlement development limit and is zoned for housing (MT25) in the Magherafelt Area Plan 2015. The site is accessed via an existing laneway which leads through the Phase 1 development approved under H/2014/0018/F for 21 (5 detached and 16 semi-detached) two storey dwellings. The farmyard is now largely redundant with some of the sheds and yard being used for storage, particularly in association with the on-going phase 1 development.

The large arable field to the northern part of the site has mature hedgelines with mature trees along the northern, southern and western boundaries. The landform rises gently towards the north-western corner and continues to rise towards the open fields to the west. The adjacent development of Lisadell Drive is a mixture of 1 and 1½ storey dwelling while Beechgrove Heights

is a mixture of 1½ and 2 storey dwellings. Both of the existing developments site slightly higher than the proposed site. There are high voltage overhead electricity lines traversing the site in a north-west/south-easterly direction.

Planning Assessment of Policy and Other Material Considerations

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is located within an area of land zoned for housing and identified in the plan as MT25. There is no planning approval on the site, however. Phase 1 has been approved on an adjoining site under H/2014/0018/F for 21 units under H/2005/0866/F which are currently under construction.

The proposed development falls to be assessed under PPS 7 Quality Residential Environments Policy QD1 and PPS 12 – Housing in Settlements.

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

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

PPS 15 – Planning and Flood Risk

PPS 3 – Access, Movement and Parking

The strategic Planning Policy Statement for NI.

It is my assessment that the proposed layout 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, landscaping and hard surfaced areas. The density of the proposal is an acceptable reflection of the surrounding developments

NIEA: Historic Monuments unit advised that due to previous archaeological investigations within the site, they have no issues with the proposal.

Adequate provisions are made for public amenity space with acceptable levels of open space being provided. A public footpath is proposed which will open up this area for public access.

Some of the units will front onto these areas which will provide visibility over the open space, thereby providing an acceptable degree of supervision. All units have an acceptable level of private amenity space.

While there is no provision for local neighbourhood facilities within the development, there is an acceptable means through the development to allow access to existing nearby facilities.

The proposed development promotes access by a range of means and the pedestrian link onto Mullaghboy Lane will provide connectivity through the site and on towards the Desertmartin Road. Speed control bends will also reduce traffic spend within the development.

Transport NI have advised that the parking provisions are acceptable.

The form, materials and detailing of the proposed units are acceptable with the external finishes to be a mixture of facing brick, roughcast, painter render and painted render with white windows and flat roof tiles.

The proposed development does not create a conflict with adjacent land uses and should not create any issue of overlooking due to the separation distances between the existing and proposed dwellings or the back to back distances between proposed dwellings.

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

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

Rivers Agency were consulted and advised that a drainage assessment was required. Following the submission of the drainage assessment, Rivers Agency this was acceptable and they accept the logic of the assessment and have no reason to disagree with its conclusions.

The proposed development was assessed under PPS 3, Access, Movement and Parking. Transport NI were consulted regarding the proposed access, movement and parking layout. Following the submission of minor amendments, Transport NI advised that the layout was acceptable and requested the submission of the necessary Private Streets Determination drawings which were subsequently noted as being acceptable.

PPS 7 is the relevant material planning policy for this type of development in the urban setting. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy.

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

Generally there are two house types with these being either detached or semi-detached, with some dwellings being dual-frontage. There is also a range of external finishes. There are a mix of house types throughout the general Mullaghboy Lane area. The proposal is appropriate to the character and topography of the site in term of layout, scale, proportions and the massing and appearance of the buildings. Although the dwellings in the immediate area are mainly detached, there are semi-detached dwellings in Mullaghboy Glen, Mullaghboy Heights and Highfield.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. I am satisfied that there are no such designations to protect in the immediate vicinity .

No features of archaeological or built heritage importance are shown as being located in the immediate area.

PPS 7 QD1 also requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

I have measured the private open space provision for the units and these range from 102m² to 348m² and are well above the minimum requirements of PPS 7. The public open space provision, however, was measured at 3395m². This includes a large area of public open space which was approved in connection with the phase 1 development and measures 1510m². This leaves the total public open space for both phase 1 and phase 2 almost 1000m² less than the minimum required by Creating Places

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development; footpath provision has been supplied, linking the development to the town centre footpath network.

QD1 also requires that a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

Transport Ni were consulted and advise that they have no objection subject to condition.

The design of the development must draw upon the best local traditions of form, materials and detailing, in this instance, I consider that the proposal does reflect the surrounding design context for this urban area.

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

The design will not create conflict with adjacent land uses which are either residential or agricultural. The proposed dwellings have a minimum of 10m rear garden depths and the separation distances to existing dwellings are considered adequate.

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

The development is considered to be designed to deter crime and promote personal safety with dwellings either fronting onto or overlooking areas of public open space.

PPS 12 - Housing in Settlements.

PCP 2 – Good Design

PCP 2 advocates that all new housing developments should demonstrate a high quality of design, layout and landscaping.

The proposal has been assessed against the requirements of PPS 7 Policy QD1 and Creating Places and is considered to be acceptable.

As stated above, I do not consider the local character of Mullaghboy Lane will be affected nor the environmental quality and amenity would be significantly eroded. The adjacent housing context will be respected and adequate boundaries are in place to ensure the privacy of existing residents is safeguarded. The existing site boundaries should be retained and augmented as necessary. In addition, the southern and western boundaries are to have a landscaped buffer strip provided which will soften the view of the development from the adjacent land and public viewpoints.

The Strategic Planning Policy Statement for NI

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

Taking all of the above into consideration, it is my opinion that the proposed development be approved, subject to relevant conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to conditions.

Signature(s)

Date:

ANNEX	
Date Valid	23rd June 2015
Date First Advertised	6th July 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Lissadell Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 12 Lissadell Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 2 Lissadell Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 20 Beechgrove Heights Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 21 Beechgrove Heights Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 22 Beechgrove Heights,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 5EF, The Owner/Occupier, 23 Beechgrove Heights Town Parks Of Magherafelt Magherafelt Dr Ernest K Hunter and Dr Ruth Hunter (Ingram) 23 Beechgrove Heights, Magherafelt, Londonderry, Northern Ireland, BT45 5EF Ernest Hunter and Dr Ruth Hunter 23 Beechgrove Heights, Magherafelt, Northern Ireland, BT45 5EF Ernest & Ruth Hunter 23, Beechgrove Heights, Magherafelt, Londonderry, Northern Ireland, BT45 5EF The Owner/Occupier, 25 Beechgrove Heights, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5EF The Owner/Occupier, 7 Mullaghboy Glen,Town Parks Of Magherafelt,Magherafelt,Londonderry,BT45 5GW,	
Date of Last Neighbour Notification	1st June 2017
Date of EIA Determination	21st July 2015
ES Requested	Yes /No

Planning History

Ref ID: H/1995/0544

Proposal: EXTENSION TO DWELLING

Address: 22 BEECHGROVE HEIGHTS MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2006/0373/F

Proposal: Garage & Store to rear of dwelling

Address: 22 Beechgrove Heights, Magherafelt

Decision:

Decision Date: 20.10.2006

Ref ID: H/1984/0220

Proposal: THREE HOUSES AND GARAGES

Address: 21, 22, 23 BEECHGROVE HEIGHTS, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1982/0088

Proposal: HOUSE WITH GARAGE

Address: 20 BEECHGROVE HEIGHTS, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0909/F

Proposal: Alterations and Extension to dwelling.

Address: 20 Beechgrove Heights, Magherafelt

Decision:

Decision Date: 14.12.2005

Ref ID: H/2006/0075/O

Proposal: Site of New Dwelling

Address: Adjacent to 2 Lissadell Drive, Magherafelt

Decision:

Decision Date: 21.11.2007

Ref ID: H/2007/0685/F

Proposal: Proposed works to widen and straighten part of existing road and extend 2.0m wide pedestrian footpath to the South-East.

Address: Mullaghboy Lane (proposed works to fronts of properties 1, 2 & 5 Lissadell Drive, Magherafelt).

Decision:

Decision Date: 25.01.2008

Ref ID: H/2003/0608/F

Proposal: Change to house type on 2 No. sites.

Address: Mullaghboy Lane, Magherafelt. (Adjacent to Mullaghboy Height & Opposite Lissadell Drive).

Decision:

Decision Date: 27.01.2004

Ref ID: H/1997/6027

Proposal: HOUSING DEVELOPMENT MULLAGHBOY LANE MAGHERAFELT

Address: MULLAGHBOY LANE

Decision:

Decision Date:

Ref ID: H/2007/1093/F

Proposal: Proposed replacement dwelling

Address: 50 Mullaghboy Lane, Magherafelt

Decision:

Decision Date: 17.06.2008

Ref ID: H/1997/0551

Proposal: HOUSING DEVELOPMENT

Address: ADJACENT TO MULLAGHBOY HEIGHTS MULLAGHBOY LANE
MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2014/0018/F

Proposal: Proposed residential development comprising 21 (5 detached and 16 semi-detached) two storey dwellings, alteration and upgrading of Mullaghboy Lane, to include footways to connect to existing footway network, open space, landscaping and other ancillary works

Address: Lands NE of 50 Mullaghboy Lane Magherafelt and to the rear of 2-10 Lissadell Drive and 7 9 11 29 31 & 33 Mullaghboy Glen, Magherafelt,

Decision: PG

Decision Date: 09.03.2015

Ref ID: H/1998/0189

Proposal: CHANGE OF HOUSE TYPES

Address: SITE NOS 11-14 OFF MULLAGHBOY LANE MAGHERAFELT

Decision:

Decision Date: 17.07.1998

Ref ID: LA09/2015/0452/F

Proposal: Proposed residential development comprising 69 (46 semi-detached and 23 detached) two storey dwellings, open space, landscaping, upgrade / traffic calming of Mullaghboy Lane (farm lodge) and ancillary site works

Address: Lands at no.50 Mullaghboy Lane and to the rear of nos. 10 and 12 Lissadell Drive and nos. 21, 23 and 25 Beechgrove Heights, Magherafelt,

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 07/6

Type: Roads Details

Status: Submitted

Drawing No. 08/5

Type: Roads Details

Status: Submitted

Drawing No. 12/1

Type: Landscaping Plan

Status: Submitted

Drawing No. 15

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 02/5

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02/4

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05/3

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 14

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 04/2

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 10/1

Type: Roads Details

Status: Submitted

Drawing No. DOC 03

Type: Further Particulars

Status: Submitted

Drawing No. DOC 07
Type: Further Particulars
Status: Submitted

Drawing No. DOC 06
Type: Further Particulars
Status: Submitted

Drawing No. DOC 05
Type: Further Particulars
Status: Submitted

Drawing No. DOC 02
Type: Further Particulars
Status: Submitted

Drawing No. DOC 01
Type: Further Particulars
Status: Submitted

Drawing No. DOC 04
Type: Landscaping Proposals
Status: Submitted

Drawing No. 11
Type: Roads Details
Status: Submitted

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

Drawing No. 03
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 06
Type: Garage Plans
Status: Submitted

Drawing No. 09
Type: Roads Details
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/1223/F	Target Date:
Proposal: Proposed engineering workshop, welfare building with associated drainage and service yard in relation to existing adjacent company (amended plans-additional parking and footpath)	Location: 21 Farlough Road Dungannon BT71 4DT
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Specdrum 24 Farlough Road Dungannon BT71 4DT	Agent Name and Address: Teague and Sally Ltd Loy Buildings 18 Loy Street Cookstown BT80 8PE
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Rivers Agency	Add Info Requested
Statutory	NIEA	Advice
Advice and Guidance	Shared Environmental Services	Add Info Requested

Statutory	Transport NI - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Advice and Guidance	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	NIEA	Content
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
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		
<p>3rd party objections have been received and raise the following concerns;</p> <ul style="list-style-type: none">-detrimental impact on character of area, and cumulative impacts with other similar developments;-detrimental impacts on residential amenity including noise and fumes;-detrimental impact on privacy;-increased traffic volumes and road safety concerns;-land not zoned for industry;-concern over visual impact, noise, loss of privacy, daily disturbance due and character of area due to proximity of proposed factory;-sewage system already overloaded;		
Description of proposal		
This is a full planning application for proposed engineering workshop, welfare building with associated drainage and service yard in relation to existing adjacent company, Specdrum.		

SpecDrum manufactures and supplies conveyor pulleys for quarry crushing screen equipment and conveyor belts/machinery.

Characteristics of Site and Area

This largely rectangular plot measures 0.98 ha and is located within the western node of development in Coalisland, south of The Vale and Vale Grove residential estates and North of Farlough Glen residential development. Specdrum is based on both sides of Farlough Road with the application site located to the east of the eastern side of operations on relatively flat land to the rear of an existing manufacturing unit, storage yard and car park area and ancillary offices. Levels of the proposed site are lower than the existing factory, with an earth bank sloping steeply into the site from the factory yard. The Northern boundary of the site is defined by 2.4m high security fencing beyond which is a 4-5m wide service strip with dwellings in the The Vale and Vale Grove backing onto it. There is a tree lined hedge of mature trees between the site and residential development, and a 1.8m high wooden fence bounding private rear amenity space. The eastern and southern boundaries are not clearly defined and open, the western boundary not clearly defined and shared with the existing factory.

Opposite the road to the west is another factory and yard belonging to Specdrum with associated car parking for staff. There is a mix of housing and industrial/mixed business uses in the area. Further to the south is open countryside. The settlement of Coalisland proper is located approx 1km east of the site.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- the site is located on unzoned land within the development limits of Coalisland (western node of development). To the west is land zoned for industry/business and is where Specdrum is located. The site is close to the settlement limit to the south beyond which is open countryside.

Site History

M/2014/0182/O- Proposed engineering workshop for associated works in relation to existing adjacent company, permission granted 15.12.2014. This site is smaller than the subject application.

Planning Assessment

Located within the development limits of Coalisland this proposal for general industrial development (Class B3) and ancillary amenity facilities for workers will be assessed under PPS4 Planning and Economic Development. Policy PED1 Economic Development in Settlements states that proposals for Class B2 and B3 uses will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/employment area provided it is of a scale, nature and form appropriate to its location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

The subject proposal is not located on land specifically zoned for industrial use therefore its impact will be assessed on its individual merits, taking regard of PED9 of PPS4.

When on my site visit it was clear the proximity of the surrounding residential development that could be potentially detrimentally impacted by the proposed development. Environmental Health were consulted for comment and requested a Noise Impact Assessment which was provided. From this report Environmental Health have provided 9 planning conditions to control the level of noise at nearby sensitive receptors. In my view, and through discussion with senior colleagues, these conditions are necessary, enforceable and reasonable and meet the lawful tests of a planning condition and should be included on any decision notice should permission be granted,

as they will provide protection for the amenities of nearby residents. These conditions are listed towards the end of this report under Conditions section and include noise level limits, acoustic wall construction and hours of operation. Subject to compliance with these planning conditions it is my view that the proposal will not create a noise nuisance. Environmental Health do not raise any cumulative impacts with other development or concern over odour/fume nuisance.

Consideration was also given to the new vehicular position to the south, especially due to its proximity with the private rear amenity space to residents in Farlough Glen. The inclusion of an acoustic wall/fence will go towards limiting the impact of vehicle noise on these properties.

NIEA and Shared Environmental Services (SES) were consulted to determine if any detrimental impacts would be caused to the natural environment. NIEA required a Land Contamination Report and in conclusion do not have any objections to the proposal subject to planning conditions requiring further investigation and mitigation should any pollutants be discovered during the construction of the proposal. SES are not concerned about potential impacts on European designated sites.

No historical monuments or buildings will be impacted by this development.

There is no record of flooding on this site. A Drainage Assessment has been provided by the applicant and Rivers Agency have no objections to this proposal subject to planning informatives.

Transport NI raised concern over a huge parking shortfall at an early stage in the processing of this application. From this the applicant employed their own road safety engineers who comprised a report stating that there was no need for the full allocation of parking as the entire business was re-organising itself on both sides of Farlough Road. The processing buildings opposite the application site to the west would now become storage buildings, with no more materials being stored outside, with all processing moving into the new building. Within the report it was argued that the re-organisation of the business and construction of the subject factory would not result in the creation of any new staff at the facility. This was not reflected on the P1 form and the applicant/agent provided a new P1 to reflect the report. While it was argued that no extra parking provision was required, the Planning Authority still had concern over the size of the facility and potential for new employment expansion at the site. Plus, there was ample space within the site to provide substantial additional parking. On discussion of concerns with the applicant a new plan was provided showing 118 new parking spaces. While this was still quite a shortfall, given the other information at hand, the Planning Authority is content that the site can cater for a substantial rise in staffing levels should the need arise and in this instance will not insist that the full allocation of 215 car parking spaces be provided. Transport NI have suggested planning conditions and do not raise any road safety concerns should the Planning Authority agree the current proposed level of car parking.

The applicant has also provided a 2m footway across the entire site frontage which will improve pedestrian safety. There is ample space within the site for the turning and moving of vehicles and a safe and satisfactory access to the public road has been illustrated, with planning conditions attached should permission be granted. Public transport links are close to the site and the road network can cater for cyclists and pedestrians.

Proposed landscaping to the south, and retention of existing landscaping will assist with softening the impact of the development in the landscape and assist the promotion of sustainability and bio-diversity in the area.

In terms of mass and scale, the factory is set back from the public road and to the rear of an existing factory and yard. There are other similar buildings located on the opposite site of the road and in my view the design is suitable for the site and locality. It will not have a detrimental

impact to the existing visual amenity or character of the area. There will be no issues of overshadowing or over dominance of residential property as the ridge height of the building is 9 meters and it is located further than 35m from properties to the north in Vale Grove and The Vale, and, over 75m from properties in Farlough Glen.

As the proposed building and operations will;

- not have a detrimental impact to the visual amenity and character of this area;
 - not have a detrimental impacts on private residential amenity through noise generation (protected further through planning conditions);
 - not have a detrimental impact on the natural and built environment;
- it is my view that it is compatible with surrounding land uses and is within the spirit of policy PED1.

Objections

3rd party objections have been received and raise the following concerns;

- detrimental impact on character of area, and cumulative impacts with other similar developments;
- detrimental impacts on residential amenity including noise and fumes;
- detrimental impact on privacy;
- increased traffic volumes and road safety concerns;
- land not zoned for industry;
- concern over visual impact, noise, loss of privacy, daily disturbance due and character of area due to proximity of proposed factory;
- sewage system already overloaded;

These concerns have been addressed in the main body of my assessment and in my view the proposal is acceptable. One objector raised concern about sewage infrastructure. Northern Ireland Water were consulted and do not raise any concern about sewage capacity in the area and the proposal can connect to existing mains sewage and storm infrastructure subject to the proper consents.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions.

Conditions

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

Reason: Time Limit.

2. There shall be no roof lights to the building, unless otherwise agreed by Council.

Reason: To protect the amenity if residents.

3. The internal noise level of the building shall not exceed 90dB LAeq.

Reason: To protect the amenity if residents.

4. The enclosure of the building shall have panelling or a composite/metal/masonry material, with no gaps at any point and shall provide a sound reduction R_w of at least 25dB, as detailed in Doc 1- Noise Impact Assessment date received 13th September 2016, and Doc 2- Noise Impact Assessment date received 25th January 2017.

Reason: To protect the amenity of residents.

5. The doors to the Engineering workshop hereby permitted shall be constructed and maintained at all times to provide a sound reduction R_w of at least 15dB, as detailed in Doc 1- Noise Impact Assessment date received 13th September 2016, and, Doc 2- Noise Impact Assessment date received 25th January 2017.

Reason: To protect the amenity of residents.

6. Loading and off-loading shall only take place inside the building.

Reason: To protect the amenity of residents.

7. There shall be no deliveries and/or external activity outside the hours of 09:00 hours and 18:30 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sunday.

Reason: To protect the amenity of residents.

8. Prior to commencement of the workshop hereby permitted, two number 2.4m high acoustic barriers shall be erected along the site's northern and southern boundary as presented on drawing Number 01 rev3 date stamp received 10th July 2017, and shall be permanently retained thereafter unless otherwise agreed in writing by Council. .

Reason: To protect the amenity of residents.

9. The acoustic wall as referred to in condition 8 above shall be constructed of either masonry, or, timber panelling (Close lapped with no gaps) and shall have a minimum self-weight of 25 Kg/m².

Reason: To protect the amenity of residents.

10. The noise level from the facility with all plant and equipment fully operational shall not exceed the limits outlined in Table 1 below during the permitted hours of operation when measured at a distance of 3.5 metre from the façade of the appropriate residential property.

Table 1: Noise limit with all plant and equipment fully operational taking place (dB LAeq, 1 hour) at boundary of 5, 6, 7 Vale Grove and 44, 46, 48, 50 The Vale

Boundary of the properties 5, 6, 7 Vale Grove	45dB
Boundary of the properties 44, 46, 48, 50 The Vale	45dB

Reason: To protect the amenity of residents.

11. The existing trees, as indicated in drawing No 01 rev3 date received 10th July 2017, shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing.

Reason: To safeguard existing visual amenity.

12. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 1989. Recommendations for Tree Work.

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

13. During the first available planting season after the commencement of development on site, all trees indicated in drawing No 01 rev3 date received 10th July 2017, shall be planted as shown and be permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity.

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

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

15. Visibility splays of 4.5 metres by 90.0 metres to the south direction and 4.5 metres by 76.0 metres to the north direction shall be provided in accordance with Drawing No. 01 Rev 3 bearing the date stamp 10 July 2017, prior to the commencement of any development hereby permitted, and shall be permanently retained thereafter unless otherwise agreed with Council.

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

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

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

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. No development hereby permitted shall become operational until southern access, indicated on Drawing No 01 Rev 3 bearing the date stamp 10 July 2017 has been permanently closed and the carriageway / verge properly reinstated to DfI Roads satisfaction.

Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

20. No development hereby permitted shall become operational until all road works including provision of the linking pedestrian footway indicated on Drawing No. 01 Rev 3 bearing the date stamp 10 July 2017 have been fully completed in accordance with those details, and shall be permanently retained thereafter unless otherwise agreed in writing with Council.

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

21. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed within the site and permanently marked to provide car parking spaces in accordance with details indicated in drawing No. 01 rev3 date stamp received 10th July 2017 and permanently retained thereafter unless otherwise agreed by Council. The remaining hardstand areas shall be kept clear from any obstacles or outdoor storage unless otherwise agreed by Council.

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

Signature(s)

Date:

ANNEX	
Date Valid	8th December 2015
Date First Advertised	21st December 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Farlough Glen Farlough Dungannon The Owner/Occupier, 3 Farlough Glen Farlough Dungannon The Owner/Occupier, 4 Farlough Glen Farlough Dungannon Conor Cullen 40 The Vale, Coalisland, Tyrone, Northern Ireland, BT71 4TH The Owner/Occupier, 44 The Vale, Farlough, Coalisland, Tyrone, BT71 4TH, The Owner/Occupier, 46 The Vale, Farlough, Coalisland, Tyrone, BT71 4TH, The Owner/Occupier, 48 The Vale, Farlough, Coalisland, Tyrone, BT71 4DY, The Owner/Occupier, 5 Derryvale Grove, Farlough, Farlough, Coalisland, Tyrone, BT71 4SY, The Owner/Occupier, 5 Farlough Glen Farlough Dungannon The Owner/Occupier, 50 The Vale, Farlough, Coalisland, Tyrone, BT71 4TH, The Owner/Occupier, 6 Derryvale Grove, Farlough, Farlough, Coalisland, Tyrone, BT71 4SY, The Owner/Occupier, 7 Derryvale Grove, Farlough, Farlough, Coalisland, Tyrone, BT71 4SY, The Owner/Occupier, 8 Derryvale Grove, Farlough, Farlough, Coalisland, Tyrone, BT71 4SY, The Owner/Occupier, 9 Derryvale Grove, Farlough, Farlough, Coalisland, Tyrone, BT71 4SY, The Owner/Occupier, Conor Cullen, 40 The Vale, Derryvale, Coalisland, BT71 4TH, Declan McGrath Email Amy O'Brien Email	
Date of Last Neighbour Notification	28th July 2017
Date of EIA Determination	17th August 2016

ES Requested	No
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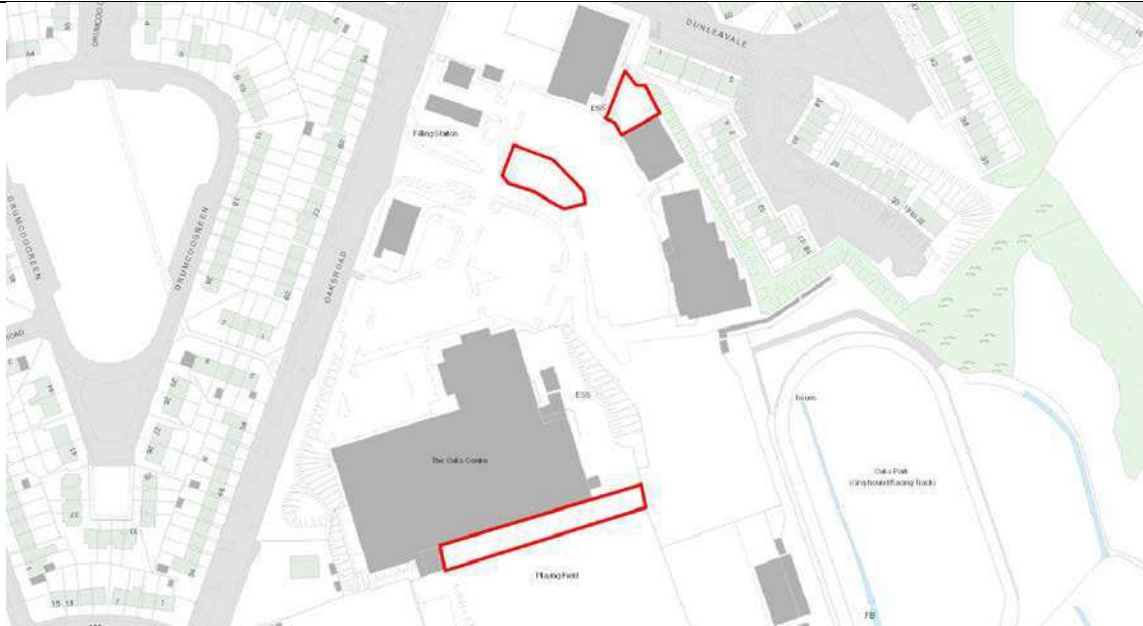


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1136/F	Target Date:
Proposal: New single storey stand alone coffee shop unit	Location: Oaks Retail Park Oaks Road Dungannon
Referral Route: Previously included on agenda for Planning Committee and removed upon request.	
Recommendation: APPROVE	
Applicant Name and Address: MBCC Foods (Ireland)Ltd 7 Coates Crescent Edinburgh EH3 7AL	Agent Name and Address: McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE
Executive Summary: The application was formerly included on the agenda for April Planning Committee meeting with a recommendation for refusal due to insufficient parking provision. A request was made to remove the application from the agenda to allow further information to be submitted and reviewed. This request was granted and a subsequent meeting held with the Planning Manager on 12/5/17. It was agreed that amended plans would be submitted showing additional parking area, with the red line extended and additional fee to be submitted. The application was re-advertised and neighbours notified. The amended plans show an additional 29 no. staff car parking spaces within the service yard to the south of the Oaks Centre and 12 additional spaces between Funky Monkeys and Home Bargains. The net increase in car parking, considering 18 no. of car parking spaces will be displaced to accommodate the proposal is + 23. The requirement set out by parking standards for the proposal is 39 spaces. However, it is accepted that parking standards is a guidance document and the proposal will draw customers from people already visiting the Oaks centre. I consider that concerns are alleviated when considering this along with the previous traffic assessment which details peaks times of trade. In conclusion, I consider the proposal to be acceptable and recommend permission is granted.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
	TNI	Recommend conditions if Council are to approve.
	Geological survey	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

No representations received.

Characteristics of the Site and Area

The site is located in the car park of Oaks Retail centre within the settlement limits of Dungannon. It is in an area largely characterised by retail and commercial development with residential development in close proximity to the site on Oaks Road. The shopping district includes the Oaks centre, which includes retail units, a supermarket as well as a petrol station, hot food restaurant and takeaway, a cinema and children's play centre.

Description of Proposal

New single storey stand alone coffee shop unit.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan
- SPPS: Planning for Sustainable Development
- PPS 3: Access, Movement and Parking
- Parking Standards

The Dungannon and South Tyrone Area Plan (2010) identifies the site within the development limits of Dungannon which gives favourable consideration to development subject to local plan policies. It is located within an area designated as a District Shopping Centre which relates to Plan policy RSO 4 which states – development proposals will be determined in accordance with the provisions of prevailing regional planning policy.

The Strategic Planning Policy Statement published in September 2015 supersedes PPS 5 – retailing and Town Centres and is the main policy consideration for the development proposal. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.

The proposal is for an independent coffee shop situated within the car park of the Oaks Retail centre. It does not fall within any of the use classes outlined in the schedule of Planning (Use Classes) Order 2015, but is defined as *sui generis*. The SPPS outlines one of its core principals as Supporting Sustainable Economic Growth. It states,

Planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. The proposal would complement existing development and bring job creation which would contribute to key objectives of the SPPS and in principle would be acceptable. However the proposal, must also comply with the requirements of PPS 3 Access, Movement and Parking and supplementary guidance – *Parking Standards* which are considered and discussed as follows. Published guidance - *Parking Standards* sets out requirements under Restaurants inside the development limits as 1 space for every 5m² NFA, 1 lorry space when >500 m GFA and a minimum of 2 cycle parking per unit.

Transport NI were consulted and initially recommended refusal, stating that the proposal will result in the loss of 21 parking spaces and there is a requirement for 46 spaces, leaving a shortfall of 67 spaces. A Transport Statement completed by Atkins was subsequently received on 23 Jan 2017 from the agent. The assessment firstly contests the requirement of 46 spaces as noted by TNI. It argues that Net Floor Area = Net Retail Floorspace and consequently only 39 parking spaces are required.

Planning Guidance – *Parking Standards* fails to explicitly state what NFA (referred to in the standards table) stands for or equates to, however it does state that “for the purposes of interpretation of the attached standards” and provides the following definition, “Net Retail Floorspace is the area for the sale and display of goods, check-out, counters, packing zones, circulation space from check-outs to exit lobby, fitting rooms and information areas. Net retail floorspace shall be calculated by way of internal measurement to the inner face of the wall.” It is therefore reasonable to accept, given the absence of any other definition referring to Net, that NFA is defined as above - as Net Retail Floorspace.

The Net Retail Floorspace proposed totals 194m² which subsequently requires 39 car parking spaces. The Transport Assessment received, states that the development proposal has been redesigned and now only displaces 18 as opposed to 21 spaces.

The parking requirements and parking displacement, equates to a requirement of a total of 57 spaces.

The application was formerly included on the agenda for April Planning Committee meeting as no parking had been provided and it was considered contrary to policy. A request was made to remove the application from the agenda to allow further information to be submitted and reviewed. This request was granted and a subsequent meeting held with the Planning Manager on 12/5/17. It was agreed that amended plans would be submitted showing additional parking area, with the red line extended and additional fee to be submitted. The application was re-advertised and neighbours notified. The amended plans show an additional 29 no. staff car parking spaces within the service yard to the south of the Oaks Centre and 12 additional spaces between Funky Monkeys and Home Bargains. The net increase in car parking, considering 18 no. of car parking spaces will be displaced to accommodate the proposal is + 23. The requirement set out by parking standards for the proposal is 39 spaces. However, it is accepted that parking standards is a guidance document and the proposal will draw customers from people already visiting the Oaks centre.

Transport NI were re-consulted and responded noting,

“Additional operational parking areas have been provided, however the overall operational area has been reduced. Provided there is sufficient space to allow the maximum number and size of vehicles likely to serve the Oaks Centre, at any one time and to manoeuvre with ease and stand for loading and unloading without inconvenience to vehicles and users of the centre, the Council may wish to approve this submission, subject to the following:

Approve drawing 02 (Rev.01) received 27/05/17 subject to the following condition.

- No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02 (Rev.01) bearing date stamp 27/05/17 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

I consider that concerns are alleviated when considering the additional parking provision along with the previous traffic assessment which details peaks times of trade which will result =n some shared parking.

Neighbour Notification Checked

Yes

Summary of Recommendation:

In conclusion, I consider the proposal to be acceptable and recommend permission is granted.

Conditions

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

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

2. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02 (Rev.01) bearing date stamp 22/05/17 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Signature(s)

Date:

ANNEX	
Date Valid	16th August 2016
Date First Advertised	1st September 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, Sainburys Petrol Station, Oaks Retail Park, Oaks Road, Dungannon	
Date of Last Neighbour Notification	18th August 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2014/0138/F Proposal: Reconfiguration of previously approved retail park (ref: M/2011/0324/F) in order to create a standalone unit (Unit 3) and amendments to service yard Address: The Oaks retail Park, Dungannon, Decision: PG Decision Date: 04.12.2014 Ref ID: M/2012/0527/F Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 3 of M/2011/0324/F. Address: Unit 3 Oaks Retail Park, Oaks Road, Dungannon, Decision: PG Decision Date: 03.12.2012 Ref ID: M/2011/0710/F Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 3 to M/2011/0324/F to permit the sale of non bulky items from Unit 3 Address: Oaks Retail Park, Oaks Road, Dungannon, Decision: PG Decision Date: 19.09.2012 Ref ID: M/2011/0689/F Proposal: Application under Article 28 of the Planning (NI) Order 1991 to vary condition 2 attached to M/2011/0324/F - amended description. Address: Oaks Retail Park, Oaks Road, Dungannon, Decision:	

Decision Date: 22.02.2012

Ref ID: M/2011/0324/F

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

Address: Oaks Retail Park, Oaks Road, Dungannon,

Decision:

Decision Date: 11.10.2011

Ref ID: M/2008/0576/F

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

Address: Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 21.01.2010

Ref ID: M/2008/0344/A

Proposal: Rebranding signage to include canopy signs, shop signs, and totem sign.

Address: Existing petrol filling station, Oaks Retail Park, Oaks Road, Dungannon. BT71 4AR.

Decision:

Decision Date: 19.05.2008

Ref ID: M/2008/0342/A

Proposal: Canopy and shop signs

Address: Replacement petrol filling station, Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 19.05.2008

Ref ID: M/2008/0341/F

Proposal: Erection of replacement petrol filling station and ancillary works

Address: Petrol filling station, entrance to Oaks Retail Park, Oaks Road, Dungannon

Decision:

Decision Date: 23.05.2008

Ref ID: M/2007/0743/A

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

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

Decision:

Decision Date: 27.12.2007

Ref ID: M/2007/0646/F

Proposal: Erection of restaurant

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

Decision:

Decision Date: 27.12.2007

Ref ID: M/2007/0613/Q
Proposal: Dungannon Town Centre Health Check Planning Search
Address: Dungannon Town Centre
Decision:
Decision Date:

Ref ID: M/2007/0409/F
Proposal: Existing creche to be change of use & Winecellar within foodstore relocated to Creche area. Additional space created through moving existing wine cellar to revert back to foodstore.
Address: Anchor unit Curley's Supermarket Th e Oaks Centre, Oaks Road, Dungannon, Co.Tyrone
Decision:
Decision Date: 23.05.2007

Ref ID: M/2005/2136/F
Proposal: Erection of replacement retail units and provision of additional car parking without compliance with condition 2 attached to planning permission M/2003/0940/F
Address: Oaks Retail Park, Oaks Road, Dungannon
Decision:
Decision Date: 24.10.2006

Ref ID: M/2005/1374/F
Proposal: Internal car park and service road alterations
Address: Oaks Retail Park, Oaks Road, Dungannon
Decision:
Decision Date: 01.10.2005

Ref ID: M/2003/0940/F
Proposal: Erection of replacment retail units and Provision of additional car parking
Address: Oaks Retail Park Oaks Road Dungannon
Decision:
Decision Date: 03.03.2005

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

Ref ID: M/1997/0818
Proposal: Demolition, internal alterations and extension to shopping centre to facilitate new entrance, re-organisation of units and re-location of toilet facilities
Address: OAKS CENTRE,OAKS ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1992/6023

Proposal: Subdivision of Old Tyrone Crystal Factory Oaks Road Dungannon

Address: Oaks Road Dungannon

Decision:

Decision Date:

Ref ID: M/1992/0702

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

Address: OLD TYRONE CRYSTAL FACTORY OAKS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0535

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

Address: THE OLD TYRONE CRYSTAL FACTORY COALISLAND ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0134

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

Address: DWEK'S FACTORY, OAKS ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2016/1136/F

Proposal: New single storey stand alone coffee shop unit

Address: Oaks Retail Park, Oaks Road, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

See above.

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Floor Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5th September 2017	Item Number:
Application ID: LA09/2016/1241/F	Target Date:
Proposal: Extension to Existing Quarry	Location: Northstone Materials 18 Carmean Lane Moneymore
Referral Route: Whilst this planning application is for a local development proposal, for which no representations have been received and which is being recommended for approval, it is of such a size and nature that it is just below the threshold for being considered as major development. Therefore the Planning Manager has requested that this application be presented to afford the Committee the opportunity to determine the proposal.	
Recommendation:	APPROVE
Applicant Name and Address: Northstone Materials 18 Carmean Lane Moneymore BT45 7UT	Agent Name and Address: Six-West Ltd 18c Weavers Court Linfield Road Belfast BT12 5GH
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Health & Safety Executive for NI	
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	NIEA	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	Health & Safety Executive for NI	Content
Statutory	DETI - Geological Survey (NI)	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested

Statutory	NIEA	Content
Non Statutory	Shared Environmental Services	No Objection
Statutory	NIEA	Advice
Non Statutory	Health & Safety Executive for NI	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	Health & Safety Executive for NI	
Statutory	Historic Environment Division (HED)	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

Summary of Issues

No representations have been received in relation to this proposal.

Description of proposal

The application is for a minor extension to an existing quarry and measures around 1.9ha.

Characteristics of the site and area

This is an existing an active limestone quarry located between Magherafelt and Moneymore on the Carmean Road. The site has been in operation for over 60 years and produces a wide range of crushed and ground limestone products. The geology of the quarry and the foothills of Slieve Gallion is chalk however the overlying Antrim Plateau Basalts have baked and recrystallised it into a hard and durable limestone. Basalt forms the upper levels of the quarry and is also extracted and processed for internal and external use.

The site is set within a rural area outside the Sperrins AONB. Part of the site is within an area of consultation which may affect an Archaeological Monument.

Planning Assessment of Policy and Other Material Considerations

Planning Policy:

Magherafelt Area Plan 2015

Regional Development Strategy 2030

Strategic Planning Policy Statement (SPPS)

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 3

Planning Policy Statement 4

Planning Policy Statement 6

Planning Policy Statement 21

It is proposed to work the site extracting approx. 100,000 tonnes per year to a depth of 45m OD with blasting twice a month. Both limestone and basalt are to be extracted and this will be done by drilling and blasting. There are a total of 8 staff working on site and this will not change. The extension is expected to have an estimated life expectancy of around 9-10 years given the site area of 1.9ha, ie. 0.2ha per year.

There is a long history of approvals on the Carmean Quarry as follows:

H/1986/0099 - approval for extraction of limestone aggregate;

H/1982/0149 - approval for storage bins and dryer house

H/1982/0002 - approval for primary crushing house

H/1981/0386 - approval for extension to storage shed

H/1980/0388 - approval for extraction of limestone.

LA09/2015/0571/F – approval for minor extension to existing quarry

The Area Plan's Mineral section specifically refers to building and roadstone aggregates being produced from a number of the hard rock quarries lying between Knockloughrim and Moneymore.

The RDS 2030 includes the following statements in relation to rural areas:

"3.94 We must...strive to keep our rural areas sustainable and ensure that people who live there, either through choice or birth, have access to services and are offered opportunities in terms of accessing education, jobs, healthcare and leisure"

"3.96 To sustain rural communities, new development and employment opportunities which respect local, social and environmental circumstances are required. This means facilitating the development of rural industries, businesses and enterprises in appropriate locations, and ensure they are integrated appropriately within the settlement or rural landscape"

SFG 13 aims to "sustain rural communities living in smaller settlements and the open countryside".

It is considered that the proposed development will help contribute to achieving these RDS aims.

PSRNI acknowledges that minerals are an important natural resource and their exploration makes an essential contribution to the nation's prosperity and quality of life. The mineral extraction industry provides employment often in rural areas and produces a wide range of products for a variety of purposes in construction, agriculture and industry.

Policy MIN 1 is "To assess the need for the mineral resource against the need to protect and conserve the environment". This is an existing and presently operating quarry and the application is for an extension to the quarry. MIN 1 states that extensions to existing mineral workings which minimise environmental disturbance in the countryside will normally be preferred to new workings on green field sites. NIEA Natural Environment Division have no concerns with

the proposal so far as Archaeology and Built Heritage, Drainage and Water and Land, Soil and Air. NIEA Natural Environment Division has considered the impacts of the proposal and on the basis of the information provided have determined that the proposal will not have any adverse impact on any designated site or other Natural Heritage interests in particular to Peregrine Falcons.

Policy MIN 2 is "To have regard to the visual implications of minerals extractions". This site is not located within a landscape that benefits from any special protection such as an AONB. The site is also located within an existing working quarry with the principle views available from the A29 Moneymore to Desertmartin Road and from further west towards Slieve Gallion and I do not consider it will have any greater impacts from this viewpoint than what the existing working quarry does at present.

Policy MIN 3 is "To identify Areas of Constraint on Mineral Developments". The site for the extension is not part of any designated areas of constraint on minerals development.

Policy MIN 4 and MIN 5 Valuable Minerals and Mineral Reserves: The proposal is not contrary to this policy, there are no known valuable minerals affected by this application.

Policy MIN 6 "To have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings". Both Mid Ulster EHO and the Health and Safety Executive (NI) were consulted and they have advised they have no objection to the proposed extension.

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 the proposed operations". There will be no greater impact on the public road network as there is no intensification proposed. Currently there are a total of 25 vehicle movements at the site on a daily basis and this will remain the case should the proposal be approved.

Policy MIN 8 Restoration "To require mineral workings to be restored at the earliest opportunity". The applicant has included a restoration plan with cross-sections for the whole site to include previously worked areas. A condition will be included on any planning approval for the proposal making it a requirement that the site be restored in accordance with this plan. An extractive waste submission was provided in support of the proposed development and this indicates the location of the area to be used for the storage of the top soil and overburden. This area is the same area which has been approved to contain the top soil/overburden in association with a recent approval LA09/2015/0571/F on 22nd December 2015. The proposal is not contrary to this Policy.

The SPPS addresses Minerals and recognises they are an important natural resource and their responsible exploitation is supported by Government. The SPPS recognises that an enduring successful economy will effectively use natural resources and contribute towards the protection of the environment. There is a particular challenge as they can only be extracted from sites where they occur and there may be limited opportunities for consideration of alternative sites. The SPPS states that the relevant provisions of The Planning Strategy for Rural NI are retained and I have detailed those Mineral Policies above.

The Regional Strategic Objectives for minerals developments are to:

- facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
- minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and
- secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.

PPS 6 Planning Archaeology and the Built Environment:

PPS 6 sets out the main criteria when assessing proposals that may affect archaeological or built heritage and Historic Monuments at NIEA has considered the impacts of the application and on the basis of the information provided is content with the proposal.

PPS 21 Sustainable Development in the Countryside: This PPS sets out the main planning considerations for the control of development in the countryside. Policy CTY 1 deals in general term with development in the countryside. Planning permission will be granted for residential development in the countryside for Mineral Developments in accordance with the MIN policies of PSRNI (as above).

An EIA determination was carried out under Regulation 10 of The Planning (EIA) Regulations (NI) 2012 upon receipt of this application. It was determined that an environmental statement would not be required as consultations were carried out with relevant bodies as to the need for an Environmental Statement and no issues were raised which could not be dealt with through the normal consultation process. The proposal has been considered having regard to issues including hydrology, risk to human health, pollution and nuisances as well as nature conservation in addition to other issues as advised by The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and does not affect any European environmentally sensitive sites.

Mid Ulster Environmental Health Department has assessed the contents of the Noise Assessment and the Dust Impact Assessment and Management plan and are satisfied with the contents of the report subject to the planning department being content with the proposed PPV limit of between 6.0 mm/s and 10.0 mm/s being used. The proposal is for the quarry to operate on the basis of 10.0mm/s and therefore this will meet the above requirement and can be conditioned as such.

Transport NI consider that the access meets the standards required for sight lines and has stated that the visibility splays as indicted on drawing 07, ie. 2.4m x 65m and 2.4m x 70m to be acceptable. Transport NI have no objection to the proposal subject to a number of conditions and informatives.

NIEA Land, Soil and Air (Waste Management Unit) have considered the application for the potential impacts of the proposal on the aquatic environment (especially groundwater) and on the basis of the information provided are content with the proposal subject to the condition that the extraction does not go below 63m AOD which is what the proposal involves. The Industrial Pollution and Radio Chemical Inspectorate has considered the impact of the proposal on the extension of quarrying activities and on the basis of the information provided is content with the proposal.

NIEA Natural Heritage and Conservation Areas (Natural Environment Division) has considered the impacts of the proposal and on the basis of the information provided have determined that the proposal will not have any adverse impact on any designated site. In respect of other Natural Heritage interests NED has considered the impacts of the proposal and on the basis of the information provided refers the applicant to standing advice.

NIEA Water Management Unit has considered the potential impacts of the proposed development on the water environment and on the basis of the information provided is content subject to one condition relating to the depth of the quarry working.

NI Water are content with the proposal and have not raised any objections. Likewise Geological Survey of Northern Ireland has no objection to the development in its current form.

Health and Safety Executive NI considered the proposal and advised that although the proposal is closer to the farmyard and some dwellings the topography is such that the area of the quarry extension is falling away from the occupied dwelling and if blasting operations are carried out in compliance with the Quarry Explosive Regulations etc. the operations should not adversely affect the dwelling house.

There are no letters of objection to the proposal. I find the principle of development to be acceptable following an assessment of all the information and relevant policies.

Approval is recommended following a review of all the necessary consultation responses and assessment against the relevant policy.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to conditions

Conditions

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

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

2. Within 12 months of the cessation of quarrying operations at the site all structures shall be removed and the land restored in accordance with drawing no's 08 and 09 dated 7th September 2016.

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

3. The vehicular access including visibility splays, shall be provided in accordance with Drawing No. 07 bearing the date stamp 7th September 2016, prior to the operation 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.

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

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

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

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

6. 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.

7. The visibility splays of 2.4 metres by 70 metres to the North and 2.4 metres by 65 metres to east direction at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No 07 bearing the date stamp 7th September 2016, prior to the operation of any other development hereby permitted.

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

8. The development site shall not remain open
a. Prior to 07:00 hours and after 20:00 hours Monday to Friday
b. Prior to 07:00 hours and after 13:00 hours on Saturday
and at any time on Sunday.

Reason: In the interests of residential amenity and to ensure that the evening and night-time recommended noise limits in National Planning Practice Guidance – Minerals 2014 are not exceeded.

9. Temporary acoustic screening capable of providing a sound reduction index of 23dB RW shall be provided adjacent to the drilling rig, during its operation.

Reason: In the interests of residential amenity.

10. Blasting conducted within the proposed development shall not exceed a peak particle velocity of 10 mm/second at the nearest residential property and no blasting shall be permitted between the hours of 18.00 to 08.00, or at any time on Sundays, except in the following circumstances:

- (i) In an emergency situation where there is a danger to persons in the proposed development.
- (ii) Within a defined part of the proposed development and on a specified date or dates with prior written consent of Mid Ulster District Council.

Reason: In the interests of residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	7th September 2016
Date First Advertised	22nd September 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 24 Carmean Road, Money more, BT45 5HS	
Date of Last Neighbour Notification	21st September 2016
Date of EIA Determination	8th August 2017
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1241/F Proposal: Extension to Existing Quarry Address: Northstone Materials, 18 Carmean Lane, Money more, Decision: Decision Date: Ref ID: H/2008/0525/Q Proposal: Regarding future development for Ulster White Limestone. Address: Northstone Carmean Quarry Decision: Decision Date: Ref ID: LA09/2015/0360/PAD Proposal: Extension of existing quarry. Address: 18 Carmean Road, Money more, Decision: Decision Date: Ref ID: LA09/2015/0571/F Proposal: Minor extension to existing quarry Address: 18 Carmean Lane, Money more, Decision: PG Decision Date: 04.01.2016	

Summary of Consultee Responses

All consultees responded positively and did not raise any issues which could not be satisfactorily addressed.

Drawing Numbers and Title

Drawing No. 04/1

Type: Cross Sections

Status: Submitted

Drawing No. 02

Type: Existing Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Existing Plans

Status: Submitted

Drawing No. 09

Type: Proposed Plans

Status: Submitted

Drawing No. 08

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 06

Type: Proposed Plans

Status: Submitted

Drawing No. 07

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1246/F	Target Date:
Proposal: Winning & Working of Minerals (Sand & Gravel deposit) with restoration to agricultural lands.	Location: Lands West of no. 53 Knockaleery Road Cookstown
Referral Route: Major application	
Recommendation:	APPROVE
Applicant Name and Address: Mr Wilbert Patterson 53 Knockaleery Road Cookstown BT80 9EH	Agent Name and Address: Quarryplan Limited 6 Saintfield Road Crossgar Downpatrick BT30 9HY
Executive Summary: Approval recommended with conditions	
Signature(s):	



Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Rivers Agency	No Objection
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Health & Safety Executive for NI	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Historic Environment Division (HED)	
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
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

Characteristics of the Site and Area

The site is located at lands west of No.53 Knockaleery Road, Cookstown. It is located in the open countryside and it rural in nature.It is agricultural in nature and is currently used for grazing. The land includes two adjacent fields which are separated by sparse hedging acting as a common boundary running north to south. The land on the site sits at higher ground than Knockaleery Road and the site itself is undulating land. There are existing farm buildings and dwellings near to the boundaries of the site.

Description of Proposal

Agricultural improvements comprising of a topographical change to the existing landforms and removal of materials including mineral (sand and gravel)

Planning Assessment of Policy and Other Material Considerations

Policy Assessment

SPPS 2015 provides the framework within the planning system in NI will operate. It consolidates some 20 publications into one document and sets out strategic subject planning policy for a range of planning matters. In relation to renewable energy the aim is to facilitate the siting of renewable proposals in appropriate locations within the built and natural environment in order to achieve NI's renewable energy without compromising other environmental assets of acknowledged importance.

Until a plan strategy for the whole of the council area has been adopted planning applications will be assessed against existing policy (other than 1, 5 & 9) together with the SPSS.

The relevant policies for this type of development is A Planning Rural Strategy for NI;

Policy MIN 1 Environmental Protection.

Shared Environmental Service were consulted to consider the potential impacts on European Designated Sites. The site is hydrologically linked to Upper Ballinderry River SAC/ASSI which is of international and national importance and are protected by Conservation (natural habitats) Regs NI 1995 and The Environment (NI) Order 2002.

NIEA- NED have considered the impacts of the proposal on the designated site and they have highlighted potential impacts on the site relating to degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works. They advise all mitigation measures outlined in the drainage and flood risk assessment should be adhered to. The applicant's attention is also drawn to the standing advice relating to badgers, hedgerows and wildlife to advise them of potential natural heritage impacts and will be added as informatives to any decision notice.

The site is existing farmland and is of low biodiversity value. I am content that the proposal will not cause harm to the natural or built environment.

Policy MIN2 Visual Implications

When viewed from surrounding public road networks the site is not highly visible. The proposed works will not be seen from public vantage points, and on completion of excavation works the applicant/agent has also provided restoration details which can be conditioned should permission be granted, which will ensure the land is replanted with grass and returned to agricultural use. The area to be excavated is relatively small when compared to other quarry applications, therefore I am satisfied that the visual impact of the proposal will not have a detrimental impact on the visual amenity and landscape character of this area of countryside.

Policy MIN 3 Areas of Constraint

The site is not located within an Area of constraint on Mineral Development as defined in the Cookstown Area Plan 2010.

Policy MIN4 Valuable Minerals

The proposal does not involve the mining of valuable minerals (as defined by policy, eg. oil, gas, lignite).

Policy MIN5 Mineral Reserves

The proposal does not involve surface development which would prejudice future exploitation of valuable mineral reserves.

Policy MIN6 Safety and Amenity

The Health and Safety Executive for Northern Ireland (HSENI), Geological Survey for NI and Mid Ulster District Council Environmental Health (EHD) were consulted on this proposal.

HSENI initially raised concern about proposed levels within the site, that this may increase the chance of an accident as machinery may topple. The agent submitted new plans and HSENI are now content with this proposal.

Geological Survey have no objections to this proposal. The works will be surface level with no mining. Therefore land stability will not be affected. There are no occupied properties within close proximity of the site that would be impacted by vibration or landslide/collapse.

A Noise Impact Assessment was supplied and Environmental Health have asked for further information relating to sound barrier details. The agent has provided this detail and EHO were re-consulted. It is understood that EHO have no objections subject to firming up conditions to be attached to any permission. A condition will be attached relating to the need to submit a dust survey in the event of a substantive complaint.

Policy MIN7 Traffic

Transport NI were consulted on this proposal and have provided conditions to be attached to any approval.

The development will involve the materials on site being excavated and transported off site. Transportation of materials on site would be carried out by a combination of vehicles, which will continue to use the existing lane and entrance. The proposed loading and despatch of these vehicles will be operated in accordance with best practice and will therefore adopt established practises.

<p>Policy MIN8 Restoration</p> <p>The applicant/agent has provided a restoration plan that can be conditioned should planning permission be granted. The land will be changed back to agricultural grasslands.</p> <p>The proposal will involve the stripping of topsoil and the removal of subsurface materials, namely sand and gravel. The topsoil will be retained on site to provide material to be employed to restore the site post development to improve the grasslands.</p> <p>The proposal will provide levels which will see the lands re-profiled to a gentle gradient, sloping from the NW to SE. The profiling will tie into existing levels in the SE in line with that of the existing farm buildings and dwelling. The existing field boundaries will be transported onto the final improved profile of the site.</p> <p>Approval with conditions is recommended.</p>		
<table border="0"> <tr> <td>Neighbour Notification Checked</td> <td style="text-align: right;">Yes</td> </tr> </table>	Neighbour Notification Checked	Yes
Neighbour Notification Checked	Yes	
<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>No other development hereby permitted shall be commenced until the vehicular access has been constructed in accordance with Drawing No 06/02 bearing the date stamp 10th August 2017. REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>The visibility splays of 2.4 metres by 70 metres and the required forward sight distance of 70 metres at the junction of the proposed access with the public road, shall be provided in accordance with the Drawing No. 05 bearing the date stamp 20th January 2017, prior to the commencement of any works or other development. REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>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.</p> <p>The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</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>		

No other development hereby permitted shall be commenced until the road works indicated on Drawing No 06/02 bearing the date stamp 10th August 2017 have been fully completed in accordance with the approved plans.

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

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.

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.

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.

No sub-water table mineral extraction or dewatering of the workings (off-site discharge) should take place.

Reason: Protection of the aquatic environment.

The site operations must follow the method statement of working as described on page 5 of BCL letter, dated 10 November 2016.

Reason: To ensure dry workings and a final restoration above the level of groundwater within the sand and gravels. Protection of the aquatic environment

All mitigation measures outlined in the Drainage and Flood Risk Assessment must be adhered to.

Reason: To ensure that the proposal does not result in any significant effect on the features of any European site.

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

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

Signature(s) E. McCullagh

Date:23/8/17

ANNEX	
Date Valid	7th September 2016
Date First Advertised	22nd September 2016
Date Last Advertised	6th July 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Magheraglass Road, Tattykeel, Cookstown The Owner/Occupier, 47 Knockaleery Road, Cookstown, BT80 9EH The Owner/Occupier, 49 Knockaleery Road, Cookstown, BT80 9EH The Owner/Occupier, 51 Knockaleery Road, Cookstown, BT80 9EH The Owner/Occupier, 53 Knockaleery Road, Cookstown, BT80 9EH The Owner/Occupier, 53A Knockaleery Road, Cookstown, BT80 9EH	
Date of Last Neighbour Notification	22nd June 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0009/DETEI Proposal: Agricultural land improvements comprising of a topographical change of existing landforms and removal materials, including minerals (sand and gravel) Address: Lands West of no. 53 Knockaleery Road, Cookstown, Decision: NRES Decision Date: Ref ID: LA09/2015/0675/PAD Proposal: Sand and gravel extraction Address: Magherglass Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2016/1246/F Proposal: Agricultural improvements comprising of a topographical change to the existing landforms and removal of materials including mineral (sand and gravel)	

Address: Lands West of no. 53 Knockaleery Road, Cookstown,
Decision:
Decision Date:

Ref ID: LA09/2016/0682/PAN

Proposal: Agricultural land improvements comprising of a topographical change to the existing landforms and removal of materials, including minerals (sand and gravel)
Address: Lands West of 53 Knockaleery Road, Cookstown,
Decision: PANACC
Decision Date:

Ref ID: I/1998/0292

Proposal: Erection of dwelling
Address: 49 KNOCKALEER ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1978/0105

Proposal: 11KV O/H LINE
Address: MAGHERAGLASS, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1999/0260

Proposal: Dwelling House
Address: 49 KNOCKALEERY ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1996/0391

Proposal: Replacement Dwelling
Address: 47 KNOCKALEERY ROAD MAGHERAGLASS COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1984/0282

Proposal: ERECTION OF DWELLING
Address: MAGHERAGLASS, GORTREAGH, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1985/0439

Proposal: BUNGALOW
Address: KNOCKALEERY ROAD, MAGHERAGLASS, COOKSTOWN

Decision:
DecisionDate:

Summary of Consultee Responses

Conditions required



Environmental Health Department

Our Ref:

Planning Ref: LA09/2016/1246/F

Date: 23/08/17

Comments on Planning Application

Proposal: Agricultural land improvements comprising of a topographical change of existing landforms and removal materials, including minerals (sand and gravel)

Location: Lands West of no. 53 Knockaleery Road, Cookstown

This application relates to proposed agricultural land improvements comprising of a topographical change of existing landforms and removal materials, including minerals (sand and gravel).

The Environmental Health Service has commented on this proposal on a number of occasions most recently 5th May 2017. As requested a set of drawings showing the location and dimensions of protective bunds have been forwarded to Planning.

Recommendation

The Environmental Health Service would have no objection to this proposal subject to the following conditions being attached to any approval.

Noise

1. The three earthen bunds identified in the KRM acoustic assessment should be located and constructed in accordance with the submitted technical drawings EB/RP/2017 and PN/2017/01 (both dated 21st August 2017).

Dust

2. Within 3 days of the operator being notified by the Department of a substantive complaint regarding dust relating to this development, a dust survey shall be undertaken. The survey shall assess and report the dust impact from the site operation at the complainant's property.
3. If the results of the survey required by condition 2 demonstrate dust blowing beyond the boundaries of the site, operations shall cease until a programme of remedial works can be undertaken or weather conditions change. A further survey shall be undertaken immediately thereafter and a report of such submitted to and agreed with the Department to demonstrate compliance.



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1590/F	Target Date:
Proposal: Store for existing moulds and vehicle parts	Location: 15 Cullenfad Road Dungannon
Referral Route: Objection received.	
Recommendation: Approve.	
Applicant Name and Address: Mr Ivan McKeown 15 Cullenfad Road Dungannon BT70 1RU	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Approve with conditions.	
Signature(s):	

Case Officer Report

Site Location Plan

Consultations:



Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

The initial application placed the building to the northern portion of the site, adjacent to the existing garage. A letter of objection received on 1st December from the resident of no. 17 Cullenfad Road. He raises a number of concerns, noting;

- The applicant did not own the existing laneway but was granted a right of way to his house and garage. He does not have right of way to create additional openings into the lane.
- The red line boundary map does not accurately reflect the Land Registry boundary between Mr McKeown and his property.
- The lane is the entrance to his field and he has concerns in relation to additional traffic blocking the access.
- The shed with a 6m ridge height could encroach on the existing laneway
- The existing store is not accurately marked on the site plan.

A subsequent amended proposal was received which proposes the storage building to be sited to the south of the red line site, to the rear of Cullenfad Orange Hall. The revised scheme

alleviates some of the concerns raised in relation to access, right of ways and encroachment of the proposal over the laneway.

Furthermore, given the proposal is for a storage building to serve the existing business, no additional vehicles are anticipated as a result of the proposal as noted on the P1 application form. Revised drawings reflecting landownership has also been received.

In a subsequent letter following notification of amended plans, a letter of representation was received by the same resident. It states;

-The boundary hedge is not damaged during building and he would like the hedge to continue to grow to act as a screen.

The retention of existing hedgerow will in my view aid integration, I therefore recommend a condition is included if permission is to be granted.

It also requests that the ridge height is kept to a minimum as the building will overlook my property and garden. This is discussed in the latter part of this report.

Characteristics of the Site and Area

The site is located approximately 1.7km south west of Castlecaufield in an area largely characterised by agricultural land, dispersed settlement and farm holdings. It is in the proximity of Parkanaur forest and is the site of an existing bungalow, no. 15 Cullenfad Road, Castlecaufield. It is bounded to the north and west by a belt of mature coniferous trees. The dwelling is set back from the public road, which is a narrow and low trafficked road.

To the rear of the dwelling is an existing domestic garage with a first floor which is being used as a store an office for the business. Attached the garage on the ground floor to the rear is a shed which provides a commercial workshop. To the side of the garage is a covered external area which is accessible via a laneway which runs along the northern site boundary. Land to the south and east of the shed is raised and approximately 1m higher level than the finished floor level of the shed.

To the south of the site and adjacent to the dwelling is Cullenfad Orange Hall which is a single storey building with a rectangular plan. To the rear of the Orange Hall within the red line site iare 2 no. ancillary buildings associated with the dwelling and a greenhouse.

History

LA09/2016/0892/LDE - 15 Cullenfad Road, Dungannon - Shed for the manufacture of Commercial and Mobility Vehicle Parts - PERMITTED DEVELOPMENT

M/2009/0580/F - Rear of and Adjacent to 17 Cullenfad Road, Dungannon - Erection of Dwelling & Garage - Change of House Type from that approved under M/2007/0392/RM, Utilising Access Approved under M/2007/1435/F – GRANTED

Description of Proposal

Store for existing moulds and vehicle parts

Planning Assessment of Policy and Other Material Considerations

-SPPS

-Dungannon and South Tyrone Area Plan

-PPS3: Access, Movement and Parking

-PPS 4: Planning and Economic Development

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

The Dungannon and South Tyrone Area Plan identifies the site in a rural area outside any development limits. PPS21 sets out policies for development in the countryside. In the case of industry and business uses, it states that permission will be granted in accordance with PPS4 which outlines policies for planning and economic development. Policy PED 3: The Redevelopment of an Established Economic Development Use and PED 9: General Criteria for Economic development are relevant policy considerations for the proposal, which is for a storage for existing moulds and vehicle parts and change of use of lands to storage area.

PED 3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site.

The policy continues, where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing buildings and will integrate as part of the overall development.

The proposal is for a storage building associated with the existing business for vehicle mobility parts, the building and use for which was granted a Certificate for Lawful Development (Existing) on 17.10.2016.

The proposed building, has a rectangular footprint which measures 15m x 8.2m and is constructed with a steel portal frame with concrete shuttered wall with corrugated cladding to the side and rear walls and the roof. The front wall is not enclosed. The building has a pitched roof which extends to 5.85m to the ridge from finished floor level.

It was evident during site inspection that numerous moulds and parts are being scattered around the yard surrounding the business building and dwelling in the absence of a designated storage building. The applicant has noted the shed proposed is to protect these parts from the elements and sap from the nearby trees.

In considering the reuse or extension of existing buildings on site, it is apparent that the existing buildings are in use. The existing building which is used for business purposes, is bounded by a laneway to the north and a raised lawn to the south. An extension to this building is impeded by the restricted nature of the site and if located on the grassed area adjacent would significantly reduce the amenity space which serves the dwelling and cause a greater degree of visual impact due to the higher ground levels. The proposal is for a storage building located in place of 2 no. domestic ancillary buildings and a greenhouse located along the southern site boundary. I therefore consider a new storage building in place of existing buildings to be a reasonable solution to the need which has been demonstrated.

The proposal is of a similar size and scale and design to existing buildings on site. It is notable that the existing ground levels are to be lowered by approximately one metre, situating the proposal approximately 2.8m below the ground level of the neighbouring dwelling - no. 17 Cullenfad Road.

The proposal will not in my view cause unacceptable adverse impact on neighbouring amenity considering is located some 2.8m lower than the adjacent dwelling no. 17 Cullenfad Road. It extends to 5.85m and has no windows which could allow overlooking. Furthermore the building has no upper floor. The site bounded to the south by a well-established hedgerow which I recommend is retained by condition as part of the proposal to aid integration and protect neighbouring amenity.

The proximity of the proposal to the Orange hall is also considered. It must be noted that the proposed development can only be facilitated by the removal of building situated to the rear of the Hall. On review of orthographical maps, the larger of these buildings appears in place since at least April 2007. This building is situated some 2.5m from the rear return of the Orange Hall. Another existing building on site is positioned parallel to the hall and situated 2.5m from the rear wall.

The proposal is located 4.5m from the rear wall of the hall. The amendment to site levels will help to reduce the overall ridge height of the proposal. Acknowledging the ridge height proposed is likely to extend beyond that which exists, I consider that it will not cause an unacceptable degree of adverse impact on the amenity to the adjacent hall, considering the existing buildings which are in closer proximity.

I do not consider that the additional 123sqm of floor space being proposed (in additional to the previous approval) is a major expansion of the existing business enterprise. It is my view that the use of this building should be limited by condition to storage only to avoid any other use associated with the business which could cause adverse impact on neighbouring residential amenity due to noise.

In considering PED 9 - General Criteria for Economic development, in my view the proposal is compatible with existing use. The proposal is located in proximity of a neighbouring building – Cullenfad Orange Hall however as noted above concerns are alleviated when considered existing buildings on site and its use as a hall. Reduction in ground levels also mitigate against overshadowing on the neighbouring dwelling and reduce visual impact from the Cullenfad Road.

There are no additional vehicles anticipated as part of the proposal which is for storage only. There was therefore no statutory requirement to consult Transport NI. There is space within the curtilage of the site for parking and manoeuvring of vehicles.

In conclusion in my view the proposal is acceptable and I recommend approval is granted subject to conditions.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approve with conditions.	
Conditions	
1.The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.	
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	

2. The existing natural screenings of the site, as indicated in green, on approved drawing number 01rev1 date stamped received 3rd Aug 2017 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

3. The premises hereby approved shall be used only for storage and for no other purpose in Use Class B4 of the Schedule to The Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class and in the interest of neighbouring amenity.

4. The storage building hereby approved shall only be used ancillary to the existing dwelling and manufacturing shed on the site and shall not become a separate planning unit.

Reason: In the interest of neighbouring amenity.

Signature(s)

Date:

ANNEX	
Date Valid	2nd November 2016
Date First Advertised	24th November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Cullenfad Road Cullenfad Dungannon Brian Gallagher 17 Cullenfad Road, Dungannon, Tyrone, BT70 1RU Brian Gallagher 17 Cullenfad Road, Dungannon, Tyrone, Northern Ireland, BT70 1RU The Owner/Occupier, Cullenfad Orange Hall, 15a Cullenfad Road, Dungannon	
Date of Last Neighbour Notification	1st August 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/0282/F Proposal: Proposed new vehicular entrance to supercede that approved under M/2004/0546/O and M/2007/0392/RM Address: Adjacent to 17 Cullenfad Road, Dungannon, Decision: PG Decision Date: 03.05.2016 Ref ID: LA09/2016/0892/LDE Proposal: Shed for the manufacture of Commercial and Mobility Vehicle Parts Address: 15 Cullenfad Road, Dungannon, Decision: PG Decision Date: Ref ID: LA09/2016/1590/F Proposal: Store for existing moulds and vehicle parts and change of use of land to storage area Address: 15 Cullenfad Road, Dungannon, Decision: Decision Date:	

Ref ID: M/1979/0238
Proposal: DWELLING HOUSE
Address: CULLENFAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1979/023801
Proposal: DWELLING HOUSE
Address: CULLENFAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1986/0367
Proposal: EXTENSION TO DWELLING
Address: 15 CULLENFAD ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1994/0330
Proposal: Proposed New garage
Address: 15 CULLENFAD ROAD CULLENFAD CASTLECAUFIELD
Decision:
Decision Date:

Ref ID: M/2001/1060/F
Proposal: Front Living Room Extension to Dwelling
Address: 15 Cullenfad Road, Cullenfad, Dungannon
Decision:
Decision Date: 19.07.2002

Ref ID: M/2004/0548/O
Proposal: Proposed Dwelling
Address: Site to the rear of No.17 Cullenfad Road, Dungannon
Decision:
Decision Date: 14.05.2004

Ref ID: M/2006/1711/F
Proposal: Proposed New Vehicular Entrance to Supercede M/2004/0548/O (Amended P1 form and amended plans)
Address: Adjacent to 17 Cullenfad Road, Dungannon
Decision:
Decision Date: 07.09.2007

Ref ID: M/2007/0392/RM

Proposal: Proposed storey and a half dwelling with associated septic tank and landscaping (amended plans)

Address: Site to the rear of No. 17 Cullenfad Road, Dungannon

Decision:

Decision Date: 14.09.2007

Ref ID: M/2007/1435/F

Proposal: Proposed new vehicular entrance to supercede that approved under M/2004/0548/O

Address: Adj. to 17 Cullenfad Road, Dungannon

Decision:

Decision Date: 20.02.2008

Ref ID: M/2009/0580/F

Proposal: Erection of Dwelling & Garage - Change of House Type from that approved under M/2007/0392/RM, Utilising Access Approved under M/2007/1435/F

Address: Rear of and Adjacent to 17 Cullenfad Road, Dungannon

Decision:

Decision Date: 25.08.2009

Summary of Consultee Responses

N/A

Drawing Numbers and Title

Drawing No. 02

Type: Site Layout or Block Plan

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1624/O	Target Date:
Proposal: Site for Dwelling and Garage on a Farm	Location: Land to rear of 215-217 Washingbay Road Coalisland Dungannon (access taken via existing farm access between No's 215 and 217)
Referral Route: Refusal	
Recommendation:	Refuse
Applicant Name and Address: B Donnelly 215 Washingbay Road Coalisland Dungannon BT71 5EG	Agent Name and Address: Grangewalls 44 Ballyclander Road Downpatrick BT30 7DE
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	DAERA - Omagh	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p>Description of proposal This is a outline planning application for a dwelling on a farm, associated with an existing horticultural business.</p> <p>Characteristics of site and area This site is the northern section of a larger agricultural field which is located along the Washingbay Road, the site is located to the rear of No.s 215 and 217, and accessed through 2 poly tunnells which form part of an existing horticultural business. Boundaries to the field are standard trimmed thorn hedges.</p> <p>The area is flat and open, typical of the Loughshore area. Single dwellings and farm holdings are the dominant built form. Land is used mostly for agricultural grazing purposes.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Area Plan Dungannon and South Tyrone Area Plan 2010: the site is located in the countryside. Policies SPPS and PPS21 apply.</p> <p>Planning History No relevant planning history exists on this site.</p> <p>Objections No 3rd part planning objections have been received</p> <p>Key Planning Policy The proposal will be assessed under Policy CTY10 of PPS21. The Strategic Planning Policy Statement for Northern Ireland (SPPS) does not supersede any of the provisions of CTY10.</p> <p>3 key policy tests have to be met for a dwelling on a farm to be considered acceptable;</p> <p>The first is that the farm business is both established for at least 6 years and currently active. DAERA confirm that the farm business ID number (ABIN) quoted on the P1C has only been in existence from 2014. It seems the business is currently active but not established for a period of at least 6 years and is therefore contrary to policy.</p> <p>When asked to explain what business the land belonged to before 2014, the applicant/agent provided business ID No. 640076, Mr. John Donnelly. On further investigation it was discovered that planning permission was granted under M/2013/0414/F for a dwelling on a farm using business ID 640076. Therefore it seems that a business ID No. was created (farm sub-divided) by the applicant for the purposes of gaining an additional dwelling. Policy only allows one dwelling on a farm to be approved once every 10 years. The applicant has argued that his father, Brian Sr, passed away and left part of the holding to one son, part to Brian Jr. The applicant also argues that he has run the horticulture business from his address, No. 215, for over 20 years. While this may be the case, policy only allows 1 dwelling every 10 years on established holdings. This is not an established holding and a dwelling has been granted under M/2013/0414/F in October 2014.</p>	

There is no evidence to suggest that that any dwellings or development opportunities have been sold off the farm holding within 10 years from the date of the application (from 25.11.2008).

The final test is that the proposed dwelling should visually link or be sited to cluster with an established group of buildings in the countryside. The site is located adjacent to the applicants dwelling and associated horticultural buildings. The existing access to the proposed dwelling passes between 2 poly tunnels. It is my view that the proposal will visually link and cluster with an existing group of buildings on the farm.

In my view, a 7.5m ridge dwelling sited in the northern half of the site will visually link and cluster with the existing grouping. The proposed access will also integrate and runs through the existing access and a hedge line. The proposal will not offend policy CTY13 of PPS21.

As the proposed dwelling will be sited to link with existing farm buildings, these will group together in the landscape and will read as one holding, therefore in my view there will be no detrimental impact on the rural character of this area through build-up. Policy CTY14 will not be offended.

The proposal will not create a ribbon of development. Policy CTY8 of PPS21 is not offended.

Other considerations

Transport NI have no objections to the proposal subject to 2.4m x 80m sightlines in both directions.

There are no objections to this proposal.

Design can be assessed at reserved matters stage should permission be granted. In my view there will be no issues of overlooking or overshadowing of neighbouring property, or any detrimental impacts on neighbouring landuse.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be refused for the following reasons.

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that;

-it has not been demonstrated that the farm business has been established for at least six years;
-planning permission has been granted for a dwelling on the farm within the last 10 years under planning application M/2013/0414/F.

Signature(s)

Date:

ANNEX	
Date Valid	18th November 2016
Date First Advertised	1st December 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 214 Washingbay Road Aughamullan Coalisland The Owner/Occupier, 215 Washingbay Road, Aughamullan, Coalisland, Tyrone, BT71 5EG, The Owner/Occupier, 217 Washingbay Road Aughamullan Coalisland The Owner/Occupier, 218 Washingbay Road Aughamullan Coalisland	
Date of Last Neighbour Notification	24th November 2016



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1795/F	Target Date:
Proposal: Storey and a half domestic garage	Location: 3a Tullycall Road Cookstown
Referral Route: Objection received	
Recommendation:	APPROVE
Applicant Name and Address: Philip Thom 3a Tullycall Road Cookstown	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

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

Summary of Issues

One objection was received in connection with this application.

Objector raised a number of concerns with regards to the proposed domestic garage:

- Issue that the proposed garage would adjoin the objectors cattle house where there is a slurry tank beneath the ground. In that any building could cause structural damage to the building and or tank, in the short or long term.
- Stated that the repositioning of the oil tank next to the cattle shed is a fire hazard. The objector is seeking further advice from the Ulster Farmers Union technical division on these matters. Went on to state that land boundaries need to be assessed however since her husband passed away she has not been able to get all maps updated therefore couldn't comment on these. Finally mentioned that she would have no objection if the applicant built the garage on the left hand side of the back entrance to his house.

In response to the comments made by the objector; firstly with regards to the structural damage to the cattle shed or slurry tank, we are unable to assess this at this planning stage and would be

a concern at building control stage. In terms of the fire hazard over the oil tank, I have asked the applicant if he could re-position this and he would consider repositioning the oil tank to satisfy the neighbours' concerns. Finally in terms of the position to which the objector would have no concerns appears to be where the previously approved garage is located and as stated above is due to be constructed.

Characteristics of the Site and Area

No.3a Tullycall Road, there is post wire fencing around the site plus along the eastern boundary is the agricultural building apart of No. 5 farm holding. The development pattern is primarily a mix of single dwellings and farm complexes.

Relevant planning history

I/2009/0652/F – Proposed Dwelling and garage – Approved 19.05.10

Representations

There were two notification letter were sent out however one objection was received on this application.

Description of Proposal

A full application for a 2 storey detached domestic garage at 3A Tullycall Road, Cookstown. The proposed wall finish is to be a smooth render finish with a colour to be decided, with natural black slates for the roof. The windows are to be ivory white uPVC.

Worth noting that a garage has already been approved for the dwelling 3A Tullycall Road under I/2009/0652/F. This garage has not been constructed however it was confirmed on site in speaking to Mr Thom that it would be constructed at the same time as the proposed new garage if it were to be approved. Also the site is currently using a temporary access where the access approved under I/2009/0652/F is the intended access but yet to be completed.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

PPS 1 General Principles

PPS 7 Quality Residential Environments

Policy EXT 1 of Addendum of PPS 7 Residential Extensions and Alterations

PPS 1 – General Principles is a general policy that the department observes in carrying out its planning functions, including exercising control of development. Of particular relevance to this application are paragraphs 15 to 22 of PPS 1 regarding design and paragraph 52 relating to amenity. This policy provides overall context under which the Department will determine planning applications. There is a presumption in favour of development unless the proposal shows demonstrable harm.

This proposed two storey garage is relatively large especially as there is already another garage approved on the site, which was confirmed that it is due to be constructed as soon as this proposed garage was approved. However it was felt necessary to gain justification as to why

there was a need for an additional garage, the applicant came back and stated that previously approved garage will be used to store just the car and van. Whilst the additional garage will be used to store machinery such as a trailer, caravan, quad, lawnmowers and ladders etc.

In terms of the proposed scale, massing and design of the proposed garage, it is noted that the garage is quite large however from the amended plans inclusive of site levels confirmed the proposed garage will be lower than the existing dwelling. In addition to this any visual concerns are limited from the roadside due to the backdrop of the house travelling in a western direction and then the adjacent agricultural buildings travelling in an east along the Tullycall Road. This is further aided by the fact the external materials are to reflect that of the existing dwelling and from this I am content that the garage is able to be sympathetic with the form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. Even though the ridge height of the proposed garage is 6.3 metres it will have next to no visual impact on the neighbouring dwelling due to the separation distance between the two plus the agricultural building that intervenes the two. From this the development will not create a dominance, overshadowing or lack of light to any neighbouring property. As a result the proposed garage will not unduly affect the privacy or amenity of the neighbouring residents. The proposal will not cause the unacceptable loss of, damage to, trees or other landscape features, only a small portion of the grassed land being removed to provide the space for the detached garage. However sufficient space will remain within the curtilage for recreational and domestic purposes especially after the laneway has been amended and implemented as per previously approved.

The proposal accords with the policy therefore I recommend approval for this development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Objection to proposed development. Recommendation to approve.

Conditions

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

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

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 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.

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

Signature(s)

Date:

ANNEX	
Date Valid	21st December 2016
Date First Advertised	12th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 5 Tullycall Road Drumearn Cookstown Anne Harkness 5, Tullycall Road, Cookstown, Tyrone, Northern Ireland, BT80 9QY The Owner/Occupier, 5A Tullycall Road, Drumearn, Cookstown, Tyrone, BT80 9QY Anne Harkness	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1795/F Proposal: Storey and a half domestic garage Address: 3a Tullycall Road, Cookstown, Decision: Decision Date: Ref ID: I/1977/0198 Proposal: 11 KV O/H LINE Address: CREEVAGH, COOKSTOWN Decision: Decision Date: Ref ID: I/2009/0652/F Proposal: Proposed dwelling and garage Address: 45m south west of 5 Tullycoll Road, Cookstown Decision: Decision Date: 19.05.2010 Ref ID: I/2011/0053/F Proposal: Temporary retention of dwelling.	

Address: 5A Tullycall Road, Cookstown,
Decision:
Decision Date: 13.05.2011

Ref ID: I/1999/0617/O
Proposal: Replacement Dwelling
Address: 5A Tullycoll Road Cookstown
Decision:
Decision Date: 16.05.2000

Ref ID: I/2004/0705/O
Proposal: Replacement dwelling
Address: 60 metres (approx) south of 5 Tullycoll Road Cookstown.
Decision:
Decision Date: 16.11.2004

Ref ID: I/2005/0060/F
Proposal: Replacement dwelling & Garage (domestic)
Address: 50m (approx) South of 5 Tullycoll Road, Cookstown
Decision:
Decision Date: 15.03.2005

Ref ID: I/1997/0190
Proposal: Extension and improvements to farm house
Address: 5 TULLYCOLL ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1976/0012
Proposal: IMPROVEMENTS TO FARMHOUSE
Address: DRUMEARN, COOKSTOWN
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. 02

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0118/O	Target Date:
Proposal: New Dwelling (Amended access detail)	Location: Between 18 and 20 Brackagh Road Moneymore
Referral Route: Approval – Objection received	
Recommendation:	APPROVE
Applicant Name and Address: Mr and Mrs P Cassidy 5 Brackagh Lane Moneymore BT45 7RT	Agent Name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	1
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 received

Summary of objections

- Incorrect address on P1 form – subsequently resolved

Detrimental impact on residential amenity

- An identified soakaway on the site
- Infringement of Privacy
- Blocking Sunlight
- Noise
- Loss of views and impact on wildlife
- Additional vehicles on the country road
- Failure of policy
- Drainage Issues

Characteristics of the Site and Area

The site is located approximately 2km south west of the settlement of Desertmartin, and is defined to be in the open countryside as per the Magherafelt Area Plan 2015. The front portion of the site is overgrown grassland whilst the rear of the site is part of another agricultural field. The site is bounded on the southern boundary by mature hedging separating the site from No.18 whilst on the opposite side it is bounded by partly fencing then with a concrete wall moving to the rear of No. 20. The rear of the site is bounded by mature trees and hedging. The immediate locality is characterised by residential development, with the wider surrounding area is characterised by agricultural land and residential uses predominantly.

Representations

There were three notification letter were sent out however there were two objections received.

Description of Proposal

This is an outline application for a proposed new dwelling located between 18 and 20 Brackagh Road, Moneymore.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015**Strategic Planning Policy Statement (SPPS)****PPS 21 Sustainable Development in the Countryside**

The application is for an infill dwelling. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

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

adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The site proposed is only large enough that it would be capable of accommodating only a maximum of one dwelling, which has been applied for in this application. In terms of a substantial and continuous frontage, it is defined as a line of 3 or more buildings along a road frontage without accompanying development to the rear. With regards to the site and discussions with the principal planner it was agreed that there is a line of three buildings, that of No 20 and the garage and dwelling of No 18. It was agreed that this is capable of constituting as the continuous and built up frontage therefore on this basis the application is capable of complying with policy CTY 8. All provided that the dwelling sited in between the two dwellings to respect the character of development and achieve integration under CTY 13 and 14.

However in examining the objections received it is clear that there is an issue of siting the dwelling in the front portion of the site directly between the two dwellings as a result of an identified soakaway. Alternatively I would be concerned that if a dwelling were to be sited further back this would result in a loss of residential amenity. By reason of overlooking, loss of privacy and in addition would be out of character. However I do not accept that a well-designed dwelling would result in a loss of light. A letter of support confirming that they constructed both of the objectors dwellings and that all services were located within each property and that neither of these parties have any access or have had any need of access to the application site. Despite this and after discussions with the Planning Manager it was agreed that the most appropriate location for a dwelling would be sited in the front portion of site. This is dependent on a written agreement between all connected properties for the identified soakaway to be relocated and for this this written agreement to be submitted as part of any reserved matters application. From this it is felt necessary to therefore restrict the ridge height to that of a single storey and for the need of a landscape management plan to submitted along with the reserved matters application. This would in turn aim to mitigate any concerns over infringement of privacy, loss of light and views. With regards to the concerns of noise and additional traffic raised, Environmental Health and Transport NI were both consulted to alleviate these concerns with a response of no objection subject to informatives. Finally in terms of the drainage concerns mentioned this is an issue for the Water Management Unit. Despite the objections received I am content on balance that the proposal is to comply under PPS 21.

I have no ecological, flooding or neighbour amenity concerns.

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

The proposed development has complied with CTY 8, 13 and 14 therefore I must recommend approval for this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

4. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

5. The proposed dwelling shall have a ridge height of less than 6.0 metres above existing ground level.

Reason: To ensure that the development is in keeping with the character of neighbouring development.

6. The dwelling hereby permitted shall be sited within the area shaded in yellow.

Reason. To ensure that the proposal is in keeping with the character of this rural area.

7. No development shall take place prior to written consent from Mid Ulster District Council to demonstrate that the issues relating to the soakaway have been resolved. To demonstrate this the applicant will need to obtain written agreement for the removal or resiting of the soakaway with the person who uses it. This should be done prior to or coincides with the submission of the reserved matters application.

Reason: To ensure there is an adequate means of effluent disposal for the neighbouring property.

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

Signature(s)

Date:

ANNEX	
Date Valid	27th January 2017
Date First Advertised	9th February 2017
Date Last Advertised	6th April 2017
Details of Neighbour Notification (all addresses) Thomas McVey 123, Ballinderry Bridge Road, Coagh, Londonderry, Northern Ireland, BT80 0BU M Lorraine & Conor Ormsby 18 Brackagh Road, Desertmartin, Londonderry, Northern Ireland, BT45 7RR The Owner/Occupier, 18 Brackagh Road, Moneymore Danielle and Barry Sheridan 20 Brackagh Road, Desertmartin, Co Derry, BT45 5NS The Owner/Occupier, 20 Brackagh Road, Brackagh Slieve Gallion, Desertmartin, Londonderry, BT45 7RR, The Owner/Occupier, 22 Brackagh Road, Moneymore	
Date of Last Neighbour Notification	6th February 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0118/O Proposal: New Dwelling Address: Between 18 and 22 Brackagh Road, Moneymore, Decision: Decision Date: Ref ID: H/1999/0681/RO Proposal: Dwelling and Garage Address: 180m NW of 15 Brackagh Road, Desertmartin Decision: Decision Date: 29.01.2000 Ref ID: H/2000/0002/O Proposal: Site of dwelling Address: 80M North West Of 15 Brackagh Road, Iniscarn, Desertmartin Decision:	

Decision Date: 18.09.2000

Ref ID: H/2010/0194/F

Proposal: Loft conversion, extension to the side and garage

Address: 18 Brackagh Road, Desertmartin

Decision:

Decision Date: 10.06.2010

Ref ID: H/2010/0222/F

Proposal: Proposed dwelling and integrated garage

Address: 48m North East of no.15 Brackagh Road, Magherafelt

Decision:

Decision Date: 15.02.2011

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: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/09/2017	Item Number:
Application ID: LA09/2017/0154/F	Target Date: 19/05/2017
Proposal: Proposed dwelling on a farm	Location: 120m SE of 48 Stiloga Road Eglish Dungannon
Referral Route: <p>This application is being presented to Planning Committee as an approval. Members are being advised that the proposal does not fully comply with all the criteria set out in policy CTY 10 of PPS 21, however there are particular circumstances of this case that should be considered which would allow members to accept the recommendation to approve the application.</p>	
Recommendation: Approve	
Applicant Name and Address: P.J and Mikila McGee 4 Killyliss Manor, Dungannon, BT70 1UP	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road, Dungannon, BT70 3LY
Executive Summary: Approve <p>Approval was granted (M/2011/0278/F) for a farm dwelling approx. 300m NW of this site on the 14/3/12 using the same farm business number as this current application. This development was never commenced. This current application was submitted prior to M/2011/0278/F expiring. In the interim period (17/12/2012) a development opportunity was sold off the farm holding. If the existing permission had expired prior to the submission of this application then a new dwelling would not be acceptable under CTY 10. However, as the permission was live it is reasonable to presume in favour of the applicant. The new site is acceptable because it clusters with existing buildings on the farm.</p>	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Transport NI - 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

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert for this development was placed in local newspapers. Three adjoining occupied properties were also consulted by letter. To date there have been no representations received. There have been no objections from any consultee.

Characteristics of the Site and Area

The application takes in two agricultural fields (one large and one small) located approximately 120m SE of a detached dwelling at 48 Stiloga Road, Eglish. It is outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). There is a detached dwelling located to the NE of the site and another to the SW site. Further to the NW is a grouping of farm buildings. The site is flat and sits at a similar level to the level of the public road. The NW, SW and SE boundaries are defined by wire and post fencing and low level gorse hedgerow. The NE boundary is also defined by wire and post fencing, low level hedgerow and several intermittent semi mature trees. There is a hedgerow running through the site in a NE-SW direction separating both agricultural fields.

This area is generally rural in character with the predominant form of development being detached dwellings and farm buildings. There are also commercial dog kennels located to the NW of the site. The topography of the land in this area is flat and it is not subject to any special zonings or designations.

Description of Proposal

This is a full application for a two storey farm dwelling in substitution of a farm dwelling approved under M/2011/0278/F. This current application has been submitted within 5 years of the date of the M/2011/0278/F approval. The approved farm dwelling was to be located approximately 300m to the NW of this site. This current application has been submitted within 5 years of the date of the M/2011/0278/F approval. M/2011/0278/F was never commenced.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 21 - Sustainable Development in the Countryside
- Building on Tradition Rural Design Guide

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

This site is outside the development limits of any settlement defined in the Area Plan. As such, existing rural planning policy should be applied for this type development in the Countryside.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Given that this proposal is for a single dwelling in the countryside and is in an area where there are no specific designations, I am satisfied that it will not negatively impact on the natural or built environment in this locality.

The SPPS gives provision for Development in the Countryside, including Dwellings on Farms, subject to a number policy provisions. It does not present any change in policy direction in this instance and as such, existing policies will be applied.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 10 - Dwellings on Farms

CTY 10 states that planning permission will be granted for a dwelling on a farm where all of the following criteria can be met:

The farm business is currently active and established for at least 6 years.

DAERA have been consulted with the applicant, Mikila McGee's farm details and have confirmed that the farm business has been in existence for more than 6 years and that SFP/LFACA have been received in the last 6 years. I am therefore satisfied that the farm business is currently active and established for the required period.

No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.

I have carried out a planning history search of the applicants holding as identified on her farm map and it would appear that a dwelling/development opportunity (replacement dwelling approved under M/2010/0055/F) was sold off the holding on the 17/12/2012. Members should however be advised that this current application has been submitted in substitution for a farm dwelling (M/2011/0278/F) approved for Mikila McGee on the 14/03/2012. This current application was submitted on the 03/02/2017, before M/2011/0278/F expired. The previously approved farm dwelling was to be sited approximately 300m to the NW of this application site but has never been erected. In effect this current application is for a re-siting of the previously approved farm dwelling, with appropriate determining weight being afforded to the previous approval. It remains to be the case that only 1 farm dwelling will be erected. I am therefore of the opinion that the transfer of the replacement dwelling in this instance should not be considered and should not result in this refusal of this application. If this current application was submitted after the previous approval had expired then I would assess this policy criteria differently.

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

The applicant has indicated on her 1:500 Site Layout that the proposed dwelling will be located approximately 70m to the SE of a group of buildings on the farm holding. Whilst the proposed dwelling cannot be considered to cluster with this group of buildings, there will be a degree of visual linkage between the proposed dwelling and the buildings when viewed from the public road.

On the basis of this assessment I am content that adequate justification exists to consider this proposal to be in compliance with CTY 10 of PPS21.

Policy CTY 13 - Integration and Design

A dwelling on this roadside plot will not be a prominent feature in this rural landscape as the site is not elevated and any critical views of the site are only short term and localised. It is proposed to erect a two storey dwelling with an 8.8m ridge height. To the immediate NE of the site is a bungalow, to the SW is a storey and half dwelling and to the NW is a two storey dwelling. On the basis of the varied house types in the immediate locality I have no objections to a two storey dwelling being erected. In terms of integration and enclosure there is existing boundary treatment which can be conditioned to be retained. Additional planting has also been proposed which will provide additional integration benefits. I am also of the opinion that the adjacent dwellings and farm buildings will provide a certain degree of enclosure. The proposal does not include an ancillary domestic garage. The proposed driveway is relatively short and is typical of the type of driveway found in the locality. The proposed dwelling design is typical of two storey dwellings

located throughout the district. The roof is gabled with chimneys extending from the ridge. The two storey front projection is not over dominant. Windows are small and vertical in proportion. The external finishes of roughcast painted render and natural stone are acceptable. The double height bay window on the gable of the dwelling is a suburban design feature and would not normally be acceptable in a rural location, however the dwelling to the immediate SW of the site has an external chimney which is a suburban design feature. The double height bay is also on the gable closest to the established NE boundary which will mean it has less of a visual impact. The dwelling will read with the existing farm buildings to the NW which will provide an acceptable backdrop. On the basis of this assessment I am content that the proposal complies with CTY 13 of PPS 21.

Policy CTY 14 - Rural Character

I am of the opinion that a dwelling on this site will not be unduly prominent, will not create or add to ribbon development or build up and will be in keeping with the dispersed settlement pattern in the immediate area. As such, there will be no negative impact on rural character.

Policy CTY 16 - Development relying on Non-Mains Sewerage

The applicant has indicated on her P1 form that foul sewage will be disposed of through a septic tank. Environmental Health have been consulted and have raised no concerns with this method subject to standard informatives being attached to planning permission and the applicant obtaining the relevant consents.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal will involve direct access onto the Stiloga Road. Transport NI have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 70m splays to the NE and 2.4m x 33m to the SW.

Members should also note that this site is located in close proximity to an existing dog kennelling business. Environmental Health have been consulted in this regard and have advised that whilst such an activity may give rise to offensive noise conditions noise nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determining of nuisance.

Neighbour Notification Checked

Yes

Summary of Recommendation:

On the basis of the planning history I recommend the application to be approved.

Conditions

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

Reason: Time Limit.

2. The vehicular access, including visibility splays of 2.4m x 70m to the NE and 2.4m x 33m to the SW and any forward sight line, shall be provided in accordance with drawing no 03 revision 1 bearing the date stamp 11/06/2017, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

Reason: In the interests of visual amenity.

4. All planting comprised in the approved plans shall be carried out in the first planting season following the commencement of the building and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

Signature(s)

Date:

ANNEX	
Date Valid	3rd February 2017
Date First Advertised	23rd February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Terryscollop Road, Garvaghy, Dungannon, Tyrone, BT71 7QQ, The Owner/Occupier, 48 Stiloga Road Garvaghy Dungannon The Owner/Occupier, 54 Stiloga Road, Garvaghy, Dungannon, Tyrone, BT71 7PR,	
Date of Last Neighbour Notification	23rd March 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/0154/F Proposal: Proposed dwelling on a farm Address: 120m SE of 48 Stiloga Road Eglisk Dungannon, Decision: Decision Date: Ref ID: M/2005/1105/O Proposal: Site for dwelling and garage Address: 110m East of 48 Stiloga Road, Derryfubble, Dungannon Decision: Decision Date: 16.06.2005 Ref ID: M/2005/1499/RM Proposal: Erection of dwelling and garage Address: 110m East of 48 Stiloga Road, Derryfubble, Dungannon Decision: Decision Date: 25.08.2005 Ref ID: M/2005/2277/F Proposal: Change of house type Address: 110m East of 48 Stiloga Road, Derryfubble, Dungannon Decision:	

Decision Date: 14.02.2006

Ref ID: M/1995/6149

Proposal: Replacement dwelling 48 Stiloga Road Derryfubble

Address: 48 Stiloga Road Derryfubble

Decision:

Decision Date:

Ref ID: M/2010/0055/F

Proposal: Replacement dwelling

Address: 48 Stiloga Road, Eglis, Dungannon, BT71 7RP

Decision:

Decision Date: 18.08.2010

Ref ID: M/2012/0338/F

Proposal: Amendment to approval M/2010/0055/F , Change of house type and location of access

Address: 48 Stiloga Road, Eglis, Dungannon, BT71 7RP,

Decision: PG

Decision Date: 13.12.2012

Summary of Consultee Responses

Environmental Health – No objections subject to standard informatives

Transport NI – No objections subject to standard display conditions

DAERA – No objections

Drawing Numbers and Title

Drawing No. 03 Revision 1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0180/F	Target Date:
Proposal: Proposed new car dealership building, incorporating two new vehicle showrooms, workshop, valet shop sales and administration space, new external car-parking facilities any associated landscaping works and external car sales provision	Location: Lands immediately South East and adjacent to 59 Moy Road Dungannon
Referral Route: Major Scheme, contrary to the area plan	
Recommendation:	Approval
Applicant Name and Address: Donnelly Bros 59 Moy Road Dungannon BT71 7DT	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: This proposal is for a car sales in the countryside on the edge of Dungannon, the proposal is not supported by policy but is considered due to the economic and environmental issues.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Verbal response, access to be as right hand turning proposal, license required for works on public road
Non Statutory	NI Water - Strategic Applications	No response
Statutory	NIEA	Conditions and Advice
Non Statutory	Environmental Health Mid Ulster Council	No objections
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Rivers Agency	Advice

Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues No objection received.	
Characteristics of the Site and Area This is part of an agricultural field located immediately adjacent to the existing Donnelly Bros Land Rover Showroom on the Moy Road side of Dungannon in the rural area. The field fronts on to the Moy Road, which is a Protected Route and it has an existing hard shoulder backed by some trees specimen trees spaced out along the frontage. Ground levels slope away towards the rear, south west, with the bottom part of the field at a lower level than the road and marked by mature trees which are along the bank of a stream that empties out of Dungannon Park Lake and runs into the River Rhone. Dungannon Waste Water Treatment Works, operated by NI Water, is located on the opposite of the river, to the south west. This is accessed from Main Street, Moygashel. Other development to note close are 2 large detached private dwellings set within mature grounds between the site and the M1 Motorway, farm land and a farm group on the opposite side of the road, Donnelly Groups showrooms and Fork Petrol Filling Station on the Dungannon side of the site with Howard Primary School beyond.	
Description of Proposal The proposal is for a new building for 2 new car showrooms for Jaguar and Land Rover and it will comprise a building with approx. 4600sqm floorspace over 3 floors, set in a landscaped forecourt with parking for the display of vehicles for sale to the front and parking for staff and other vehicles to the side and rear. There is a high retaining structure to the rear which will have substantial landscaping and green face walling between it and the stream and the east boundary of the site will have a minimum of 5m in a landscaped buffer. Access to the site is via an improved access onto the Moy Road, which has is subject to planning application LA09/2016/0463/F. The building is 6.5m in height at the front and 10.5m at the rear, it has grey and silver cladding panels to the walls with large windows to the front and at the sides, to the front, facing Moy Road. It has a boxy appearance as the roof is hidden behind parapet walls. The basement level is accessed from the rear and is where wet and dry valeting is carried out, the ground floor will have 2 showrooms to the front, one for Jaguar and one for Land Rover, the sales areas and communal areas are in the middle of the building with the servicing areas and workshops to the rear, the first floor will have meeting rooms staff canteens and admin areas in the middle of the building with voids over the showroom and workshop areas. Whilst not part of this proposal, members are advised the existing Land Rover showroom will become the VW Van showroom, which is currently located within the complex and the existing VW Van Showroom will become a dry valet building for cleaning all vehicles from the site.	

Planning Assessment of Policy and Other Material Considerations

This is a major planning application and as such has been subject to an Environmental Impact Assessment, which resulted in a nil determination (LA09/2016/0827/DETEI), and a Planning Application Notification was submitted (LA09/2016/1319/PAN). This application has been accompanied by a design and access statement and a pre-application public consultation report in accordance with Section 28 of the Planning Act (NI) 2011.

The Planning Act (NI) 2011 requires the Council, in determining any application, to have regard to the local area Plan so far as material to the application and all other material considerations. The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the green belt, outside the settlement limits for Dungannon.

Members are advised the sites exclusion from the current plan was the subject of debate at the public inquiry for the current plan. An objection was lodged seeking the inclusion of the land for a car sales village, which the Department clarified as being within its definition at the time of Industrial and mixed use development. The commissioner's report took account of the existing development to the south, the extent of the development limit on the opposite side of Moy Road and that it does not represent a distinct urban/rural interface and did not consider its inclusion would have any impact on the setting of Dungannon. This was not accepted in the final recommendation of the Commission, it stated there was sufficient industrial development land zoned within Dungannon and the Department accepted this. Since the commission's report in 2003 and adoption of the current Area Plan in 2005, the regional policy for industrial development has changed and the new policy adopted in 2010 provides a definition for the types of development that it relates to. It specifically excludes retail development from being considered by the policies in PPS4.

Following the publication of Planning Policy Statement 21 – Sustainable Development in the Countryside, the policies contained in PPS21 take precedence over the Dungannon GreenBelt policies and if development is in accordance with other published regional policies and acceptable in the countryside then it meets with policy CTY1. The Strategic Planning Policy Statement cancelled PPS5, the policy that deals with retail proposals and as such the SPPS sets out the policy framework for consideration until such times as the Council Publishes its own Local Development Framework. The SPPS deals with retail development but is silent in relation to car sales, which is a 'sui-generis' use as set out in the Planning (Use Classes) Order (NI) 2015. Members should note that PPS4 is not the correct policy for the consideration of this proposal, however the preamble to the policy does indicate that the policy approach and associated guidance may be useful in assessing proposals for other 'sui-generis' employment uses. In the absence of any specific policy for this proposal I consider PPS 4 is the 'best fit' policy that the 3 criteria in PED3 and the 13 criteria set out in PED9 will provide guidance for the consideration of this development proposal.

None of the current policies contained in the area plan or the regional policy give any support for this proposed development, and as such it would be reasonable for the members to refuse this planning application as it is contrary to the area plan and CTY1 of PPS21. However there are other material facts that I feel must be considered in relation to this development.

Since the public examination into the Dungannon & South Tyrone Area Plan, the Invest Northern Ireland land at Granville has nearly all been taken up and the Enterprise Centre has identified difficulties in finding sites for industrial development in Dungannon. The remaining zoned industrial land in the Plan is either connected to existing industry (ie Moy Park) or is unlikely to

be released for Industrial Development. Thus, in recognition of the shortage of industrial land identified through the Plan process, it is reasonable for the Council to act differently from the views expressed by the PAC. Whilst it is usual to find car sales associated with industrial and mixed business use, it is not always the case and this type of development can be found in other locations. The existing site is fully developed and there is no available land adjoining it within the settlement limit to allow it to expand.

The Donnelly Group are a province wide car dealership employing 600 staff that has its roots in Dungannon, from the Moy Road site. Its presence in and close to Dungannon has expanded considerably since the Plan was published, with sites at the M1 Motor Store and the Far Circular Road being developed. The proposal is for a new showroom to complement the existing sales on the site and will bring Jaguar motors to the site. This is only one of 2 franchises for the Jaguar Land Rover Group in Northern Ireland, as the company is rebranding worldwide with some dealerships losing the franchise. The proposed development on this site will represent a capital investment of £6 million, which will secure the existing 30 jobs affiliated with land rover on the site and provide an additional 25 jobs over the long term. The proposed development will generate a wages bill of £1.3 - £1.4 million per annum with the majority of this staying in the local economy as the existing employees are from the local area and this is not expected to change significantly. If this application is refused the group have advised they will lose the franchise and there will be 30 immediate job losses at this site with the possibility of others here and province wide. The immediate loss of 30 jobs would represent 5% of the current workforce province wide, but it would be felt more immediately in the Dungannon area and I consider this would be a significant loss of jobs and may result in further job losses. The additional 25 jobs which this development will provide will result in nearly doubling the workforce affiliated with the franchise at this site and I consider this would make a welcome boost to the local economy.

In light of the restricted nature of the existing site, the lack of industrial development land available within Dungannon, the locally significant economic benefits stated and need for the business to expand to protect the existing jobs, I consider the proposed development could be supported.

As was stated in the PAC report, the settlement limit for Dungannon at this point does not provide a definite urban/rural interface. The site is approached from the M1/A4 interchange by a short length of dual carriageway with street lighting along its entire length, flanked by hard shoulder that is generally used for parking vehicles during the day and backed on this side by a wall with access to 2 large dwellings within mature landscaped gardens. There are no important natural or built heritage features close to the site and I consider this approach has a suburban appearance and that the proposed development will not have a significant bearing on the setting of Dungannon. I consider the landscaping scheme as proposed along the boundaries of the site, will enhance the appearance of the area, will assist in screening the retaining structures and parking areas proposed and with the amount of new native species planting and its connectivity to existing hedgerows will enhance the local bio-diversity.

Members are advised the development will be accessed off a protected route within the settlement limits of Dungannon. The access is off the single carriageway, not the dual carriageway and Roads Engineers have agreed the design and standards to serve the existing development, as well as the proposed development. The Roads Engineers have advised the amendments to the access will require work to be carried out under a license obtained under the Roads Order and I consider this should be brought to the attention of the developer. Whilst I consider it is necessary to condition the provision of the access prior to the commencement of any development on the site, I do not consider a condition relating to non-planning legislation is

appropriate. The existing site is serviced from the main road with car transporters parking on the hard shoulder to deliver cars, the new development will provide in-curtilage parking and turning areas for the transporters to service the site and bollards are being shown along the frontage to prevent this occurring. Within the site there will be approx. 110 spaces provided for staff and customer parking, including 3 more accessible spaces close to the front door, to serve the offices, internal and external sales areas and service areas. This is more than provide for on the parking standards, however as it also accommodates some displaced parking areas from the existing showroom, I am content there is adequate parking and turning areas to serve the existing and proposed development. Alternative modes of transport to the site are provided by a bus route that passes the site as well as existing footway linkages to Dungannon. Land Rover is a popular vehicle for the wider rural community and if the Land Rover franchise is lost from this site, which is well connected to the existing truck road network, it will result in people having to travel further to purchase as the only other franchise in Northern Ireland is in Belfast.

The Environmental Health Department has been consulted and are content that noise and light emissions from the proposed development will not adversely impact on any sensitive receptors. It is also noted there is an existing waste water treatment works which may present odour issues from time to time, this is not critical to this development as it is not for residential development.

Rivers Agency have commented on a drainage assessment that was submitted and are content that the storm water from the site can be satisfactorily dealt and attenuated on site by a properly designed drainage scheme. I consider it is appropriate to condition this scheme is submitted for agreement by the Council, in consultation with Rivers Agency, prior to the commencement of any development on the site.

Northern Ireland Environment Agency were consulted in relation to the proposal and have advised they do not have any details of any land contamination issues on the site but wish to include conditions to ensure any contamination, if discovered will be properly addressed. I consider it is appropriate to attach these as conditions to any planning permission, given the potential for spillages at the Donnelly Groups existing commercial development. It is noted the sewage for the development will be dealt with by mains and the storm water will be piped to a drain in accordance with a scheme agreed with Rivers Agency, the storm water should be passed through an interceptor prior to its discharge and I consider this will mitigate against possible pollution. NIEA have also referred to standing advice which I consider it is appropriate to draw to the attention of the developer.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European sites.

Members are reminded of the Schedule to the Planning (General Development Procedure) Order (NI) 2015, Planning (Notification of Applications) Direction 2015. This places a requirement on the Council to notify the Department where a major development application would significantly prejudice the implementation of the local development plan's objectives and policies. Whilst this application is classified as a Major Development under the Planning (Development Management) Regulations (NI) 2015 it is a minor departure from the plan. It is my view the inclusion of this 2.13ha site for a one off expansion to an existing business, in an area that has not been identified as having any natural or built heritage features meriting protection

<p>would of itself prejudice the objectives or policies of the DSTAP or significantly impact on the strategic development of Dungannon.</p> <p>In view of all of the above considerations, it is my recommendation to the committee members that planning permission is granted or this development with the attached conditions.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Recommendation to approve with conditions</p>	
<p>Conditions/Reasons for Refusal:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the commencement of the development hereby approved, the access, including the erection of the bollards along the site frontage, right hand turning lane and visibility splays, shall be provided in accordance with the details as shown on drawing No 01 Rev 3 bearing the stamp dated 16 AUG 2017. The bollards shall be permanently retained as approved.</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 development hereby approved shall not become operational until hard surfaced areas have been constructed within the site and permanently marked to provide car sales area, car parking for visitors and staff and for the operational parking, loading and unloading of delivery and other service vehicles and for the turning of such vehicles so that they can enter and leave the site in forward gear, as shown on Drawing No. 01 Rev 3 bearing the stamp dated 16 AUG 2017.</p> <p>REASON: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.</p> <p>4. All hard and soft landscape works shall be carried out in accordance with the details as shown on drawing Nos 06 Rev 1 and 07 Rev 1 bearing the stamp dated 16 AUG 2017 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to any of the development hereby approved becoming operational and shall be maintained in accordance with the Landscape Management and Maintenance Plan Rev A received 16 AUG 2017.</p> <p>REASON: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>5. No development shall commence on the site until a drainage plan has been submitted to and agreed by the Council. The plan shall include the location of any oil/petrol interceptors, the discharge point and the size and location of all pipes and infrastructure to attenuate and</p>	

discharge storm water from the site in general accordance with the drainage assessment report received by the Council on 16 MAY 2017. The development shall not become operational until such times as the drainage scheme as agreed has been fully constructed and commissioned.

Reason: To prevent flooding and pollution of adjoining watercourses.

6. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and Mid Ulster District Council 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 Mid Ulster District Council in writing, and subsequently implemented and verified to its satisfaction.

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

7. After completing any remediation works required under condition 6 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Mid Ulster District 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 the risks and achieving the remedial objectives.

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

Informative:

1. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by the Department BEFORE any such signs are erected.
2. Your attention is drawn to the comments received from Roads Authority, Rivers Authority, Environmental Health and NIEA.
3. The developer must be in receipt of a license from the Department for Infrastructure – Roads to carry out any work on the public road. The License can be obtained in writing by contacting the Private Streets Office, Department for Infrastructure, County Hall, Drumragh Avenue, OMAGH.

Signature(s)

Date:

ANNEX	
Date Valid	8th February 2017
Date First Advertised	23rd February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 54 Moy Road Stangmore (Knox) Dungannon The Owner/Occupier, Howard Memorial Primary School, 2 Main Road, Dungannon BT71 7QR	
Date of Last Neighbour Notification	23rd February 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0463/F Proposal: Right hand turning lane and alterations to the existing vehicular access to the Motor Dealership site Address: 59 Moy Road, Dungannon, Decision: Decision Date: Ref ID: LA09/2016/1167/A Proposal: 6 signs wall mounted and free standing, aluminium tray panels, illuminated and non illuminated. Address: Seat Donnelly, 59 Moy Road, Dungannon, Decision: CG Decision Date: 14.11.2016 Ref ID: LA09/2016/1319/PAN Proposal: Car Showroom Address: Lands immediately adjacent and South of 59 Moy Road, Dungannon, Decision: PANACC Decision Date:	

Ref ID: LA09/2017/0180/F

Proposal: Proposed new car dealership building, incorporating two new vehicle showrooms, workshop, valet shop sales and administration space, new external car-parking facilities any associated landscaping works and external car sales provision

Address: Lands immediately South East and adjacent to 59 Moy Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2016/0827/DETEI

Proposal: Proposed Car Showroom etc

Address: Donnelly Bros Garage, 59 Moy Road, Dungannon,

Decision: NRES

Decision Date:

Ref ID: M/2008/1022/LDP

Proposal: Improvements to Moygashel Waste Water Treatment Works

Address: Moygashel WWTW, 12 Moygashel Lane, Moygashel, Dungannon

Decision:

Decision Date:

Ref ID: M/2011/0078/A

Proposal: Proposed entrance way advertising to existing showroom. Rectangular shaped with canopy off. Also, Fascia high level signage with silver writing placed on oak rails

Address: 59, Moy Road, Dungannon, BT71 7DT,

Decision:

Decision Date: 15.03.2011

Ref ID: M/1978/0297

Proposal: EXTENSION TO EXISTING CAR SALES SHOWROOM TO PROVIDE LIFT AND NORTH AND

Address: STANGMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/0448

Proposal: ERECTION OF FURNITURE STORE

Address: STRANGMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0741

Proposal: Garage Complex for the sale and repair of vehicles

Address: ADJACENT TO 59 MOY ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1987/0638

Proposal: EXTENSION TO EXISTING MOTOR CAR SHOWROOM

Address: 59 MOY ROAD, STANGMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2002/0487/F

Proposal: Proposed change of use from parts store to volkswagen van showroom & totem pole

Address: 59 Moy Road, Dungannon

Decision:

Decision Date: 11.06.2002

Ref ID: M/1974/0065

Proposal: ERECTION OF HOTEL

Address: STANGMORE (KNOX), MOYGASHEL, CO TYRONE

Decision:

Decision Date:

Ref ID: M/2010/0549/A

Proposal: Fascia Signage, Projecting Signage - Entrance Marker, Totem, Banner Signage and Double-Sided Flag sign on Masts

Address: Donnelly Bros, 59 Moy Road, Dungannon

Decision:

Decision Date: 15.09.2010

Ref ID: M/1994/0455

Proposal: Retention of Satellite Dish (1.5m diameter)

Address: DONNELLY BROS GARAGE 59 MOY ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0555

Proposal: Extension to offices, stores, workshop of car showrooms

Address: ADJACENT TO FORK SERVICE STATION MOY ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1993/0601

Proposal: Erection of internally illuminated showroom fascia sign, projecting sign, wall flat sign and 2 No. free standing signs.

Address: DONNELLY BROTHERS ADJACENT TO 57 MOY ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1977/0722

Proposal: CHANGE OF USE OF EXISTING FURNITURE STORE TO CAR SALES AND SHOW-ROOM

Address: 59 MOY ROAD, STANGMORE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1992/0670

Proposal: New signage for car showroom including fascia signs and 2 No Totem forecourt signs

Address: MOY ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1997/0050

Proposal: Satellite Receiving Antenna

Address: (CAR SHOWROOM) 59 MOY ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1979/0036

Proposal: ONE ILLUMINATED POLE MOUNTED SIGN, ONE ILLUMINATED PROJECTING SIGN & ONE

Address: MOY ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2014/0460/PREAPP

Proposal: Extension of the existing car franchise village

Address: Donnelly Bros, Moy Road, Dungannon,
Decision: EOLI
Decision Date:

Summary of Consultee Responses

EHO - no objections
Roads - Council to attach conditions if approving development
NIEA - conditions for contaminated land and refer to standing advice
Rivers - Drainage Assessment acceptable, refers to design which needs to be agreed
SES - no likely significant effects to European Habitats

Drawing Numbers and Title

Drawing No. 01 Rev 3

Type:

Status: Submitted

Drawing No. 02 Rev 2

Type:

Status: Submitted

Drawing No. 03 Rev 1

Type:

Status: Submitted

Drawing No. 04 Rev 1

Type:

Status: Submitted

Drawing No. 05 Rev 1

Type:

Status: Submitted

Drawing No. 06 Rev 1

Type:

Status: Submitted

Drawing No. 07 Rev 1

Type:

Status: Submitted

Drawing No. 09

Type:

Status: Submitted

Drawing No. 10

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0231/O	Target Date:
Proposal: Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm	Location: 55mts North West of no 132 Glen Road Maghera
Referral Route: Approval recommended however exception under PPS21	
Recommendation: Approval	
Applicant Name and Address: Mr Jethro Selfridge 133 Glen Road Maghera BT46 5SA	Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AJ
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues Approval under exception to PPS21	
Characteristics of the Site and Area The proposal site is located within a roadside agricultural field on Glen Road, Maghera. The proposal site is sited adjacent to a detached single storey dwelling (No 134), to the front of a detached single storey dwelling (No 132) and west of a detached single storey dwelling and farm sheds which are unconnected with the farm business quoted with this proposal. The site currently is being used for agricultural/grazing purposes and has an agricultural entrance on the NW corner of the site, it sits at a lower level than the road level and is bounded on all sides by mature vegetation. The proposal site is accessed via an existing laneway which also serves the existing two properties and agricultural buildings adjacent. The land to the south of the proposal site falls away gently. The applicant resides at No 133 Glen Road which is sited on the opposite side of the road from the proposal site and set back some distance from the road.	
Description of Proposal Outline application for proposed dwelling and garage/store based on policy CTY 10 - dwelling on a farm.	
Planning Assessment of Policy and Other Material Considerations I have assessed this proposal under the following: SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside No site specific history Consultees: - Transportni were asked to comment and responded on 29.03.2017 with no objections to the proposal subject to conditions. Environmental Health were asked to comment and responded on 22.03.2017 with no objections subject to advice. NI Water were asked to comment and responded on 09.03.2017 with no objections subject to advice. DAERA were also asked to comment and responded on 07.03.2017 stating that the farm business stated within the P1C form has been active and established for over 6 years. Neighbours: - Owners/Occupiers of Nos 130 _ 134 were notified on 08.03.2017. Owners/occupiers of No 132 were notified on 01.06.2017. No representations have been received to date. In line with legislation this proposal was advertised in the local press during March 2017.	

According to PPS21 CTY 1 - Development in the countryside, there are a range of types of development which in principles are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these types of proposals is a dwelling on a farm in accordance with CTY 10.

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- the farm business is currently active and has been established for at least 6 years; - in terms of this proposal following consultation with DARD it has been demonstrated that the farm business has been active and established for more than 6 years and so complies with this part of the criteria.

- no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008 - following a GIS database search it can be confirmed that no other approvals have been granted under this farm business number.

- 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. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or

- verifiable plans to expand the farm business at the existing building group(s)

In this particular case the proposed site is sited adjacent to a dwelling (No 132) which is unconnected with the farm business. There is a farm building located adjacent to this dwelling which the agent has stated is within the applicants ownership however upon a land registry check neither the dwelling or building is within the applicants ownership. The farm dwelling is located at No 133 Glen road and this is where the principle group of farm buildings are.

According to the submitted farm maps the applicant does not own any farm land adjacent to the farm buildings. However following a land registry check I was able to ascertain that the applicant is in ownership of the land immediately SW of the principal farm dwelling however not in ownership of any further west and so cannot achieve the required visibility splays for the required improvement of the access. According to CTY 10 to help minimise impact on the character and appearance of the landscape farm dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation.

The applicant and farm business owner does not own any land adjacent to his existing farm buildings which could be used as an alternative site and as such the committee may wish to consider attaching determining weight to this fact in agreeing the applicants chosen site. In terms of the proposed site I feel it provides a good opportunity for development. In terms of visual integration into the surrounding landscape the proposal site is not a prominent feature in the landscape, it provides existing long established natural boundaries and a suitable degree of enclosure to provide integration for a single storey dwelling to be achieved. In addition should an approval be granted existing and proposed ground levels should be indicated in order to protect the amenities of neighbouring properties and to further aid integration and a single ridge height restriction conditioned.

Recommendation: Approval	
Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approval	
<p>Conditions:</p> <p>1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.</p> <p>Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.</p> <p>3. A scale plan and accurate site survey at 1:500(minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.</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>4. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.</p> <p>Reason: To ensure that the development is not prominent in and is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.</p> <p>5. 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.</p> <p>Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.</p> <p>6. No development shall take place until a plan indicating floor levels of the proposed dwelling(s) in relation to existing and proposed ground levels has been submitted to and approved by the Council.</p>	

Reason: To ensure the dwelling integrates into the landform and to ensure resident's privacy is not adversely affected.

7. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

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

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

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

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

10. 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.

Informatives

1. A consent to Discharge Sewage Effluent should be obtained from Water Management Unit, the Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

Any new or existing septic tank unit should be a minimum of 15metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

A legal agreement should be obtained in relation to lands used in connection with any septic tank/drainage agreement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

The applicant should ensure that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not competed/commenced which are the subject of a planning approval.

Mid Ulster District Council should receive confirmation from Northern Ireland water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

2. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

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

All services within the development should be laid underground.

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

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

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

3. 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.

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

Signature(s)

Date:

ANNEX	
Date Valid	16th February 2017
Date First Advertised	2nd March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 130 Glen Road Tullyheran Maghera The Owner/Occupier, 132 Glen Road Tullyheran Maghera The Owner/Occupier, 134 Glen Road Tullyheran Maghera	
Date of Last Neighbour Notification	8th March 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0231/O Proposal: Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm Address: 55mts North West of no 132 Glen Road, Maghera, Decision: Decision Date: Ref ID: H/1990/0106 Proposal: REPLACEMENT BUNGALOW Address: GLEN ROAD MAGHERA Decision: Decision Date: Ref ID: H/2008/0006/F Proposal: Replacement dwelling for existing fire damaged dwelling Address: 132 Glen Road, Maghera Decision: Decision Date: 19.03.2008 Ref ID: H/1993/0516 Proposal: BUNGALOW WITH GARAGE Address: ADJ TO 132 GLEN ROAD MAGHERA	

Decision:
Decision Date:

Ref ID: H/2008/0181/F
Proposal: Detached single storey garage, playroom & dog pen
Address: 132 Glen Road, Maghera
Decision:
Decision Date: 16.06.2008

Ref ID: H/1996/0478
Proposal: EXTENSION TO DWELLING
Address: 132 GLEN ROAD MAGHERA
Decision:
Decision Date:

Ref ID: H/1996/0049
Proposal: CONTINUANCE OF USE OF DWELLING WITHOUT COMPLIANCE WITH
AGRICULTURAL OCCUPANCY CONDITION
Address: 134 GLEN ROAD MAGHERA
Decision:
Decision Date:

Ref ID: H/1989/0385
Proposal: 11KV OH LINE BM 0306/89
Address: GLEN ROAD MAGHERA
Decision:
Decision Date:

Ref ID: H/1978/0014
Proposal: SEWAGE DISPOSAL WORKS
Address: MAGHERAFELT ROAD, TOBERMORE
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1st August 2017	Item Number:
Application ID: LA09/2017/0272/F	Target Date:
Proposal: (Renewal of I/2010/0221/F) A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain	Location: Beltonanean Mountain Beltonanean TD Cookstown Co. Tyrone.
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Mr Graham Bell 24b Ballinasollus Road Cookstown BT80 9TQ	Agent Name and Address: Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Standing Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	National Air Traffic Services	
Non Statutory	UK Crown Bodies - D.I.O. LMS	No Objection

for comment
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Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	National Air Traffic Services	
Statutory	NIEA	Content
Statutory	NIEA	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	National Air Traffic Services	
Non Statutory	Environmental Health Mid Ulster Council	

Representations:

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

Summary of Issues**Description of proposal**

This is renewal of a full planning for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F).

Characteristics of Site and Area

The site is located in the townland of Beltonanean some 9km north west of Cookstown on Beltonanean Mountain (at 296m elevation) immediately north of Corvanaghan Mountain. In the immediate environs, the site is accessed off Beltonanean Road on rising ground close to old derelict farm buildings and some sheds with some mature trees and hedges. A 60m met mast is already located close to the site of the proposed turbine. The turbine is located on the lower slopes of this upland area which includes Beltonanean Mountain, Corvanaghan, Oughtmore and Evishbrack Mountain. To the north and east beyond lies the main body of the Sperrins AONB. This site lies metres just within that designated landscape. A quarry and associated buildings, plant and machinery is located immediately south of the site on Corvanaghan Road.

Planning Assessment of Policy and Other Material Considerations**Area Plan**

Cookstown Area Plan 2010- the site is located within an Area of Outstanding Natural Beauty.

Planning History

I/2010/0211/F- A single wind turbine of up to 2.3 megawatt power output with a maximum overall

base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain. Granted: 17.05.2012.

Assessment of Policy

Policy provision of PPS18 is applicable in this case, except where it differs from SPPS. The fourth paragraph of PPS18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given 'significant' weight in determining whether planning permission should be granted. This differs to the wording of the SPPS which requires that 'appropriate' weight be attached to such benefits. In accordance with the transitional arrangements outlined in the SPPS, as detailed above, appropriate weight will be attached to the specified benefits in the overall planning balance. The SPPS also states that 'a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONB'S'.

Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning consideration;

- Public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality/quantity;
- public access to the countryside

Public safety, human health, or residential amenity;

The turbine is greater than its base to tip height, plus 10% from the public road. Human Health will not be impacted by this clean energy development. There are no dwellings within 500m of the proposed turbine and it is not expected that ice throw will impact on residential property. Shadowflicker will not have a detrimental impact on residential amenity. These considerations were also assessed under I/2010/0211/F the impacts of which were found to be acceptable, and the proposal has not changed and is an in-time renewal. Environmental Health are content subject to planning conditions.

Visual amenity and landscape character;

The site is located on the southern fringes of the AONB, north east of Dunnamore within LCA 41 - Slieve Gallion which includes land within counties Derry and Tyrone and is on the eastern edge of the Sperrins between Cookstown and Draperstown. This LCA has a 'High to Medium' sensitivity to wind energy development. This varied sensitivity reflects the LCA's varied character. Since the introduction of the SPPS greater weight is given to the visual amenity of the AONB. The preferred location for turbines is generally to the north west of Slieve Gallion as it is considered to be less sensitive. The south-western outlier hills are quite visually prominent which increases their sensitivity. In light of the previous planning permission it is my view that the proposal is acceptable when viewed from the south from Dunnamore as the landscape shows considerable development including quarry development and ancillary buildings, farm complexes and single dwellings. Views from within the AONB (e.g. from the North West and west including Beaghmore) will be largely screened by topography. I do not consider that this single turbine would create an unacceptable adverse impact in landscape character terms at this location. In my view a cautious approach as been taken in assessment.

Whilst this turbine as an isolated proposal has found to be acceptable I am concerned that pressures for further turbines in the area could spoil the visual amenity and landscape character

of the AONV. The landscape has a large number of single turbines from the Cookstown approach and there is a very prominent wind farm at Creggan. It is important to ensure this area does not become saturated with turbine development. Mr Bell, the applicant, was refused permission for a single turbine (I/2014/0399/F- 2.3MW, 92.5 metres in height from base to tip) not far to the NW from this proposal on Beltonanean Mountain. I/2014/0399/F is currently under Appeal. Mr Bell also lost an appeal to relocate the current proposal by 54m and increase the height to 119m from base to tip (I/2013/0188/F and 2014/A0234). I am confident that further development can be controlled. There is a proposal for a wind farm of 5 no. turbines at Beltonanean Mountain close to this proposal, however, however no precedent should be taken as to its acceptability given this permission.

Biodiversity, nature conservation or built heritage interests;

NIEA Natural Heritage and NIEA Built Environment have no objections to this proposal. NIEA NH did raise an issue about potential impacts on Curlews. The applicant provided additional information and this concern was dropped by NIEA.

Local natural resources, such as air quality, water quality/quantity;

The proposal will not have a detrimental impact on natural resources, including air and water quality. Situated on the side of a rocky slope, the site is not located within a protected N2K site, nor is it hydrologically linked to one. NIEA and SES have no objections to this proposal.

Public access to the countryside

The proposal will not have a detrimental impact on public access to the countryside. There is inconclusive evidence to suggest that wind turbines stop people from visiting the countryside. There is some body of evidence to suggest that larger wind farms may actually act as a tourism attraction and encourage people to visit the countryside in these location. Single turbines acting as a standalone tourist attraction is less conclusive but I am satisfied that there is not enough persuasive evidence that this turbine in this location would stop people visiting this area of countryside.

The wider environmental, economic and social benefits of the development must also be taken into consideration as required by SPPS and given appropriate weight in determining if planning permission should be granted, as opposed to significant weight under PPS18. Whilst the development is small in comparison with most wind farm proposals, it will nonetheless provide in the region of an additional 2.3MW of power from a renewable source and will contribute to the overall targets for renewable energy. It will also provide income to the landowners involved as well as potential income to those involved in the construction. Local rates are also likely to be payable. The issues of health impacts and potential devaluation on property values are also noted. To date there is little/no empirical evidence that indicates there are health issues regarding turbines - particularly when they are sited more than 10 rotor distance from properties. This is not to say, however, that some people are not more sensitive to turbines in terms of noise etc. However, these are likely to be in the minority. The matter of devaluation of property is not considered to be a material planning consideration, particularly where all other considerations (e.g. residential amenity) are considered to be in line with planning policy. It is my view that appropriate weight has been given to the wider benefits of this proposal and permission should be granted subject to planning conditions.

THIRD PARTY REPRESENTATIONS

A 3rd party objection has been received and raises the following concerns;

1. that previous conditions be attached to this permission should permission be granted. In my view this is a reasonable request should permission be granted.
2. that this new assessment takes account of the AONB and a cautious approach is adopted. This has been addressed above.
3. That the light at the tip of the turbine will have a detrimental impact on the Dark Sky status that the area is trying to establish. There is no other evidence to prove than Dark Sky status will not

be achieved should the light be attached to the turbine for safety measures.

NIEA-NH has assessed the application under PPS 2 - Planning and Nature Conservation. They have no objection to the proposal subject to appropriate conditions.

NIEA-PHM has considered the application and has no objections to the proposal.

PPS 3 - (revised) Access, Movement and Parking - Roads Service has no objection to the proposal subject to conditions.

Telecommunications/Television/Aircraft Traffic- There are no concerns in terms of aircraft safety. No issues have been raised in terms of potential impacts on telecommunication links.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions.

Conditions

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

Reason: Time Limit.

2. Prior to the commencement of development, a Construction Method Statement detailing site investigations to assess site stability, all construction activity, including the removal, dumping or storage of materials and machinery, and Avoidance, Remedial and Reductive Measures for managing groundworks, shall be submitted to and agreed in writing with Council

Reason: To protect the habitats for the benefits of the species in the area.

3. The developer shall notify the Council in writing of the date of commencement of works on site and of the date when the turbine has become operational in terms of supplying energy to the national grid.

Reason: To ensure compliance with appropriate conditions.

4. The level of noise immissions from the wind turbine (including the application of any tonal penalty when calculated in accordance with the procedures described in Pages 104 - 109 of ETSU-R-97) shall not exceed the values set out in the attached Table 1.

Reason: To control the noise levels from the development at noise sensitive locations so as to safeguard residential amenity.

Table 1. ETSU-R-97 Derived Noise limits to be achieved at all noise sensitive properties

Wind speed at 10m height (m/s):							
	4	5	6	7	8	9	10
House Reference	Night-time Limits, dB, LA90,10min						
H4	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H64	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H67	43.0	43.0	43.0	43.0	43.0	43.0	43.0

H89	43.0	43.0	43.0	43.0	43.0	43.0	43.0
Day-time Limits, dB, LA90,10min							
H4	35.0	35.0	35.0	36.0	38.0	40.5	43.0
H64	35.0	35.0	35.0	36.0	37.5	39.5	41.5
H67	35.0	35.0	35.0	35.5	38.0	40.5	43.0
H89	35.0	35.0	35.0	36.0	38.0	40.5	43.0

5. No wind turbine shall be operated on site until the Council has approved in writing a scheme submitted by the wind farm operator, providing for the measurement of noise immissions from the wind turbine, at locations to be agreed with the Council. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels in a representative range of wind speeds and directions. Monitoring shall be carried out within six months of the wind turbine first becoming fully operational and at the wind turbine operator's expense in accordance with the approved monitoring scheme and the results provided to the Department within 3 months of its completion unless otherwise extended in writing by the Council. The 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 Condition No.4. and to safeguard residential amenity.

6. Within 28 days of being notified by the Council of a reasonable complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a consultant, approved by the Council, to assess the level of noise immissions from the wind turbine at the complainant's property following the procedures as agreed within the submitted scheme as per condition 5. The Department shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations and to safeguard residential amenity.

7. The wind turbine operator shall provide to the Council the consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Council unless otherwise extended in writing by the Council.

Reason: To control the noise levels from the development at noise sensitive locations and to safeguard residential amenity.

8. Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind turbine. This data shall be retained for a period of not less than 12 months. At the request of the Council, the recorded wind data, measured or converted to 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 made available to them.

Reason: To facilitate assessment of monitoring exercises and complaint investigation, and to safeguard residential amenity.

9. No wind turbine shall be operated on site until the Council has approved in writing a scheme submitted by the wind farm operator, providing for the assessment of aerodynamic modulation from the wind turbine, at locations to be agreed with the Council. Within 28 days of being notified by the Council of a reasonable complaint from the occupant of a dwelling which

lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at his/her expense employ a consultant, approved by the Council, to assess the level of aerodynamic modulation from the wind turbine at the complainant's property against the agreed scheme. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To measure amplitude modulation from the development at noise sensitive locations so as to protect residential amenity.

10. No wind turbine shall be operated on site that produces aerodynamic modulation that exceeds that agreed with the Council as per the scheme submitted in relation to condition 9.

Reason: To control amplitude modulation from the development at noise sensitive locations and to safeguard residential amenity.

11. All mature trees and building/structures to be removed shall be inspected for the presence of bats by an experienced bat worker or surveyor on the day of felling. If evidence of bats is found during inspection, all work shall cease immediately and advice shall be sought from the Northern Ireland Environment Agency Wildlife Officer.

Reason: To minimise the impact of the proposal on bats.

12. All construction activity shall take place outside the bird breeding season (1st March - 31st August) in any year.

Reason: To protect breeding birds.

13. Ornithological monitoring shall be carried out in years 1 (year of construction), 2, 3, 5 and 10. The survey methodology shall be agreed with Council prior to the occurrence of any site preparation or construction activity. A report shall be submitted to Council at the end of each survey period.

Reason: To allow the local bird populations to be assessed and protected.

14. Prior to the commencement of work on site, a Habitat Management Plan (HMP) encompassing the mitigation measures outlined in Environmental Information received on 28th May 2010 under planning application I/2010/0211/F shall be submitted to and agreed in writing with Council. A report highlighting the achievement of the actions of the HMP shall be submitted to Council 12 months after the site becomes operational (supplying energy to the national grid) and subsequently in years 3, 5 and 10.

Reason: To ensure that the development proceeds in a manner that provides for the conservation and enhancement of the local environment including provision for compensatory habitat management for snipe.

15. Prior to the commencement of development, procedures for storage of fuels and chemicals, routine plant inspections and reporting of pollution incidents shall be submitted to and agreed in writing with Council.

Reason: In the interests of safeguarding habitat quality.

16. All power lines within the site outlined in red as per Drawing No. 02 submitted under planning application I/2010/0211/F on 12th May 2010 shall be located underground.

Reason: In the interests of visual amenity.

17. No turbines shall be erected until a scheme for the remediation of any interference with domestic television reception that may be caused by the operation of the windfarm has been submitted to and approved in writing by Council.

Reason: To safeguard television receptions in the locality.

18. Prior to the commencement of development, a report detailing measures to mitigate the effects of shadow flicker on nearby residential properties, should such problems arise within 5 years of the development being commissioned, shall be submitted to and agreed in writing with Council. The report and mitigation measures shall include timescales within which resolution of a problem shall take place.

Reason: In the interests of residential amenity.

19. No part of the development hereby permitted shall be commenced until the site access, including visibility splays and any forward sight lines have been constructed in accordance with Drawing 08 received on 12th May 2010 under planning permission I/2010/0211/F and permanently retained thereafter.

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

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

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

21. Prior to commencement of construction and during the construction stage, the developer shall liaise with Traffic Management Section, Co. Hall, Omagh regarding Traffic Safety Measures.

Reason: In the interests of traffic safety and the convenience of road users.

22. All above ground structures shall be dismantled and removed from the site 25 years from the date when the wind turbine is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). The land shall be restored in accordance with an agreed scheme.

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

23. At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with Council. This scheme shall include details of all works and measures to restore the site, the timeframe within which the works shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

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

Informatives

1. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of bat. It is also an offence;

- (a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- (b) Deliberately to disturb such an animal in such a way as to be likely to;
- (i) Affect the local distribution or abundance of the species to which it belongs;
- (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
- (iii) Impair its ability to hibernate or migrate;
- (c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- (d) To damage or destroy a breeding site or resting place of such an animal.

2. If there is evidence of a bat roost on the site, all work must cease immediately and further advice must be sought from the Wildlife Officer, Northern Ireland Environment Agency.

3. The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which states that it is an offence to intentionally kill, injure or take any wild bird. It is also an offence to take or damage or destroy the nest or egg(s) of these birds or to disturb bird(s) while they are building, in or at a nest, or whilst they have dependant young. It is therefore advised that tree and hedge loss should be kept to a minimum and removal should not be carried out during the bird-breeding season between 1st March and 31st August. Where the bird is included in Schedule 1 of the Order any offence is liable to a special penalty.

4. The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to intentionally kill, injure or take any wild animal included in Schedule 5 of this Order which includes the badger (*Meles meles*). It is also an offence to disturb these animals or damage or obstruct access to their place of refuge, or damage or destroy anything which conceals or protects their place of refuge.

5. If there is evidence of badger on the site, all work must cease immediately and further advice must be sought from the Wildlife Officer, Northern Ireland Environment Agency.

6. The site is within the catchment area of the Ballinderry River which supports populations of salmonids, trout and migrating dollyfish. The river is also subject to important restoration work on native white clawed crayfish and fresh water pearl mussel, both protected under European legislation. The developer should therefore ensure that pollution from construction works (e.g. construction materials, chemicals, fuel, suspended solids) should not enter waterways. Works should not be carried out on the bed or banks or within 10m of watercourses in the area. Any water discharges from works should be consented by NIEA-Water Management Unit. All works near watercourses must be carried out in line with Pollution Prevention Guidelines 5. Storm water from the development should not be discharged to nearby watercourses unless first passed through comprehensive pollution interception and flow attenuation measures in line with SUDS principles.

It is an offence under Section 47 of the Fisheries Act (NI) 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

Where temporary approvals for met masts have expired, or where these meteorological masts are no longer required, they should be removed from the site as soon as practicable.

The BBC has launched a web-based tool so that wind-farm developers can carry out assessments of interference to domestic reception for themselves. Any wind farm enquiries to the BBC or Ofcom now result in the enquirer being directed to this web-based tool. The wind

farm assessment tool can be found at <http://windfarms.kw.bbc.co.uk>.

With regard to microwave links you should contact Ofcom at windfarmenquiries@ofcom.org.uk

7. Please consult with Mark Smailes of Directorate of Airspace Policy at marks.smailes@dap.caa.co.uk and Enniskillen Airport regarding the necessity of aviation lighting.

8. The applicant is obliged to do checks for the proposal with the CAA, the MoD, and NATS. More information is available on the British Wind Energy Association website www.bwea.com.

9. There is a requirement in the UK for all structures over 300 feet high to be charted on aviation maps. You should contact Defence Geographic Centre, AIS Information Centre, Jervis Building, Elmwood Avenue, Feltham, Middlesex, TW13 7AH with details as appropriate.

10. Please advise Defence Estates Organisation of the following information:

- (a) Date of commencement of construction;
- (b) Date of completion of the construction;
- (c) The height above ground of the tallest structure;
- (d) The maximum extension height of any construction equipment;
- (e) The position of the masts in latitude and longitude;
- (f) If the site will be lit;
- (g) Any changes to the scheme as re-evaluation may be required.

This information will be promulgated to military aircrew who will endeavour to avoid direct overflight of the site. Construction workers, particularly those working at height, should be aware that essential military low flying training may be conducted in the vicinity. Please contact a member of the Safeguarding Windfarms team if you wish to discuss this further.

11. With regard to Condition 2, the slope stability and risk assessment study should include details of (i) the quantity and type of material to be excavated (ii) How the material will be stored or used (iii) How long the material will be stored in this way (iv) and what are the ultimate plans/proposals for the materials.

12. Any incidences of peat slides or spoil slumps should be reported as soon as possible to the Planning Authority.

13. The applicant must apply to Transport NI for a licence indemnifying the Planning Authority against any claims arising from the implementation of the proposal.

14. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the DfI 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.

15. The applicant should contact the appropriate Transport NI Section Office in order that an agreement may be reached regarding maintenance costs.

16. Notwithstanding the terms and conditions of the approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer (Molesworth Plaza, Molesworth Street, Cookstown) . A deposit will be required.

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

18. Signs may require separate approval under the Planning (Control of Advertisements)

Regulations (NI) 1992. Their size, construction, content and siting should be approved by Council BEFORE any such signs are erected.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	24th February 2017
Date First Advertised	9th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) Graham Bell 24b Ballynasollus Road Cookstown Janette McRory EMAIL	
Date of Last Neighbour Notification	
Date of EIA Determination	5th June 2017
ES Requested	No

Councillor Gildernew proposed an office meeting in relation to this application stating that further housing was needed in Moy and that he felt issues related to the application could be resolved.

The Planning Manager stated that if the applicant was willing to work with officers then an office meeting could be accommodated.

Councillor McKinney seconded Councillor Gildernew's proposal.

Resolved That planning application LA09/2016/1793/F be deferred for an office meeting.

LA09/2017/0272/F Wind turbine 92.5m blade to tip height, with ancillary works at Beltonanean Mountain, Beltonanean TD, Cookstown for Ross Planning

The Chair advised that a decision on this application should be deferred for one month due to application and agenda advertising the applicant name and agent name as the same person.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0272/F be deferred for one month.

LA09/2017/0304/F Redevelopment of existing store at 38 Castledawson Road, Magherafelt for Lidl Northern Ireland GmbH

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

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0304/F be approved subject to conditions as per the officer's report.

LA09/2017/0509/F Demolition of existing store and erection of new pallet store building with extended yard area and alterations to entrance at 15A Grange Road, Ballygawley for Exi-tite Ltd

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

Proposed by Councillor Cuthbertson
Seconded by Councillor McAleer and

Resolved That planning application LA09/2017/0509/F be approved subject to conditions as per the officer's report.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0322/O	Target Date:
Proposal: Site for 2 infill dwelling and garages	Location: 50m North West of 25 Aughagranna Road Stewartstown Dungannon
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Brian McCuskey 25 Aughagranna Road Stewartstown Dungannon BT71 5QQ	Agent Name and Address: P G Quinn Ltd 15 Derrytresk Road Dungannon BT71 4QL
Executive Summary:	
Signature(s):	

Case Officer Report**Site Location Plan****Consultations:**

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The site comprises rectangular cut out of a larger agricultural field located NW of number 25 Aughagranna Road, Stewartstown. The land rises from the roadside to the rear (North to South) and is currently used for grazing, however, there are a number of weeds and rushes present. The site boundaries are undefined on the ground on the southern and eastern sides, with only a low cropped hedgerow along the boundary of number 25. The remaining roadside and western boundaries are a mix of hedging and some mature trees.

The site lies between two dwellings, number 25 to the SE and number 9 to the NW. Importantly No 9 does not have a separate garage and as such it is to be regarded as one building. The surrounding area is predominantly agricultural fields with a scattering of dwellings and farm holdings. The two neighbouring dwellings are large two storey detached set on big sites. Number 25 to the SE has been recently constructed and sat very open on a large site. The site lies a short distance to the South East of the settlement limit of Stewartstown.

Description of Proposal

The proposal seeks planning permission for an infill site.

Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles
 PPS 3 Access, Movement and Parking
 PPS 21 Sustainable Development in the Countryside
 SPPS

CTY 1 - Development in the Countryside
 CTY 8 - Ribbon Development
 CTY 13 - Integration and Design of Buildings in the Countryside
 CTY 14 - Rural Character

The application is seeking an infill site between numbers 9 and 25 Aughagranna Road. The site itself lies to the East of Number 9 and to the west of number 25. In my opinion the two dwellings mentioned do not constitute the definition of a substantially built up frontage as the line has less than three buildings.

Policy CTY 8 of PPS21 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. In this case it is my opinion that the proposal does not constitute a continuously built up frontage as there are only two dwellings. In addition the gap between the two dwellings (the site and the additional part of the field not included within the red line) would be large enough to accommodate more than two dwellings. The building to building distance is over 120 metres and the road frontage is over 70 metres.

I have additional concerns that the application also relies on 2 buildings which do not share a frontage with the public road. The dwelling to the SE appears to have had works carried out which attempt to do this in the form of an access which may require some further investigation.

The proposal does not comply with policy CTY8 of PPS21.

Policy CTY13 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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. The site however, is very open when approaching from the East, however, with the aid of planting it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale.

In terms of policy CTY14 planning permission will only 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. It is considered that the site if approved would add to a ribbon of development and result in a suburban style build-up of development when viewed with the existing dwellings, particularly in proposing frontage development out of keeping with the established pattern of development in the area and exhibited by adjacent dwellings.

The application was advertised on 16th March 2017 and Neighbour Notifications were issued on 7th March 2017.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommend Refusal - Contrary to policy CTY 1, CTY 8 and CTY 14 off PPS21.

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along the Aughagranna Road and does not represent a gap site in a substantially built up frontage.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: a dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would create or add to a ribbon of development, therefore resulting in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	28th February 2017
Date First Advertised	16th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Aughagranna Road, Aughagranna, Dungannon, Tyrone, BT71 5QQ The Owner/Occupier, 22 Aughagranna Road Aughagranna Dungannon The Owner/Occupier, 25 Aughagranna Road,Aughagranna,Dungannon,Tyrone,BT71 5QQ, The Owner/Occupier, 9 Aughagranna Road,Aughagranna,Dungannon,Tyrone,BT71 5QQ,	
Date of Last Neighbour Notification	7th March 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0322/O Proposal: 2 infill dwellings and domestic garages including new shared entrance to public road, driveways, sewerage treatment plants and associated services Address: 50m North West of 25 Aughagranna Road, Stewartstown, Dungannon,	
Summary of Consultee Responses TNI and ENV Health have been consulted and have no objection subject to conditions.	
Drawing Numbers and Title	

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0336/F	Target Date:
Proposal: Erection of dwelling with detached garage, in substitution for dwelling approved under planning application LA09/2016/1585/O	Location: Approximately 70 metres North West of 31 Rhone Road Moy Dungannon
Referral Route: Family Member within the Council.	
Recommendation:	APPROVE
Applicant Name and Address: Matthew Hughes 1 Diamond Court MOY	Agent Name and Address: O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street NEWRY BT35 6BH
Executive Summary: Revised design submitted and amended following outline permission LA09/2016/1585/O.	
Signature(s): <div style="height: 40px;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - 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

The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and its effect on the visual amenity of the area.

Characteristics of the Site and Area

The application site is located 70 metres north of 31 Rhone Road, MOY within the townland of DRUMMOND. It is outside the settlement limits of MOY as defined in the Dungannon and South Tyrone Area Plan 2010.

This area is largely characterised by agriculture land, farm holdings and dispersed settlements. The topography of the land whilst elevated is relatively flat and falls away to the west surrounding areas having an undulating terrain around the drumlin on which the site occupies.

The red line site encompasses a portion of a larger agricultural field and a small area of an adjacent farmyard is also under ownership of the applicant. The site is bounded along the roadside and adjacent fields by established hedgerows, interspersed with trees although the southern boundary abutting the farmyard has post and wire plus a farm shed structure as its boundary; reflecting a point of access onto the site. The adjacent farmyard includes a number of agricultural sheds.

Description of Proposal

Erection of dwelling with detached garage, in substitution for dwelling approved under planning application LA09/2016/1585/0.

The proposal is for a two-storey detached property with dominant gables (front and rear) with a single storey annexe at 30 degrees and north of the main structure for the provision of a kitchen, dining and living room area.

The footprint of the main structure is 17.2 metres by 10.4 metres in width, with the annexe 13.4 metres in length (excluding bay window projection 0.750 metres) and 7 metres in width. The 30 degree annexe extends beyond the rear elevation of the main structure by approximately 3.1 metres and projects 1.3 metres beyond the front elevation of the main structure. The ridge height of the main structure is 6.8 metres with the annexe ridge height 5.3 metres, both have a pitched roof with the connecting hallway (2.15 metres at front and 4.3 metres at rear and 3.3 metres in width) having a flat roof height of 2.65 metres.

The two storey double garage is positioned south west of the main structure by approximately 16 metres and has a footprint of 9.4 metres with a width of 5.9 metres and external steps. The ridge height of the pitched roof is 6.3 metres.

The external finishes to the main structure, annexe and garage is natural stone facing with raised granite plinth (0.3 metres) combined with natural roofing slates and concrete roof tiles with PVC guttering and cream UPVC doors plus casement type windows.

Proposals also include landscaping proposals and regrading existing contours to meet new levels as per Drawing 02 Rev 2 dated 7th August 2017.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon and South Tyrone Area Plan 2010.
3. PPS 3 Access Movement and Parking
4. PPS21 Sustainable Development in the Countryside

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together

with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Departmental publications cancelled by the introduction of the SPPS include PPS 1: General Principles, PPS 5: Retailing and Town Centres and PPS 9: The Enforcement of Planning Control.

Planning History

The principle for permitting development has already been established under application LA09/2016/1585/O, with outline permission granted for a dwelling and garage. This proposal for the placement of a dwelling and garage occupies the same site as previously identified at outline.

No reserve matters were submitted although after discussions a revised design was provided as part of this application (Drawing 02 Rev 2 dated 7th August 2017), to satisfy requested amendments, including access provision.

In accordance with the Strategic Planning Policy Statement (SPPS) Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015, an advert was placed in local newspapers. At the time of writing, no third party objections were received. Representations were requested from Department for Infrastructure-Roads (DFI Roads) with comments received.

1. Drawing 02, provide a lay-by to allow at least one vehicle to wait off the carriageway, refer to attached diagrams, option A or B.
2. Detail access drainage measures and provide a vehicle turning area.

The amendments have been absorbed within Drawing 02 Rev 2 dated 7th August 2017.

Assessment

This proposal within the townland of DRUMMOND, is located outside the settlement limit as defined by the Dungannon and South Tyrone Area Plan 2010 with development controlled under the provisions of the SPPS, PPS3 and PPS 21. The aim of PPS21 is to manage development in the countryside in a balanced way that protects it from unnecessary development whilst supporting rural communities. In accordance with CTY 1 of PPS 21, planning permission will be granted for an individual dwelling house in the countryside on a case by case basis and if satisfying a set criteria. This proposal under CTY 1 attracts consideration for a dwelling on a farm in accordance with Policy CTY 10, based upon the outline planning permission LA09/2016/1585/O.

CTY10 (Dwellings on Farms) of PPS 21 will allow a dwelling to be permitted on an active farm, every 10 years subject to certain criteria. In particular CTY10 operates with a

presumption that the dwelling is sited to either visually link or cluster with an established group of buildings on the farm.

In relation to the proposal and based upon the evidence obtained in LA09/2016/1585/O the farm business has been established for more than six years and claims have also been made against the land in the last six years. The original landowner who is actively farming has agreed terms with the applicant and surrendered the one in ten year dwelling provision. Whilst the details of the applicant have now changed, the farmyard is also under the control of the new applicant. Accordingly, no development opportunities have been sold off that might avail of the same CTY 10 application. The outline planning permission obtained in 2016 whilst not retracted, will exist in abeyance until expired, as the current proposal for full permission occupies a similar footprint.

I am therefore satisfied from my site visit that a farm business is currently active with evidence from the outline application (LA09/2016/1585/O) confirming the six year threshold for eligibility, nor have development opportunities been sold off within the previous ten years. Towards satisfying that the proposal is visually linked or sited to cluster with an established group of buildings on the farm, the south east elevation of the garage is approximately 6 metres to the closest farm shed. Whilst the main structure is distanced by over 20 metres, there remains partial linkage through the positioning of the garage that enables policy to be achieved. Additional planting will provide further linkage and integration of the proposal with the existing cluster of buildings on the farmyard to satisfy policy and this is shown on Drawing 02 Rev 2 Dated 7th August 2017.

Whilst the essential criteria for CTY 10 has been achieved, the proposal must also satisfy CTY 13(a-f), CTY 14 and CTY 16 of PPS 21.

In relation to CTY 13, 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. It is my view that the proposed dwelling whilst having a significant footprint of 17.2 metres by 10.4 metres in width, with the annexe 13.4 metres in length (excluding bay window projection 0.750 metres) and 7 metres in width, the site has sufficient capacity to absorb a dwelling of the size and scale proposed. The siting of the proposal along with the existing landscaping/natural screening will help ensure that the dwelling does not have a negative impact on the integrity and character of the surrounding landscape fabric. Consequently, the imposed ridge line condition of 6.5 metres at Outline for LA09/2017/1585/0 requires assessment following an increase to 6.8 metres with inclusion of roof lights when seeking Full planning permission. It is my view that given the detail of the proposal received, subsequent amendments submitted combined with siting and screening, the additional increase of 0.3 metres is acceptable.

Regarding CTY 14, 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. It is my view the proposal retains a visual linkage with the established building group within the farmyard, when assessed at road side or from separate vantage points, thus maintaining the rural character.

Concerning CTY 16 (development relying on non-mains sewerage) this is satisfied through the provision of a 6-8 person septic tank, shown on Drawing 02 Rev 2 Dated 7th August 2017.

It is my view that CTY 1, CTY 10, CTY 13, and CTY 14 and CTY 16 of PPS 21 have been satisfied. In relation to the proposal meeting the policy requirements of the SPPS, I view the proposal appropriate to its context and compatible with its setting, particularly when the site has at least two established boundaries of vegetation that provide partial screening from the roadside and additional planting is envisaged. In reference to PPS 3, DfI were consulted and have responded highlighting that they had no objection to the proposal, subject to condition. I am therefore satisfied that an adequate means of access to and within the site can be provided and that the proposal complies with the policy requirements of PPS 3 (access, movement and parking).

Therefore on the basis of the evidence available, I am persuaded on the balance of advantage from policy guidance, to recommend approval for application LA09/2017/0336/F, subject to conditions and informatives.

Neighbour Notification Checked	Yes/No
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Summary of Recommendation:

I consider that the proposal LA09/2017/0336/F complies with policy and does not pose a negative impact upon public safety or the amenity of the site and its surrounding environment, approval recommended.

Conditions/Reasons for Refusal:

Conditions

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

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

2. The existing mature trees and vegetation along the site boundaries, identified on Drawing 02 Rev 2 Dated 7th August 2017 shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without prior consent in writing to Mid Ulster District Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

Reason: To ensure the maintenance of screening to the site.

3. Prior to the commencement of any development hereby approved, the vehicular access, the visibility splays of (2.4m * 33.0m) and any forward sight distance shall be provided in accordance with Drawing 02 Rev 2 Dated 7th August 2017. The visibility splays shall be retained and kept clear thereafter.

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

4. During the first available planting season after the occupation of the dwelling all new landscaping as shown on Drawing 02 Rev 2 Dated 7th August 2017, shall be carried out as approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

5. One dwelling only to be erected within the site outlined in red on Drawing 02 Rev 2 Dated 7th August 2017.

Reason: This permission is in substitution for LA09/2016/1585/O.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. 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.

Signature(s)

Date:

ANNEX	
Date Valid	9th March 2017
Date First Advertised	23rd March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1585/O Proposal: Dwelling and Garage Address: 45m North of 29 Rhone Road, Moy, Dungannon, Decision: PG Decision Date: 22.02.2017 Ref ID: LA09/2017/0336/F Proposal: Erection of dwelling with detached garage, in substitution for dwelling approved under planning application LA09/2016/1585/O Address: Approximately 70 metres North West of 31 Rhone Road, Moy, Dungannon, Decision: Decision Date: Ref ID: M/2000/1194/F Proposal: O/H single phase line on wood pole Address: 31 Rhone Road Dungannon (TD of Drummond) Decision: Decision Date: 04.01.2001 Ref ID: M/2009/0160/O Proposal: Proposed replacement dwelling Address: 29 Rhone Road, Moy, Dungannon, Co tyrone Decision: Decision Date: 08.04.2009	

Ref ID: M/2004/2146/O

Proposal: Proposed dwelling.

Address: Approximately 80 Metres north of 36 Rhone Road, Syerla, Dungannon.

Decision:

Decision Date: 27.06.2005

Summary of Consultee Responses

Representations were requested from Department for Infrastructure-Roads (DFI Roads) with comments received.

1. Drawing 02, provide a lay-by to allow at least one vehicle to wait off the carriageway, refer to attached diagrams, option A or B.

2. Detail access drainage measures and provide a vehicle turning area.

The amendments have been absorbed within Drawing 02 Rev 2 dated 7th August 2017

Drawing Numbers and Title

Drawing No. 02 REV 1

Type: Site Layout or Block Plan

Status: Approved

Drawing No. FARM MAPS

Type: Farm Boundary Map

Status: Approved

Drawing No. 02

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 01

Type: Technical Specification

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

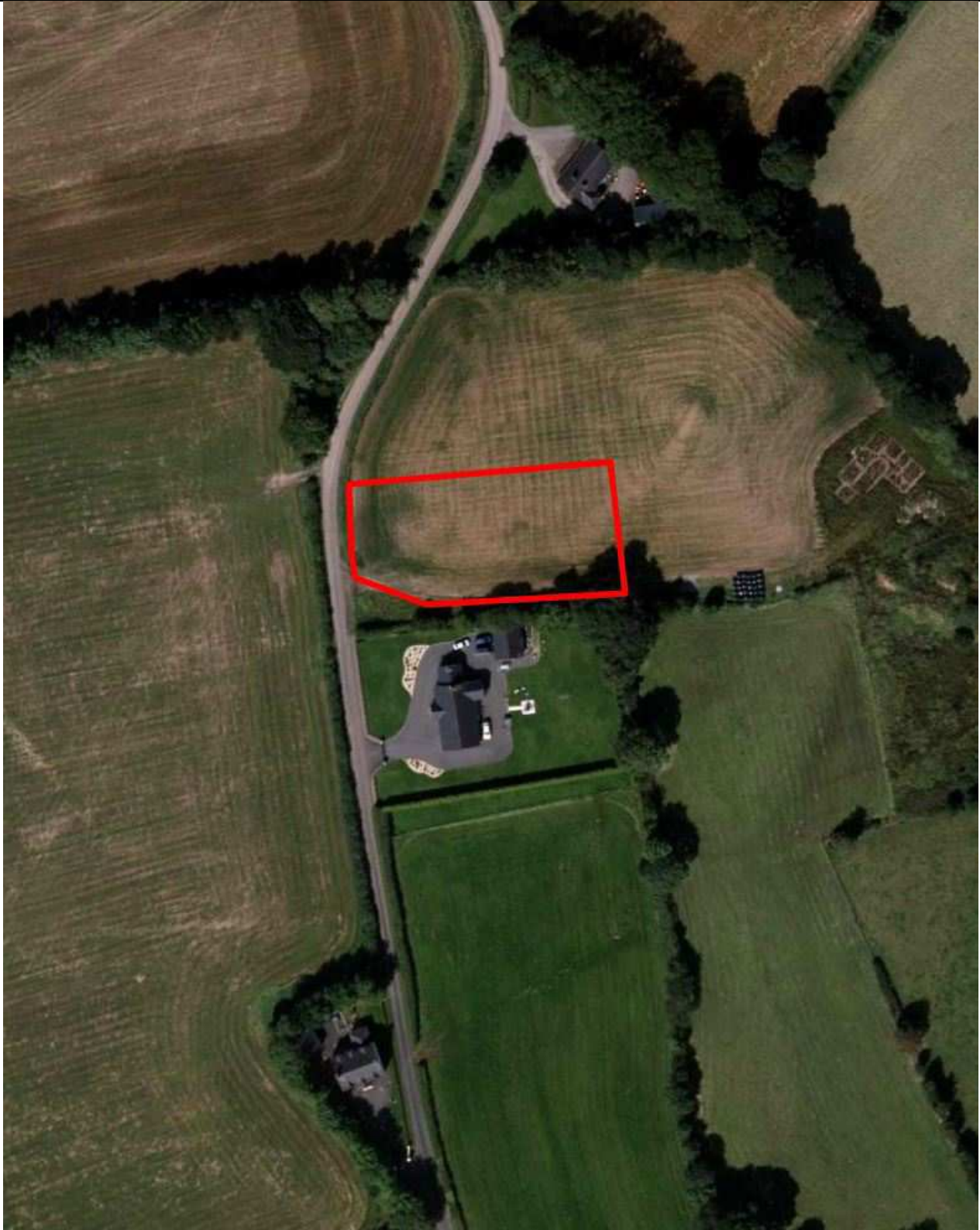
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0380/O	Target Date:
Proposal: Proposed site for dwelling in a gap site	Location: 80m South of 31 Gortnaskey Road Draperstown
Referral Route: Refusal recommended – contrary to CTY 8, CTY 13 & CTY 14 of PPS21	
Recommendation: Refusal	
Applicant Name and Address: Oonagh Barrett 25 Cloane Road Draperstown	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report**Site Location Plan****Consultations:**

Consultation Type	Consultee	Response
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Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - Enniskillen Office	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues Refusal recommended – contrary to CTY 8, CTY 13 & CTY 14 of PPS21		
Characteristics of the Site and Area The proposal site is within a roadside larger relatively flat agricultural field. The site is undefined on the northern and eastern boundaries, defined on ly on the roadside/western boundary by a post and wire fence and small grass verge and on the southern boundary by maturee trees and vegetation. Directly adjacent to the proposal site on the southern side is a roadside detached single storey dwelling with a detached garage to the rear of the property, while to the north beyond the larger agricultural field is a single storey detached dwelling also with a garage sited at the rear. A new dwelling has been approved to the eastern corner of the larger agricultural field that this current site is within, this has commenced by way of the access and foundations having been put in though no recent work appears to have been carried out.		
Description of Proposal Outline application for dwelling in a gap site.		
Planning Assessment of Policy and Other Material Considerations I have assessed this proposal under the following: SPSS Magherafelt Area Plan 2015 Planning Policy Statement1 - General Principles Planning Policy Statement 21- Sustainable development in the countryside Planning Policy Statement 3 - Access, Movement and Parking Neighbours: Owners/occupiers of the dwelling adjacent to the proposal site, No 25 Gortnaskey Road, was notified of this proposal on 11.08.2017 In line with legislation this proposal was advertised in the local press during March 2017.		

Consultees: - Environmental Health were asked to comment and responded on 19.04.2017 with no objections.

NI Water were asked to comment and responded on 31.03.2017 with no objections.

Transportni were asked to comment and responded on 14.04.2017 with no objections.

Site History - To the rear of the proposal site a dwelling and garage were approved under H/2008/0220/RM and the development has commenced. No site history exists on the proposal site itself.

According to PPS21 - CTY 8 planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

This proposed site for a dwelling is located within a large agricultural field directly adjacent to a detached single storey dwelling (No.25 Gortnaskey Road). The adjacent property also has a detached single storey garage located to the rear which is not clearly visible when along the Gortnaskey Road.

The proposed site is undefined on the northern and eastern boundaries while the roadside consists of a post and wire fence and small grass verge and the southern boundary consists of a post and wire fence and mature trees and vegetation. The Gortnaskey Road is a minor road with little traffic.

Located north of the proposal site and beyond the agricultural field the site is within is a further detached single storey dwelling. To the rear of the proposal site an approval for dwelling and garage has been approved and development commenced though not completed.

Within CTY 8 existing development has to be visually linked and be substantially and continuously built up, the proposal site is located adjacent to one dwelling, although a detached garage is within this site it is almost entirely concealed behind the dwelling and as such is subordinate and setback so not following the building line and cannot be included in counting towards a possible 'ribbon of development', then further to the north of the site is a further single storey detached dwelling and again a detached garage located directly to the rear and thus subordinate and not counted within the line of development. This interpretation of the policy has been established with the PAC as demonstrated under Appeal reference 2016/A0070 parag. 31 which the committee can view a copy of at the end of this report. Having considered this it is my conclusion that the proposal site is not sited within a substantial or continuously built up frontage and so fails to meet the criteria of CTY 8.

For garages to successfully contribute towards an 'infill' application they must be **visually separated** from the associated dwelling. This is not the case with either of the adjacent dwellings for this proposal site.

In addition this proposal should be considered against CTY 13 - Integration and Design of Buildings in the Countryside of PPS21. Within this policy it 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. However a new building will be unacceptable where:

- it is a prominent feature in the landscape;
- 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;
- it relies primarily on the use of new landscaping for integration;
- ancillary works do not integrate with their surroundings; or
- the design of the building is inappropriate for the site and its locality; or

- it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm.

In this particular case the proposal site lacks long established boundaries except on the southern boundary and so cannot meet the second and third criteria of CTY 13. As this is an outline application no design has been proposed at this stage, however the two neighbouring properties are single storey modest dwellings.

Finally the proposal should be considered against CTY 14 - Rural Character whereby it 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. A new building would be considered unacceptable where it is unduly prominent in the landscape, where it results in a suburban style build-up of development when viewed with existing and approved buildings, when it does not respect the traditional pattern of settlement exhibited in that area, when it creates or adds to a ribbon of development or when the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. In this particular instance the proposed site would create a ribbon of development along the Gortnaskey Road and as such fails to comply with CTY 14 of PPS21.

Having considered all of the above I feel that this proposal fails to meet the criteria within CTY 8, CTY 13 _ CTY 14 and should not be considered an exception but rather the proposal would create a ribbon of development and fails to have long established boundaries but rather would rely on the use of new landscaping for integration and thus a recommendation of refusal should be given.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended – contrary to CTY 8, CTY 13 & CTY 14 of PPS21

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 Gortnaskey Road.

2. 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.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)
Date:

ANNEX	
Date Valid	15th March 2017
Date First Advertised	30th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Gortnaskey Road, Draperstown	
Date of Last Neighbour Notification	11th August 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0380/O Proposal: Proposed site for dwelling in a gap site Address: 80m South of 31 Gortnaskey Road, Draperstown, Decision: Decision Date: Ref ID: H/2001/0300/O Proposal: Site of dwelling and garage Address: Adjacent to No. 31 Gortnaskey Road, Draperstown Decision: Decision Date: 03.09.2001 Ref ID: H/2008/0220/RM Proposal: Proposed dwelling & detached garage Address: Approx. 200m North East of 20 Gortnaskey Road, Draperstown Decision: Decision Date: 12.09.2008	
Summary of Consultee Responses	

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



Appeal Decision

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

Appeal Reference:	2016/A0070.
Appeal by:	Mr Christopher Cassidy.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Replacement office and storage unit associated with an established business (retrospective).
Location:	50m west of 35 Moss Road, Ballymaguigan, Magherafelt.
Planning Authority:	Mid-Ulster District Council.
Application Reference:	LA09/2015/0598/F.
Procedure:	Hearing on 25 October 2016.
Decision by:	Commissioner Mark Watson, dated 16 February 2017.

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by the Council against the Appellant. A claim for costs was also made by the Appellant against the Council. These claims are the subject of separate decisions.

Reasons

3. The main issues in this appeal are whether the appeal development would:
 - be acceptable in principle;
 - harm the amenity of nearby dwellings;
 - result in ribbon development; and
 - harm rural character, including marring the distinction between the edge of Ballymaguigan and the countryside.
4. The Magherafelt Area Plan 2015 (MAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside, outside but in proximity to the settlement limit for Ballymaguigan. The site is not affected by any MAP designations. The MAP offers no specific policy or guidance in respect of the proposed development and is not material. In regard to the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). PPS21 policy provisions remain applicable to the appeal development.

5. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. This includes industry and business uses in accordance with PPS4. It follows that if the development complies with the provisions of PPS4 it will comply with Policy CTY1 of PPS21.
6. The site comprises an area of land on the southern side of Moss Road. Part of it has been covered in hardcore and there is a portacabin on site. The appeal building has been partially erected, with a steel frame base mounted on concrete pipes adjacent and south of the portacabin. The timber frame structure for the walls has been erected and there is a roof in place. A ranch fence and mature vegetation provide a portion of the site frontage, whilst there is a tall, mature beech hedge providing demarcation between the site and No. 35 Moss Road, a single storey dwelling adjacent and east of the site. No. 37, a dwelling with a shed within its curtilage lies to the south-east of the site and to the rear of No. 35. The western and part of the southern site boundaries are undefined, but new planting has taken place just west of the existing mobile and appeal structure. Part of the southern boundary has a mature hedge along it. Opposite and north-east lies a 1.5 storey dwelling with the Moss Tiles and Bathroom Centre located to its rear in a sizeable building. There are a number of detached dwellings to the north-west of the site, which lie within the small settlement of Ballymaguigan. There are several businesses within the locality.
7. The appeal building is to be a flat roofed timber framed structure, measuring approximately 9.9m by 9.38m, with a height of approximately 3.4m. The interior would comprise an office area, with file storage located along one wall, as well as a separate kitchen, bathroom and meeting room. It is to be finished in render with cedar timber cladding on parts of the facade.
8. Whilst Policy PED3 of PPS4 was referred to in the Appellant's evidence, that policy relates to expansion of established economic development uses in the countryside. Given the appeal development would replace the existing structure on site, this policy is not applicable. Whilst the Appellant described the development as a replacement office and storage scheme, on the basis of the submitted plans the storage element is ancillary to the main use of the building for an office.
9. The Appellant received a certificate of lawfulness of existing use or development (CLEUD) in respect of the existing portacabin on site for storage purposes. Storage falls under Class B4 of the Planning (Use Classes) Order (NI) 2015. The use for an office falls under Class B1 of the Use Classes Order. Whilst the Appellant may have a CLEUD in respect of storage use on the site, it does not cover the use of the portacabin for an office, even if the storage may have been in association with the Appellant's business. Whilst a separate CLEUD application was submitted in respect of office use of the portacabin, that application was refused.
10. At my accompanied site visit, I noted the interior of half the portacabin was fitted out for use as an office. The Appellant stated that it was used regularly by him for his business, as well as for holding meetings. He pointed to the fact the portacabin had water and electricity supplies. The submission of a number of affidavits from the Appellant, staff members and other persons who have

associations with the Appellant's business all state that the portacabin was used for meetings and office purposes. The Council pointed to the marked differences between the interior that day and its earlier site inspection in June 2016, where it was in a more dilapidated condition and did not appear to be in a condition suitable for office use and meetings. At that time the building did not have electricity linked up, although a generator had been placed into the portacabin.

11. I acknowledge the differences in the condition and fit out of the interior of the portacabin between the inspection in June 2016 and my own accompanied inspection, including the provision of electricity since then. Having reference to the plans submitted with the CLEUD granted by the Council for storage use, I note that the area within the portacabin that was in office use during my visit was shown on those plans as storage space. Regardless of the condition of the interior and its use, as well as the arguments that it has always been used for an office and meetings, the appropriate mechanism for determining an existing use of a building is through the submission of a CLEUD. The Appellant's existing CLEUD in respect of storage use for the portacabin does not in itself bestow wider commercial use rights on the site.
12. However, an existing storage use can still be considered to be an established economic development use in its own right. Policy PED4 of PPS4 states that a proposal for redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it is demonstrated that all of 4 criteria are met. The policy would therefore in principle allow for the potential redevelopment of the existing storage use for the proposed office use, subject to meeting the criteria contained in Policy PED4.
13. Criterion (a) of PED4 requires that the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area. Criterion (d) of PED4 states that the overall visual impact of the replacement buildings is not significantly greater than that of the buildings to be replaced.
14. The existing building, although of similar length to the appeal building, is narrower, sits at a lower level on the site in a position that avails of screening from existing roadside boundary vegetation. It thus possesses a low key visual presence. The appeal building would have a larger footprint and despite its flat roof, would still be 0.6m greater in height with a finished floor level approximately 0.75m higher than that of the portacabin. This, along with its more central position within the site, when taken with the removal of 18m of the frontage vegetation to facilitate the required visibility splays, would render the appeal building more visually conspicuous than the existing portacabin. For reasons outlined later in this decision the scale of the new building would harm the rural character and appearance of the local area. The new building would have a significantly greater overall visual impact than the existing building arising from its larger size and height, location and orientation, the raising of site levels to facilitate it, along with the parking area and loss of frontage vegetation, even though the critical view would be limited to the approach travelling south-east towards the site and its roof level would still be below that of No. 35 Moss Road. Whilst new planting is proposed along the western and southern boundaries, as well as to the rear of the visibility splay in question, and I note some planning has already taken place

within the western part of the site, this would not overcome the objection to the development on these grounds.

15. There was dispute between the parties as to the extent of the increase in site area arising from the appeal development. It is difficult to ascertain the previous extent of the site given the hardstanding for the appeal development is already in place. The drawings accompanying the approved CLEUD for storage use do not greatly assist in this regard. However, given the position of the existing portacabin in relation to the site access I consider it feasible that a sizeable portion of what is now hardstanding was likely previously used to provide access to the portacabin. Accordingly I would accept the Appellant's position that the increase to facilitate the appeal development could be termed as proportionate. This particular element of criterion (a) is not offended.
16. Whilst the Appellant pointed to a number of businesses in the locality and the area can be described as having a character with some degree of mixed use, the majority of the identified businesses lie within the settlement limit of Ballymaguigan. They therefore occupy an urban context for the purposes of planning policy. The businesses identified as E, F and J (as shown on Appellant's Site Analysis submitted with his Statement of Case), although lying outside the Ballymaguigan settlement limit are either set far back off the roadside or occupy well enclosed sites, resulting that they are not visually conspicuous and do not harm rural character. They would not justify the appeal development or the impacts arising from the development if approved. For the reasons given above the appeal development would not fully meet criterion (a) of PED4 and fail to meet criterion (d) of Policy PED4. The Appellant's visual analysis and aerial photography would not persuade me otherwise.
17. The Appellant pointed to the environmental benefits as a result of the redevelopment. He removed approximately 300 tonnes of waste from the site several years ago. Whilst the site may have previously had waste deposited on it and appeared extremely unkempt, the Appellant removed it and the improvements that have taken place are not linked to the appeal development. The site as it stands is in fair condition. Although the site level has been raised to provide a more level surface parking area, it cannot be described as unkempt, even if the condition of the portacabin itself has deteriorated. However, I am not persuaded that the appeal development would bring about environmental benefits beyond the existing situation, even with new planting, that would justify the development. The portacabin itself has a low key visual presence, hence even in its deteriorated state, were it to be replaced with the larger, more visually conspicuous appeal building, I am not persuaded that this would represent an environmental benefit. Whilst the appeal building might prove more energy efficient than the portacabin, when taken in the round, the overall visual and physical impacts of the development, including increased traffic to the site are such that I am not persuaded that criterion (b) of Policy PED4 would be met. However, even if accepting compliance with this criterion, that in itself would not be sufficient to overcome the other objections raised under Policy PED4. The appeal development does not fully meet criterion (a) and fails to meet criteria (b) and (d) of Policy PED4 of PPS4. Given the critical nature of these deficiencies, I find the policy is not met when read as a whole.

18. The Appellant stated that the appeal building was needed to accommodate additional staff as his business was expanding to meet an upturn in work. He hoped to employ up to 6 new staff in total. The appeal building would accommodate 4 staff as part of a new design and build team, with the potential for further staff if required. It would also be ideally located in relation to Belfast International Airport (BIA) for a number of clients coming from England and further afield for meetings, as well as being within suitable travel distance of the main office in Magherafelt. The location also suited as the majority of his business still comes from the Mid Ulster area. He considered that there were no existing premises within the area that met his business needs in respect of the location, floorspace needed and the need to provide disabled access for clients using wheelchairs. He provided letters from several agents confirming his attempts to secure new premises and the lack of available properties.
19. The Council disagreed, providing examples of premises to let located in a number of settlements in the Mid Ulster area. These were located in Cookstown, Toomebridge, Magherafelt, Moneymore, Maghera, Castledawson, Coalisland, Draperstown and Dungannon. Whilst a number of those raised by the Council are unavailable, as of 26 November 2016 there remained 7 of the 20 cited properties available to let or purchase. Several of these properties were ground floor premises, with floorspaces large enough, or larger than the Appellant's stated requirements. They could also conceivably be made suitable for disabled access, if they were not already. One property at Loves Hill, Castledawson had been deemed potentially suitable by the Appellant but discounted given its overly large size including a warehouse element, uncertainty over whether it could be subdivided and the high rental and rates costs. The Council's updated evidence stated that the property in question is available and there is potential for subdivision of the premises. Such potential subdivision could allow for negotiated lower rental costs as well as lower rates costs based on a smaller floorspace.
20. Whilst the Appellant considered that several properties did not suit due to their distance from his main office and BIA, I am not persuaded that this in itself would render those properties unsuitable, merely less desirable and convenient. One property was also discounted as being too expensive. Some of the properties had no dedicated car parking and would result in employees having to either pay for parking or rely on on-street facilities. The need for office workers to pay for car parking facilities is not uncommon and whilst the appeal site would provide free dedicated parking for employees, this would not justify the appeal development. Whilst some of the available properties might not suit the specific desires of the Appellant or his budget, they do not demonstrate a lack of availability of office premises in the Mid Ulster area, nor would they justify the appeal development.
21. Notwithstanding the continued disagreement between the parties as to the availability of several of the properties, it is evident that although the office rental market within the Mid Ulster area does fluctuate in terms of available properties, there remains a reasonable degree of office space, or properties potentially suited for that purpose, available. Whilst the situation may have changed somewhat since November 2016, I am not persuaded that premises either suitable or potentially suitable through adaptation would not be available to meet to the Appellant's business needs. The Appellant's argument that no other suitable or potentially suitable properties are available within the area that meet all his needs is not one that would outweigh the objections to the development.

22. From the evidence presented at the hearing, the Appellant's business is healthy and experiencing an upsurge in contracts. It was stated that the refusal of planning permission for the appeal development would force the Appellant to reconsider the expansion for the design and build team as his existing office has no more room to accommodate further staff. However, given the potential availability of other premises in the Mid Ulster area I am not persuaded that it would adversely impact on his business or ultimately on his expansion plans, even if it took him a period of time to secure additional premises.
23. The Appellant pointed to the dilapidated condition of the existing portacabin, including a leak in the roof that had caused damage to both the interior itself and stored equipment. He considered that the appeal building would provide comfortable, weatherproof accommodation for the business. Whilst I note the dilapidated condition of the existing portacabin and the need for some repairs, I am not persuaded that these matters would justify its replacement with the appeal building.
24. Although not referred to in the reasons for refusal, the Council also considered that the development would adversely impact on the amenity of Nos. 35 and 37 Moss Road by reason of noise and activity from the staff and visitors attracted to the site. The owner of No. 37 objected at application stage on this matter. The issue falls to be considered under criteria (a) and (b) of Policy PED9 of PPS4 – General Criteria for Economic Development. Despite the close proximity of the site to No. 35, there is a strong intervening hedgeline providing privacy and separation from the appeal site. No. 37 lies south-east of the site, with approximately 46m separation between the dwelling and the closest part of the appeal building and hardstanding. Whilst part of the appeal building would be visible from No. 37 this would not in itself warrant the withholding of planning permission. Approval of the development would inevitably give rise to a higher level of traffic and activity on the site, however, during my visits to the site I noted a reasonable level of vehicular traffic using Moss Road. Although traffic attracted to the site would be discernible from the properties in question, I am not persuaded that the level of activity associated with the proposed office use would harm the amenities of nearby residents in Nos. 35 or 37 by way of noise or pollution. Nor would the level of activity generated render the development incompatible with the surrounding land uses.
25. Whilst I note the comments from the Objector in No. 37 regarding the site and appeal building, a major focus was on the then unsightly nature of the site, which the Appellant has since tidied by removing waste material from the land. I note the retraction of comments from that Objector, although they were referenced under a separate planning application submitted by the Appellant on the site seeking an extension to the existing portacabin. In any event, regardless of the remaining contention between the Appellant and Council as to the status of this objection, given my consideration above I am not persuaded that the impacts on No. 35 or No. 37 would be objectionable given the level of activity proposed taken in the context of the existing surrounding area. Without prejudice to my conclusions on Policy PED4 and impact on rural character, I find that criteria (a) and (b) of Policy PED9 are not offended. This element of objection is not sustained.
26. The Council at the hearing also referred to additional criteria under Policy PED9 of PPS4 it felt the appeal development did not comply with. Although not referred to

in the Statement of Case they were referenced in the Council's Case Officer Report. The Appellant was alive to these matters, was able to comment on them at the hearing and was not prejudiced.

27. Criterion (i) of PED9 requires provision of a movement pattern that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. The site is located in a rural area, wherein car use is the predominant form of transportation. Supporting walking and cycling to the site would not be particularly easy given its rural location. The building is designed to meet the needs of people whose mobility is impaired. Whilst I note the bus service referred to by the Appellant that runs through Ballymaguigan every two hours that service would be unlikely to readily suit office hours and facilitate visits for client meetings at the site. The site does not provide adequate and convenient access to public transport, though I acknowledge that with any rural site this is a more challenging task. Nevertheless, criterion (i) is not fully met.
28. Criterion (j) of PED9 requires that the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity. Whilst the Council raised issues with the design of the appeal building, although it is of timber frame construction, it is to be finished in smooth render with cedar panelling in parts. The design is contemporary in nature and given the materials and level of proposed finish, would not read as a simple prefabricated building. Without prejudice to my conclusions on overall visual impact and rural character, I do not find the design itself objectionable or of low quality. However, given the overall impacts the appeal development would have, I am not persuaded that the site layout, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity. Criterion (j) of PED9 is not fully met.
29. Criterion (k) of PED9 requires that appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view. Criterion (m) of PED9 states that in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. No outside storage is proposed. The Appellant proposes boundary treatment and means of enclosure along the southern and western boundaries in the form of new planting. Several new trees are also shown in proximity to the parking area. Details of the new planting are not specified and I agree that the measures shown are not satisfactory to assist integration into the landscape given the greater visual impact the appeal building would possess in relation to the existing portacabin on rural character. These criteria of PED9 are not fully met.
30. Regardless of the failure to fully meet the stated criteria under Policy PED9, given my earlier conclusions in respect of Policy PED4, there remains no overall policy support in PPS4 for the development. As the appeal development does not comply with PPS4, it does not comply with CTY1 of PPS21. There are no overriding reasons why the development is essential and could not be located in a settlement. The Council's first and second reasons for refusal are sustained to the extent specified.

31. The Council considered that the appeal development would result in ribbon development. Whilst the appeal building would be evident in the landscape when travelling south-east towards the site, I do not agree that it would result in ribbon development with No. 35 as they would be the only two buildings with visual linkage fronting onto Moss Road. No 35's garage would not read with the other buildings as part of a ribbon given its subordinate and setback position to the rear of the forward building line of the host dwelling. No. 37, although visible to the south-east and "rear" of the appeal site, would not contribute to an impression of ribbon development given it does not have a frontage to Moss Road. The appeal development would not offend Policy CTY8 of PPS21 or criterion (d) of CTY14. This element of the third and fourth reasons for refusal is not sustained.
32. The appeal development would bring built development closer to the eastern edge of Ballymaguigan on the southern side of Moss Road. The site, despite the existing portacabin with its low key presence in the landscape, still acts as a visual break between the edge of the small settlement and existing rural properties, namely Nos. 35 and 37. The appeal building, being of greater scale and more prominent within the local landscape, would result in a visual consolidation between these dwellings and their outbuildings and the development within the Ballymaguigan settlement limit, despite there being no net gain in the number of buildings on the site. Whilst the rural character of the area may have suffered to a degree from the level of existing development, it does not follow that this in itself justifies unacceptable development that would further erode the rural character of an area, even one with a mix of land uses. The development would detrimentally impact on rural character given this consolidation and would also mar the distinction between Ballymaguigan and the surrounding countryside. The fact Moss Road runs to a dead end does not detract from or justify the impacts the appeal development would have on the distinction between Ballymaguigan and the surrounding countryside. The appeal development would be contrary to Policies CTY14 and CTY15 of PPS21. The Council's third and fourth reasons for refusal are sustained to the extent specified.
33. Whilst elements of the Council's reasons for refusal and third party objections have not been sustained, the remaining objections under the stated reasons for refusal have been sustained and are determining. The appeal must fail.

This decision relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
01	Location Map	1:2500	May 2015
02/1	Elevations & Floor Plan	1:100	Jun 2015
03/1	Block / Site Plan	1:200	Jul 2015

COMMISSIONER MARK WATSON

2016/A0070

List of Appearances

Planning Authority:-	Mr M Bowman (Mid-Ulster District Council) Mr M McCrystal (Mid-Ulster District Council)
Appellant:-	Mr C Cassidy (Appellant) Mr B McMullan (CMI Planning)

List of Documents

Planning Authority:-	'A' Statement of Case & Appendices 'C' Copies of available office space to let (presented at hearing) 'D' Photographs from Council site inspection on 28/6/16 (post-hearing submission)
Appellant:-	'B' Statement of Case & Appendices (CMI Ltd) 'E' Comments on available office space examples provided by Council (post-hearing submission)



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0385/F	Target Date:
Proposal: Retention of existing 14metre lattice tower including security compound with proposed new concrete base and new transmission cabin within existing compound to supply essential high speed wireless broadband to Mid Ulster and surrounding area	Location: Transmission site at Slieve Gallion Tullynagee Road Moneymore Magherafelt
Referral Route: One objection received	
Recommendation:Approval	
Applicant Name and Address: Go Fibre Limited 7 Main Street Donaghcloney BT66 7LR	Agent Name and Address:
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	P.S.N.I. Information And Communications Services	Substantive Response Received

Representations:

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

Summary of Issues

One objection received

Characteristics of the Site and Area

The proposal site is located adjacent to a pre-existing PSNI compound on the top of Slieve Gallion. This is a retrospective application and the mast has already been installed on site, however the compound, fencing and cabin have not been installed at this stage.

Description of Proposal

Full application for 'Retention of existing 14 metre lattice tower including security compound with proposed new concrete base and new transmission cabin within existing compound to supply essential high speed wireless broadband to Mid Ulster and surrounding areas'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 10 - Telecommunications

According to PPS10, permission will be granted for proposals for telecommunications development where such proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations.

This proposal site is within an Area of outstanding Natural beauty according to Magherafelt Area Plan 2015 and is within close proximity of an archaeological site and monument as such Historic Environment Division were asked to comment, they responded on 31.07.2017 with no objections to the proposal.

In addition developers will also be required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact. A letter detailing the proposals adherence to this policy and its criteria was submitted 21.08.2017. Within this the applicant has argued that the reason for the selection of the site at Slieve Gallion was that it provides an ideal location for a fixed wireless broadband service as it offers the most effective line of site to the largest coverage area from just one location and to attempt to cover the same area from multiple sites would take a much larger amount of time and at considerable cost and further or larger impact to the region. In addition the applicant states that there are no potential shared site options either elsewhere due to the lack of this type of service in Mid Ulster and also within the proposal site as both existing on site do not offer a possible shared option.

In terms of the siting of the proposal within this sensitive location the applicant has stated that in order to reduce the possible visual impact of the new mast structure the development is proposed to be sited immediately adjacent to the existing larger structure (PSNI) so as not to be as visually obtrusive. In addition the proposed cabin and fencing are both to be green in colour to avoid unacceptable visual impact and the access is to be via an existing laneway which would all lessen the possible negative impact from this proposal.

There are no residential amenity concerns given the remote location of the proposal site.

One objection has been received from Mr Reynolds of 'We love our Sperrins' dated 10.05.2017. The main points within this correspondence were:

- Concern over the culmination of the masts within this protected site and the potential for a negative visual impact.
- Applicant had not addressed as to why shared mast not an option.
- concern that the proposal is a retrospective application.

In addressing the objector's points the applicant in their letter dated 21.08.2017 has clarified why a shared option is not possible. With regards the culmination of masts it is my opinion that on balance the much larger compound and mast located adjacent the unauthorised mast has a much greater visual impact; therefore impact on the visual amenity of the area is in my opinion comparatively low. It is however correct to pay regard to the fact that this represents the third mast at this location. The dominance of the original taller mast however assists in reducing and absorbing the smaller structures. With regards this being a retrospective application, it is not a criminal offence to submit a retrospective application however it is entirely at the applicants own risk to do work prior to approval being granted.

Having considered all of the points above I feel a recommendation of approval should be given.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions:

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

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	14th March 2017
Date First Advertised	30th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) Robert J Reynolds Email Address Supplied	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0385/F Proposal: Retention of existing 14metre lattice tower including security compound with proposed new concrete base and new transmission cabin within existing compound to supply essential high speed wireless broadband to Mid Ulster and surrounding area Address: Transmission site at Slieve Gallion, Tullynagee Road, Moneymore, Magherafelt, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 02 Type: Proposed Plans Status: Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

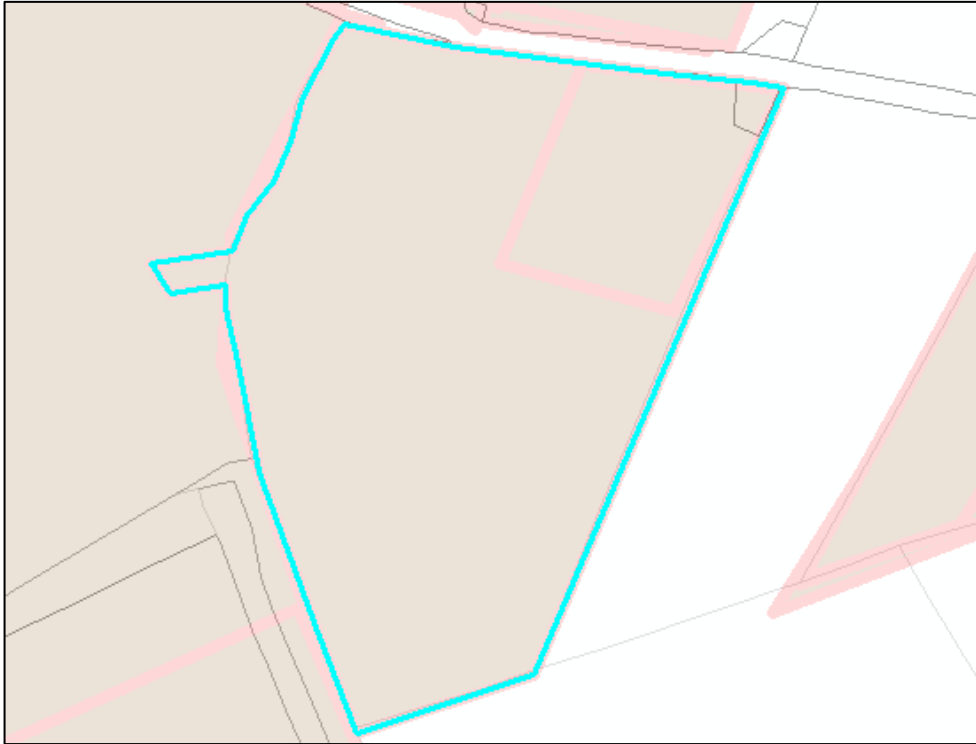


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0576/F	Target Date:
Proposal: Proposed clean rainwater harvested attenuation lagoon, culvert (access) and ancillary site works associated with approved and under construction In Vessel Composting Facility (IVCF)	Location: Lands approximately 215 metres East of 17 Aghnagar Road Ballygawley
Referral Route: Approval – one objection has been submitted	
Recommendation:	APPROVE
Applicant Name and Address: Northway Ltd Bridge Business Park Main Street Blackwatertown BT71 7HL	Agent Name and Address: Clyde Shanks Ltd 5 Oxford Street Belfast BT1 3LA
Executive Summary: Recommend approval with conditions.	
Signature(s): D.Owens	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	NIEA	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice

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

The Council's Environmental Health Department (EHD), DAERA Planning Response Team (NIEA), Rivers Agency and Transport NI were consulted and have made comment on this proposal. All material considerations, including policy considerations, have been addressed within the determination of this application.

Characteristics of the Site and Area

The site is situated at lands approximately 215m east of 17 Aghnagar Road, Ballygawley, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The site is currently a green field site to the immediate east of a previously approved and under construction In Vessel Composting Facility. The application site is bound on all sides by an extensive and mature hedgerow and its western boundary is defined by a small stream. In terms of elevation the site rises to the north which plays host to a series of residential properties and approved but currently undeveloped residential development sites for single dwellings. The lands to the south of the site are occupied by Acheson and Glover pre stress concrete works, Northstone aggregates, and the Sandvik industrial equipment manufacturing business.

The site itself has quite an enclosed nature when compared to the surrounding area and this is mainly due to the nature of the surrounding hedgerows and vegetation. The area surrounding the site exhibits a distinct industrial nature due to the economic land uses referenced above.

Description of Proposal

The application seeks full planning consent for a proposed clean rainwater harvested attenuation lagoon, culvert (access) and ancillary site works associated with approved and under construction In Vessel Composting Facility (IVCF) which was approved under application M/2014/0567/F. The proposal relates to the extension of the existing site to facilitate the attenuation lagoon to be used in association with the IVCF. The purpose of the lagoon is to retain surplus rain water to achieve the required 75% humidity level within the IVCF which would otherwise require a mains sourced supply. Notably the proposal does not involve any additional feedstock, waste or tips.

The proposed lagoon is to be sited to the east of the under construction IVCF in what is currently an agricultural field. The access to the proposed facility is via a proposed 8m wide concrete track which crosses the existing stream between the existing IVCF site and the area within which the lagoon is proposed. A culvert is proposed along this area of the stream to facilitate the proposed access track.

The lagoon is measured at 3.5m in depth with the flat area along the bottom of the lagoon measuring 40m by 20m. There is a graded side along each side of the lagoon which is to be built on an EDPM membrane on 75mm clean compacted sand and 400mm granular under layer to facilitate sufficient drainage. The proposal also includes a 4m high fence line around the confines of the site area.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon & South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. Planning Policy Statement (PPS) 4 – Planning and Economic Development.
5. Planning Policy Statement (PPS) 15 – Planning and Flood Risk.
6. Planning Policy Statement (PPS) 21 - Sustainable Development in the Countryside.

Planning History

M/2014/0567/F – Proposed development of an In Vessel Composting Facility (IVCF) comprising a reception building, enclosed tunnels, office, weighbridge/wheelwash, storage compound, access and ancillary site works, Lands at and to the south of No. 17 Aghnagar Road, Ballygawley, Co Tyrone. PERMISSION GRANTED – 16.04.2015

LA09/2016/0729/NMC - Non material change (NMC) comprising relocating the approved position of the compost tunnel building, relocate and extend the bunker building while relocating water tanks and amending the internal access road relating to Planning Permission M/2014/0567/F, Lands at and South of no 17 Aghnagar Road, Ballygawley. NON MATERIAL CHANGE GRANTED.

Representations

Press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party objection has been received.

Consideration of comments received on the application have been included within the assessment below.

Assessment

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Dungannon and South Tyrone Area Plan 2010 does not contain any specific policies relevant to the application or the site within which it sits. The principal planning policies are therefore provided by the regional planning policy contained within PPS 4, PPS 21 and the SPPS.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 4 and PPS 21 has been retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

PPS 21 sets out planning policies for development in the countryside whilst the policy provision within PPS 3 deals with access, movement and parking.

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is industry and business uses in accordance with PPS 4.

Policy PED 2 of PPS 4 relates to economic development in the countryside. PED 2 highlights that proposals for economic development uses in the countryside will be permitted in accordance with Policy PED 3 – expansion of an established economic development use. The policy provision within PED 9 will also be pertinent in terms of assessing the proposal against the general criteria for economic development.

Policy PED 3 outlines that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original buildings on the site and any historic or architectural interest the original property may have.

In addition to that above, Policy PED 9 of PPS 4, outlines that a proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;*
- (b) it does not harm the amenities of nearby residents;*
- (c) it does not adversely affect features of the natural or built heritage;*
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;*
- (e) it does not create a noise nuisance;*
- (f) it is capable of dealing satisfactorily with any emission or effluent;*
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;*
- (h) adequate access arrangements, parking and manoeuvring areas are provided;*
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;*
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*
- (l) is designed to deter crime and promote personal safety; and*
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

In consideration of that above it is noted that the proposal relates to the extension of the existing IVCF site. The proposed extension involves the use of green field development, however the area of the site is not considered to be significant in the overall context of the facility and its associated site area and the use of the green field site adjacent to the existing site is necessary in order to provide an area capable of facilitating the proposed attenuation lagoon. In addition I consider that the proposal, due to its modest scale, size and height will not present a dominant or intrusive feature to this area of the countryside. On this basis I do not consider that the proposal will give rise to an unacceptable level of impact upon the character or appearance of the local rural area. Furthermore it is noted that the proposal will bring about a more environmentally friendly means of supplying water for use in the composting process and this is supported within the SPPS which promotes sustainable economic development in an environmentally sensitive manner. The modest scale nature of the proposed lagoon presents a proportionate extension to the existing (approved) development on the site and will integrate into the overall development without having a significantly detrimental impact on the character of the surrounding area.

In accordance with PED 9 the proposal is compatible with the surrounding land uses. As noted above, the surrounding land uses include industrial scale development and the proposal is sited to integrate into this existing setting. There are several residential properties located to the north of the proposal and the Council's Environmental Health Department (EHD) were consulted on the application as the competent authority in assessing how the proposal will impact upon the residential amenity of nearby neighbouring properties, this includes an assessment of any emissions associated with the proposal including noise and effluent. EHD responded on this application on the 11th of August 2017 highlighting that they had no objection, based on the information provided. It is noted that the closest residential dwelling to the proposal is sited some 185m away to the North West. It is also noted that the proposal does not involve the addition of any feedstock, waste or trips to the existing approval and that the lagoon will not be used for process runoff or contaminated water. There will be no plant or equipment associated with the proposal and this restricts the level of affiliated noise. On the basis of the information above, I am content that the proposal will not have a significant detrimental impact on the amenity of the local area or any nearby neighbouring dwellings.

In terms of natural and built heritage the applicant has provided a completed biodiversity checklist. DAERA Planning Response Team (NIEA) were consulted on the application as the competent authority in assessing the application in terms of natural heritage interests and they made comment by return on the 23rd of May 2017. The NIEA comments indicate that they are content with the proposal in terms of potential impacts upon the water environment and fisheries interests. In terms of natural heritage they have referred to standing advice and highlighted that they are content that the proposal is unlikely to significantly impact protected or priority species or habitats. NIEA have highlighted that the invasive species *Rubus Spectabilis* (Solmonberry) was recorded on a nearby site and have referred to standing advice. As the invasive species has not been recorded on this site and because this is a green field site, it has not been deemed necessary to require the applicant to carry out any survey works in this regard. In accordance with standing advice, relevant informatives will be added to any permission granted.

In terms of drainage and flood risk the applicant has provided a Drainage Assessment which concludes that the proposal is considered to be compliant with the policy provision of PPS 15 Planning and Flood Risk. Rivers Agency were consulted as part of the processing of the application and they have confirmed that they are satisfied with the conclusions of the Drainage Assessment provided. On the basis of the information provided in association with comments made by Rivers Agency I am satisfied that the proposal conforms with the policy provision contained within PPS 15 with regards to drainage and flood risk.

In terms of assessing the application from an access and road network perspective Transport NI were consulted. The response from Transport NI dated 16th of August 2017 highlights that they are content with the proposal put forward, subject to informatives being applied to any permission granted. The proposed access to the site is via the currently under construction IVCF site to the west. A new access is proposed between both sites which crosses a small stream on the site boundary. A culvert has been proposed in terms of providing a means of crossing the stream at this location. The applicant has noted that the proposal will not generate any additional traffic visiting the premises and it is clear that parking provision will not be provided for this rainwater attenuation facility. In consideration of that above and the comments made by Transport NI I am satisfied that an adequate means of access has been provided and that the proposal will not give rise to an unacceptable level of impact in terms of increased vehicular traffic on the surrounding road network.

Based on that above I consider that the application conforms to the provisions of PPS 3 –Access, Movement and Parking.

The proposed works will enable the IVCF to operate at a more sustainable level by retaining surplus rainwater to achieve the required 75% humidity level at the facility which would otherwise require a mains sourced supply. The proposed lagoon therefore presents a more sustainable and environmentally friendly method of supplying water for use in this process and with this in mind I consider the proposal to be one which promotes sustainability.

In consideration of that above members are advised that the proposal is compliant with the policy provision highlighted within Policy PED 3 and PED 9 of PPS 4.

Designated and European Sites

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

DAERA Planning Response Team (NIEA) were consulted on this application and their Natural Environment Division (NED) responded highlighting that there is to be no likely significant effect on any designated sites. Furthermore, Shared Environmental Services (SES) were informally

consulted on this application and have highlighted that the proposal can be ruled out from further assessment on impacts on European Sites.

Environmental Impact Assessment

As the development is within category 13 (A) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2015 the Council is obliged under Regulation 10(1) of these Regulations to make a determination as to whether the application is for EIA development. The Council has determined as such that the planning application does not require to be accompanied by an Environmental Statement.

Representations

Representation, in the form of an objection, has been received from a nearby resident of Aghnagar Road. The objector has raised issues in regard to the amenity of the local area and nearby residential dwellings, neighbour notification procedure, the layout and construction of the proposed lagoon, traffic concerns, and effluent run off.

In terms of the potential impact on amenity this has been considered and assessed above. It is considered that the proposal will not give rise to an unacceptable level of impact on local or residential amenity in this area. With regards to neighbour notification, it is noted that where an application for planning permission is made, the council is required to serve notice of the application to any identified occupier on neighbouring land in accordance with Article 8(2) of the Planning General Development Procedure Order (NI) 2015. An Identified occupier means the occupier of premises within a 90 metre radius of the boundary of the application site and Neighbouring land means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width. No identified occupiers were identified on neighbouring land and as such it was not deemed necessary to issue a neighbour notification letter in this instance.

The objector has raised issues in relation to the potential impact from the construction of the proposal. It is noted that the proposal is for a lagoon which will involve the 'cutting in' to the existing ground level. The proposal does not involve any piling or filling in and as such the construction works are not deemed to give rise to an unacceptable level of impact in this regard. In terms of traffic concerns, these have also been addressed within the assessment above.

In terms of effluent runoff it is noted that the proposed lagoon will not be used for process runoff or contaminated water. As noted above the Environmental Health Department (EHD) and DAERA Planning Response Team (NIEA) were consulted on this application. EHD highlighted that they had no concerns with the proposal in this regard and NIEA Water Management Unit (WMU) have highlighted that they are content with the proposal. I am content that the proposal will not have a detrimental impact on the local water environment.

The objector also raises a number of points relative to the consideration of planning approval M/2014/0567/F, however this is not considered to be a material planning consideration in the context of this application. The objection also raises the issue of potential impact of the storage of straw and other items outside of the site, again this is not a planning consideration in the context of this application as it relates to land outside of the application site.

In consideration of the points raised by the objector, and assessed above, I am content that the proposal does not give rise to any detrimental impact in terms of amenity, road traffic, or effluent run off concerns.

Conclusion

Members are advised that the proposed development is considered to be in compliance with the policy objectives of the SPPS, PPS 21, PPS 15, PPS 4 and PPS 3. Representation made on the application has been considered and assessed within the processing of the application. Approval is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve, subject to condition.

Conditions/Reasons for Refusal:

Conditions

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

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

Informatives

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

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

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes Salmonberry Rubus Spectabilis. This highly invasive plant species has been recorded nearby and control measures must be taken to ensure that any works do not cause it to spread either on or off the site.

5. Any soil, containing Salmonberry Rubus Spectabilis plant or seed material, which is removed off site, is classified as controlled waste under the Waste and Contaminated Land (Northern Ireland) Order 1997 (as amended). This legislation also places a duty of care on 'anyone who produces, collects, carries, keeps, treats or disposes of controlled waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of Salmonberry Rubus Spectabilis it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains Salmonberry Rubus Spectabilis as part of the waste transfer process.

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

7. 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.

8. The applicant's attention is drawn towards comments made by NIEA, Transport NI and Rivers Agency on this application.

Signature(s)

Date:

ANNEX	
Date Valid	27th April 2017
Date First Advertised	11th May 2017
Date Last Advertised	11th May 2017
Details of Neighbour Notification (all addresses) 21 Aghnagar Road, Ballygawley, Co Tyrone,BT70 2HP	
Date of Last Neighbour Notification	6th June 2017
Date of EIA Determination	21.08.2017
ES Requested	No
Planning History <p>Ref ID: M/2014/0567/F Proposal: Proposed development of an In Vessel Composting Facility (IVCF) comprising a reception building, enclosed tunnels, office, weighbridge/wheelwash, storage compound, access and ancillary site works Address: Lands at and to the south of NO 17 Aghnagar Road, Ballygawley, Co Tyrone, Decision: PG Decision Date:</p> <p>Ref ID: LA09/2016/0729/NMC Proposal: Non material change (NMC) comprising relocating the approved position of the compost tunnel building, relocate and extend the bunker building while relocating water tanks and amending the internal access road relating to Planning Permission M/2014/0567/O Address: Lands at and South of no 17 Aghnagar Road, Ballygawley, Decision: CG Decision Date:</p> <p>Ref ID: M/2008/0759/F Proposal: Proposed manufacturing workshop for building related products Address: 230m east of 38 Aghnagar Road, Ballygawley Decision: Decision Date: 09.09.2008</p>	

Ref ID: M/2011/0204/PREAPP

Proposal: Proposed development of an Integrated Waste Management Facility (IWMF)

Address: Aghnagar Road, Dungannon,

Decision: EOLI

Decision Date:

Ref ID: LA09/2017/0576/F

Proposal: Proposed clean rainwater harvested attenuation lagoon, culvert (access) and ancillary site works associated with approved and under construction In Vessel

Composting Facility (IVCF)

Address: Lands approximately 215 metres East of 17 Aghnagar Road, Ballygawley,

Decision:

Decision Date:

Ref ID: M/2006/0265/O

Proposal: proposed dwelling

Address: 340m north east of 17 Aughnagar Road, Ballygawley

Decision:

Decision Date: 04.01.2007

Summary of Consultee Responses

Consultation Type	Consultee	Response
Non Statutory	Environmental Health	Substantive Response
Statutory	Transport NI	Advice
Statutory	NIEA	Standing Advice
Statutory	Rivers Agency	Advice

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03 REV A

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 04 REV A

Type: Proposed Plans

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/08/2017	Item Number:
Application ID: LA09/2017/0655/F	Target Date: 18/08/2017
Proposal: Health and Beauty Salon specialising in facial make ups, nails, sunbeds and hairdressing.	Location: 48A Milltown Street DUNGANNON
Referral Route: Family member of elected member.	
Recommendation:	Approval
Applicant Name and Address: Leah Cuddy 32 Northland Row DUNGANNON BT71 6AP	Agent Name and Address: N/A
Executive Summary: The proposal is create a ground floor retail unit in part of what was once a mixed use property previously used for retail and residential purposes. The key issues being assessed are acceptability of use, impact on neighbours, amenities and impact on the townscape (proposal is not in an area of townscape character).	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	No Response
Statutory	Transport NI - 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

Ground floor Change of Use, no objections received, business trading with effect 22nd May 2017.

Characteristics of the Site and Area

The application site is located west of the Park Road roundabout with Milltown, Mark and Brooke Street DUNGANNON, Co. Tyrone within the townland of DRUMCOO. The site is within the Town Centre of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and adjacent to a protected housing area on the south east fringe, within the town centre.

The host property being considered for a ground floor change of use is positioned on a corner location with ancillary surface car parking and forms part of a cluster of five mill worker cottages. The external appearance of these five properties that are two-storey is

that of walls with local stone, red/brown brick detailing to openings (windows and doors) and slated roof. The five mill worker properties, three of which have been bricked up reflect a tired/dilapidated terrace onto Park road roundabout.

Topography of the land is inclined to the north, along Park Road and towards the residential scheme at Ashbegrove. The common land use adjacent to the site, as outlined in red is retail and light industrial together with a protected housing area to the east, all within the southern fringe of the town centre.

The impact of the proposal [LA09/2017/0655/F] on the amenity and landscape and character of the area is a key consideration in this area.

Description of Proposal

This is a full application for the change of use of a ground floor self-contained long term unoccupied residential property at No. 48A Milltown Street, DUNGANNON to a Health and Beauty Salon specialising in facial make ups, nails, sunbeds and hairdressing, that is currently trading.

The existing ground floor layout of the dwelling no. 48A [Drawing 03, Date Stamped 12th May 2017] shows a lobby area at entrance with stairs to first floor, a living room and kitchen plus toilet. The proposed amendments [Drawing 04, Date Stamped 12th May 2017] reflect retention of the toilet area with the kitchen and living room transformed to open plan to facilitate the tanning kiosks. The lobby area entrance is now the reception area whilst also introducing secure access to the first floor. The small retail area identified as a separate shop [Drawing 03, Date Stamped 12th May 2017] below the staircase of No. 48A was previously accessed from No. 48, and this perceived oddity has now been rectified following works to create a new entrance whilst removing the entrance/exit with No. 48; the proposed use of small retail area is as a treatment room.

There are no changes proposed to the external appearance of the building. Some changes are proposed internally to include a serving area to the rear of the premises and a disabled toilet in the western corner. No access to the first floor is available, following past fire damage.

No increase in footprint of the property with no external works except signage required.

Planning Assessment of Policy and Other Material Considerations

The following planning publications and planning policy statements establish the policy context

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together

with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Departmental publications cancelled by the introduction of the SPPS include PPS 1: General Principles, PPS 5: Retailing and Town Centres and PPS 9: The Enforcement of Planning Control.

Planning History

An application for change of use from Hot Food Carry Out Cafe and Shop back to residential as mill workers cottages for renovation of 48 & 48a was approved [M/2008/0229/F]. With the exception of the statutory timeframe, no restrictions to this certificate were applied and the proposal is not in an area of townscape character.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015, an advert was placed in local newspapers together with ten neighbourhood notifications undertaken. No objections were received. Representations were sought from Department for Infrastructure- Roads with no conditions raised.

Assessment

Policy SETT1 of the Dungannon and South Tyrone Area Plan 2010 relates to urban design and states that 'favourable consideration will be given to development proposals within settlement limits including zoned sites' subject to criteria satisfaction. Policy RSO 1 states within town centres, favourable consideration will be given to appropriate proposals that are in accordance with prevailing regional policy and specific policies for that settlement. Whilst the Plan does recognise there are some areas of underuse and dereliction within the town centre which are detrimental to the overall environmental image of the centre [RSO 3], it is RSO 5 that enables local shops within those areas zoned for housing. Whilst the proposal is within the town centre but outside of the primary retail core and adjacent to a protected housing area, I am persuaded the application respects the surrounding context and is appropriate to the character and topography of the site and as a consequence would satisfactorily integrate into the existing settlement form of DUNGANNON town centre.

The publication of the SPPS in September 2015 has superseded PPS 5 – Retailing and Town Centres, and therefore it is the main policy consideration for this proposal. The SPPS emphasises the need for planning to support and sustain vibrant town centres as the appropriate first choice location of retailing and other complementary functions. What will be appropriate on a particular site will, among other things, be determined by the characteristics of the area – proposals will need to fit in with, and be complimentary to, their surroundings. Furthermore, the character of existing residential areas should not be undermined by inappropriate new uses. There is no reason contained within the Plan, planning policy or other material considerations to indicate that the proposal will cause demonstrable harm to interests of acknowledged importance. Accordingly, I am of the opinion this proposal [LA09/2017/0655/F] would benefit the wider retail scene within Dungannon, due to its location and past vacancy.

Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 7 in relation to Car Parking and Servicing Arrangements cites a reduced level of car parking provision may be acceptable where shared car parking is a viable option. Due to the adjacent

surface carpark, I am of the opinion there are adequate parking spaces in close proximity to the application site, as outlined in red.

Under the Planning (General Permitted Development) Order (Northern Ireland) 2015, Part 4 of the legislation, a change of use of a building from hot food for consumption off the premises (sui generis uses) to a use falling within Class A1 (Shops) of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 Use Class Order is permitted development. On the basis that the current application seeks to revert the Use Class to A1 for ground floor use and the previous application [M/2008/0229/F] for residential use is retained for the first floor, I am persuaded to approve the change of use.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

I consider that the proposal complies with policy and does not pose a negative impact upon public safety or the amenity of the site and its surrounding environment impact, since bringing part of this vacant terrace of what were original stone built mill worker cottages and shops, should be welcomed.

Therefore I am persuaded on the balance of advantage from policy guidance, to recommend consent for change of use, for application [LA09/2017/0655/F].

Conditions/Reasons for Refusal:

Informatives

1. The approval hereby granted relates to a change of use to 48A (ground floor) only and any other building works affecting the external appearance of the buildings must be the subject of a separate application.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	5th May 2017
Date First Advertised	25th May 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Brooke Street Drumcoo Dungannon The Owner/Occupier, 25 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 27 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 28 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 29 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 3 Brooke Street Drumcoo Dungannon The Owner/Occupier, 31 Milltown Street Drumcoo Drumcoo The Owner/Occupier, 37 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AR The Owner/Occupier, 39 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AR The Owner/Occupier, 41 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AR	
Date of Last Neighbour Notification	12th June 2017
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0655/F Proposal: Health and Beauty Salon specialising in facial make ups, nails, sunbeds and hairdressing. Address: 48A Milltown Street, Dungannon, Decision: Decision Date: Ref ID: M/2008/0229/F	

Proposal: Proposed change of use from Hot Food Carry Out Cafe and Shop back to mill workers cottages and renovation of 48 & 48a.
 Address: 42 to 48A Milltown Road, Milltown, Dungannon
 Decision:
 Decision Date: 15.09.2008

Ref ID: M/1999/0968/F
 Proposal: Hot food carryout and cafe
 Address: 42-46 Milltown Street Dungannon
 Decision:
 Decision Date: 24.10.2000

Summary of Consultee Responses

No conditions raised by Department for Infrastructure.

Drawing Numbers and Title

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

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

Drawing No. 03
 Type: Existing Floor Plans
 Status: Submitted

Drawing No. 04
 Type: Proposed Plans
 Status: Submitted

Drawing No. 05
 Type: Existing Elevations
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



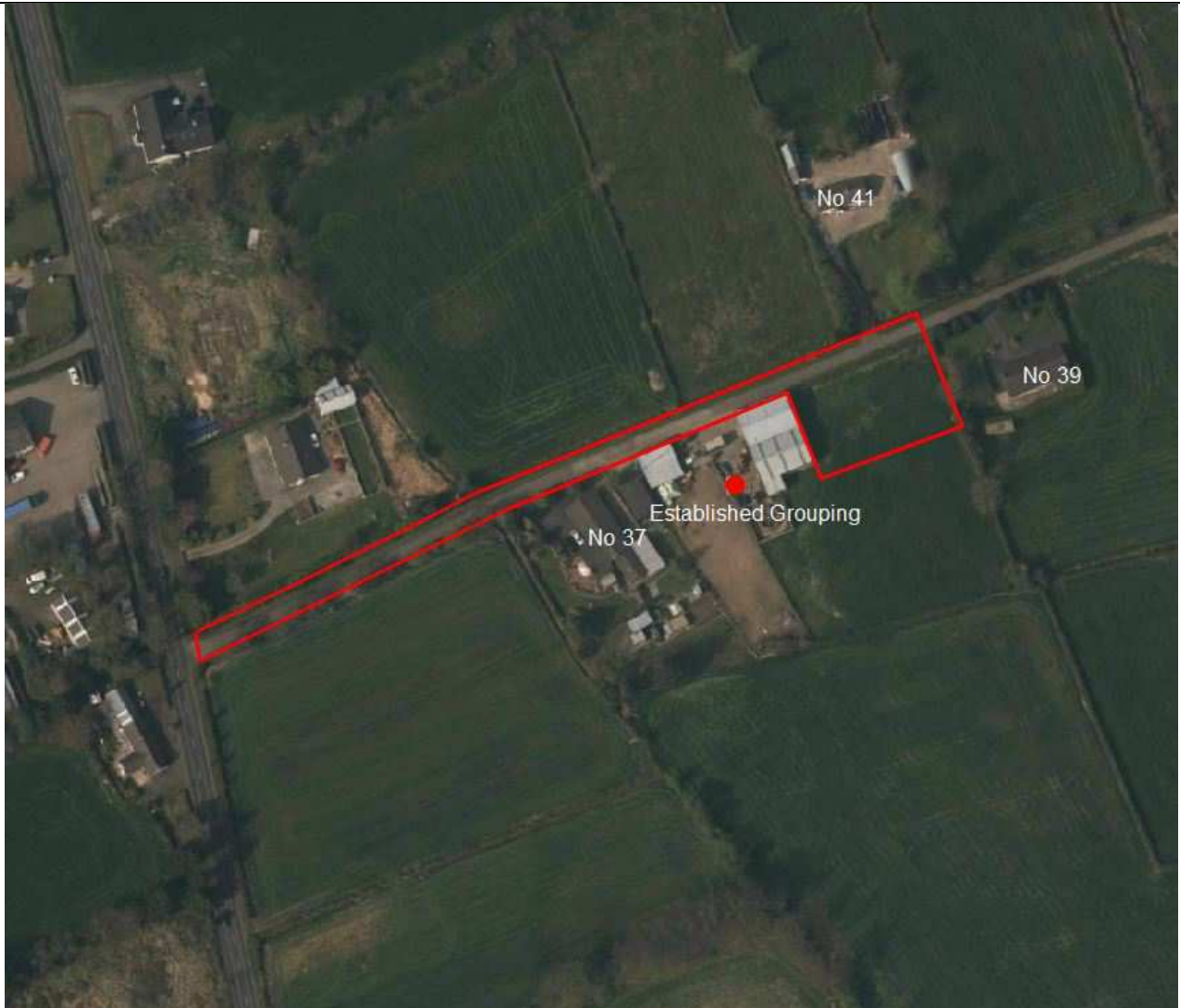
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0827/O	Target Date:
Proposal: Erection of 1 single storey dwelling and detached garage	Location: 50m East of 37 Kilrea Road Portglenone Ballymena
Referral Route: The agent's spouse is a member of planning staff.	
Recommendation:	Approval
Applicant Name and Address: Richard Lowry 96 Boveedy Road Kilrea Coleraine BT51 5TY	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues - No issues	
Characteristics of the Site and Area <p>The site is located approximately 0.5 mile north west of Clady within open countryside in accordance with the Magherafelt Area Plan 2015. The site is situated between No 39 and an agricultural shed associated with the property at No 37 and access is via a shared concrete laneway. The proposed site is a cut-out portion of a small agricultural field, identified as field No 2 on the submitted farm maps. The site is only visible from the laneway off the Kilrea road with views from the Kilrea road being restricted/limited. The site is enclosed by the residential curtilage of No 39 along its western boundary and by a large agricultural shed along its eastern boundary. The front boundary adjacent to the laneway is defined by 1.5m hedgerow and the rear boundary is undefined. The site is surrounded by predominantly bungalows with their frontage onto the laneway.</p>	
Description of Proposal <p>The application seeks outline planning permission for a single storey dwelling and garage on the farm.</p>	
Planning Assessment of Policy and Other Material Considerations Relevant Site History: <p>No relevant history.</p> Representations: <p>3 neighbour notification letters were sent to the occupiers of No 37, 39 & 41 Kilrea Road, Portglenone. No letter of representation have been received</p> Development Plan and Key Policy Consideration: <p>Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p><u>Magherafelt Area Plan 2015:</u> The site is located in the open countryside. There are no other designations on the site.</p> <p>SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.</p> <p>Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.</p> <p><u>PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006):</u> sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.</p>	

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DARD has confirmed is currently active and has been established more than 6 years and that the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

Under criterion (b) which requires no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. A planning history search reveals no development opportunities have been sold off, therefore the proposal complies with criterion (b).

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. The established grouping is located immediately west of the proposed site and consist of farm house, range of large and small outbuildings. I am satisfied the proposal will cluster with the established group of buildings on the farm and for the proposal to comply with criterion (c)

Furthermore, I am content that policy tests in relation to integration in the countryside (CTY 13) and impact on rural character (CTY 14) have been met. The site is located a significant distance from any public road and I am satisfied a single storey dwelling with a ridge height of 6m can visually integrated into the surrounding landscape. A new dwelling will be enclosed by development along the eastern and western boundaries of the site and access will be obtained from an existing laneway. I have no concerns in relation to road safety and neighbouring amenity should not be affected by the proposal however this will be further considered at RM stage.

Neighbour Notification Checked	Yes
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Summary of Recommendation: That planning permission be approved subject to the following conditions.

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent in and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

4. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme providing for the planting of a new native species hedgerow/trees and shrubs of mixed woodland species along the south western boundary of the site.

Reason: To ensure the proposal is in keeping with the character of the rural area.

5. The existing natural screening along the laneway and the north eastern boundary of the site shall be permanently retained at not less than 1.5 metres and trees allowed to grow on except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: In the interests of visual amenity.

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

Informatives

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

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

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

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

Signature(s)

Date:

ANNEX	
Date Valid	16th June 2017
Date First Advertised	29th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Oldtown Road Old Town Downing Bellaghy The Owner/Occupier, 37 Kilrea Road Tyanee Portglenone The Owner/Occupier, 39 Kilrea Road Tyanee Portglenone The Owner/Occupier, 41 Kilrea Road, Tyanee, Portglenone, Londonderry, BT44 8JB,	
Date of Last Neighbour Notification	4th July 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/1085/O Proposal: Proposed detached dwelling with garage on a farm Address: 25m West of 41 Kilrea Road, Portglenone, Decision: PG Decision Date: 16.01.2017 Ref ID: LA09/2017/0827/O Proposal: Erection of 1 single storey dwelling and detached garage Address: 50m East of 37 Kilrea Road, Portglenone, Ballymena, Decision: Decision Date: Ref ID: H/2000/0215/F Proposal: Dwelling Address: 40m West of 43 Kilrea Road Portglenone Decision: Decision Date: 06.06.2000 Ref ID: H/1976/0332 Proposal: GARAGE AND STORE EXTENSION TO DWELLING Address: 37 KILREA ROAD, PORTGLENONE Decision:	

Decision Date:

Ref ID: H/1978/0128

Proposal: EXTENSION TO DWELLING

Address: TYANEE, PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1995/0573

Proposal: SITE OF DWELLING

Address: ADJ TO 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1995/0586

Proposal: DWELLING

Address: 80M NORTH 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1995/0663

Proposal: DWELLING

Address: 70M NORTH OF 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1999/0345

Proposal: SITE OF DWELLING & GARAGE

Address: ADJ. 43 KILREA ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1999/0703/RO

Proposal: Dwelling and garage

Address: Adjacent to 43 Kilrea Road, Tyanee, Portglenone, Northern Ireland, BT44 8JB

Decision:

Decision Date: 07.02.2000

Ref ID: H/1975/0294

Proposal: SITE OF DWELLING

Address: TYANEE, PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1978/0115

Proposal: BUNGALOW

Address: TYANEE, PORTGLENONE

Decision:

Decision Date:

Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Status: Submitted
Notification to Department (if relevant)



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0893/F	Target Date: 12/10/2017
Proposal: Proposed domestic shed for hobby purposes	Location: 47 Annaghquinn Road Rock Dungannon
Referral Route: Application submitted by a close relative of a member of planning staff	
Recommendation:	Approval
Applicant Name and Address: Mr Kevin McGeehan 47 Annaghquinn Road Rock Dungannon	Agent Name and Address: Carol Gourley, C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: Approved recommendation PPS 7 addendum – Residential Extension and Alterations: EXT 1 Residential Extensions and Alterations	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

The application site is situated at No. 47 Annaghquinn Road, Rock, Dungannon, County Tyrone and is located outside any Settlement Development Limits as identified within the Cookstown Area Plan 2010. The site consists of a modern single storey detached dwelling with detached garage to the rear set within a rural location.

The application site is accessed from the Annaghquinn road which is set back approx. 50 metres from the road. The site is approximately 266 sqm with bitmac surface driveway and spacious grounds. The site's topography falls gently from the public road bordered by a ranch style fence and large (black) iron gates.

Characteristics of Area

The surrounding landform is one of undulating countryside and the land falls gently north from Annaghquinn Road towards the application site. Immediately adjacent to the application site are two semi-detached 2 storey dwellings, further beyond them to the west is a new dwelling.

Description of Proposal

This proposal seeks approval for proposed domestic garage for hobby purposes attached to an existing garage to No.47 Annaghquinn Road, Rock, Cookstown, County Tyrone. The proposed garage is 5.5m height above finished floor level with a width of 10m and a depth of 14m. The overall footprint of the proposed extension is 140m². The garage will be aligned to existing garage with a projection of 5m allowing access to both

buildings. The garage will have a pitch roof with ridgeline similar to existing. The proposed garage will have a single door access with a roller shutter door.

The proposed building will be finished with high performance dark grey roofing tiles, walls will be dash external finishes to match existing garage, with painted smooth plastered plinth. Doors will be standard, sills will be precast concrete and rainwater goods to match existing garage.

Planning Assessment of Policy and Other Material Considerations

Principle Planning Policies:

Regional Development Strategy
Cookstown Area Plan 2010
Strategic Planning Policy Statement of Northern Ireland

Planning Policy Statements:

PPS 7 addendum – Residential Extension and Alterations: EXT 1 Residential Extensions and Alterations

Public Consultation:

No Statutory Consultees and Non-Statutory Environmental Bodies were consulted.

Third Party Representations:

No comments or objections have been received from neighbouring properties.

Relevant Site History:

Reference	Location	Proposal/Complaint	Status	Date
LA09/2017/0893/F	47 Annaghquinn Road, Rock, Dungan	Proposed domestic shed for hobby purposes	VALID APPLICATION RECEIVED	
I/2003/0504/RM	Adjacent to 49 Annaghquin Road, Rock	Dwelling and Garage	PERMISSION GRANTED	22.09.2003
I/1996/4012	51 ANNAGHQUINN ROAD, ROCK, DUNAGH	Proposed extension to dwelling	PERMITTED DEVELOPMENT	
I/2002/0438/O	Adjacent to 49 Annaghquin Road, Rock	Dwelling and garage	PERMISSION GRANTED	24.01.2003
I/2008/0588/F	49 Annaghquin Road, Rock, Dungan	Proposed 2 storey side and rear extension to dwelling	PERMISSION GRANTED	11.12.2008

Assessment

The principle determining issues are:

- Principle of development
- Design and Amenity

Principle of development

The application site is located at 47 Annaghquinn Road, Rock, Cookstown and is located outside any designate settlement limits as identified within the Cookstown Area Plan 2010. Residential extensions are acceptable in principle, subject to satisfying policy EXT1 of PPS7.

Design and Amenity

The proposed development must accord with EXT 1 of PPS7 addendum in terms of design and amenity considerations. The application relates to the construction of a domestic garage for hobby purposes at No.47 Annaghquinn Road, Rock, County Tyrone.

This proposal seeks approval for proposed domestic for hobby purposes to No.47 Annaghquinn Road, Rock, Cookstown, County Tyrone. The proposed garage is 5.5m height above finished floor level with a width of 10m and a depth of 14m. The overall footprint of the proposed extension is 140m². The garage will be aligned to existing garage with a projection of 5m allowing access to both buildings. The garage will have a pitch roof with ridgeline similar to existing. The proposed garage will have a single door access with a roller shutter door.

I am content that the scale massing, design and external materials used will be sympathetic with the built form and appearance of the existing property. The proposal does not unduly affect the privacy or amenity of neighbouring residents. The proposal does not cause unacceptable loss of trees or other landscape features and sufficient space remains within the curtilage of the property for recreational and domestic purposes. The proposed development would not have an adverse impact upon the character of the area.

Recommendation

Approved

Other points of note

The application was initially advertised in the local press on w/c 17 July 2017 (publication date 20 July 2017). Three (3) neighbouring properties were notified on 04 July 2017, in accordance with the Development Management Practice Note 14 (April 2015)

Neighbour Notification Checked

Yes

Owner / Occupier 51 Annaghquinn Road, Rock, Cookstown County Tyrone BT70 3JX
 Owner / Occupier 53 Annaghquinn Road, Rock, Cookstown County Tyrone BT70 3JX
 Owner / Occupier 55 Annaghquinn Road, Rock, Cookstown County Tyrone BT70 3JX

Summary of Recommendation:

Approved

Conditions

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

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

2.The materials to be used in the construction of the external surfaces of the building hereby permitted, shall be as shown on drawing Nos 03, bearing date stamp 29 June 2017.
Reason: In the interest of visual amenity.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	30th June 2017
Date First Advertised	20th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 51 Annaghquin Road Gortavale Cookstown The Owner/Occupier, 53 Annaghquin Road Gortavale Cookstown The Owner/Occupier, 55 Annaghquin Road Moree Cookstown	
Date of Last Neighbour Notification	4th July 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0893/F Proposal: Proposed domestic shed for hobby purposes Address: 47 Annaghquinn Road, Rock, Dungannon, Decision: Decision Date: Ref ID: I/2003/0504/RM Proposal: Dwelling and Garage Address: Adjacent to 49 Annaghquin Road, Rock, Dungannon Decision: Decision Date: 22.09.2003 Ref ID: I/1996/4012 Proposal: Proposed extension to dwelling Address: 51 ANNAGHQUINN ROAD, ROCK, DUNGANNON Decision: Decision Date: Ref ID: I/2002/0438/O Proposal: Dwelling and garage Address: Adjacent to 49 Annaghquin Road, Rock Decision:	

Decision Date: 24.01.2003

Ref ID: I/2008/0588/F

Proposal: Proposed 2 storey side and rear extension to dwelling

Address: 49 Annaghquin Road, Rock, Dungannon

Decision:

Decision Date: 11.12.2008

Summary of Consultee Responses

Content

Drawing Numbers and Title

Drawing No. 01A

Type: Site Location Plan

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 2

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Proposed elevations

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: N/A

B



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2015/1239/F	
Proposal: Removal and alteration of Conditions 2, 3 and 6 of previous approval H/2007/0546/F relating to noise and operating hours	Location: Creagh Concrete Products Ltd Blackpark Road Toomebridge
Applicant Name and Address: Creagh Concrete Products Ltd Blackpark Road Toomebridge BT42 3SL	Agent name and Address: JPE Planning 1 Inverary Valley Larne BT40 3BJ
Summary of Issues: local objection has been received to the proposed alteration of opening hours	
Characteristics of the Site and Area: <p>The building subject of this application (referred to as TF1) is located within the existing industrial complex operated by Creagh Concrete and is positioned along the northern boundary. The TF1 building was previously approved under H/2007/0546/F as an extension to the existing factory building and was to encompass the previous storage yard. The approved plans are annotated that TF1 was proposed as an extension to the existing factory building. To the south east of TF1 is a large area currently used as storage, brick/block production and product display areas. The Creagh Concrete site covers approximately 16.5 ha at present with additional adjoining lands being currently proposed for additional associated uses.</p> <p>The site sits abuts the southern settlement development limit of Creagh with access off Blackpark Road. The area to the north is mainly residential but there are a number of non-residential uses in close proximity to the site ie, Steel stock holders, Credit Union offices, community hall and petrol filling station with the land uses to the other three sides being predominantly agricultural related. There are a number of other industrial uses close to the south/south west which include Macrete's which is also a precast concrete manufacturing plant.</p>	

Description of Proposal

The Description of proposal (as amended) reads:

Removal and alteration of Conditions 2, 3 and 6 of previous approval H/2007/0546/F relating to noise and operating hours

For information, the existing hours of operation as approved under H/2007/0546/F are from 07:30 to 19:00 Monday to Friday and 07:30 to 15:00 on Saturday.

In effect this permission will permit the operation of building TF1 2½ hours earlier Monday to Saturday and closing 3 hours later Monday to Friday.

Deferred Consideration:

When this application previously came before Committee it proposed the alteration to Condition 6 of the earlier permission only:

Condition 6 of the extant planning approval H/2006/0546/F is set out below :-

Plant and equipment (including block-making) shall not be operated within the development site:

- a. At any time on Sunday
- b. Prior to 07.30 hours and after 19.00 hours Monday to Friday
- c. Prior to 07.30 hours and after 15.00 hours on Saturday.

Reason: To ensure resident's amenity is not adversely affected.

Having since considered all conditions relating to the site and imposed under application H/2006/0546/F and to regularise the overall situation relating to building TF1 it seems more appropriate to include conditions 2 and 3 also which read as follows:

Condition 2: Within one month of the development first becoming operational (and at any other time requested by Planning Service), a noise survey shall be undertaken which measures and reports:

1. Internal noise within the buildings permitted by this permission; and
2. External noise levels at 1m from all facades and roofs of the buildings permitted by this permission.

Planning Service shall be advised in writing of the date of the noise survey at least 2 weeks prior to the event, to enable Planning Service officer's or officers from Planning Service's consultees to witness the measurements.

Reason: To ensure resident's amenity is not adversely affected.

Condition 3: If the noise levels presented within the report required by condition 2, exceed those levels inputted into the noise prediction model contained within the noise report entitles 'Noise Impact Assessment Report For the Proposed New Buildings on the Creagh Concrete Ltd Site November 2007' then further works to reduce noise levels until they do not exceed those levels inputted into the noise prediction model shall be undertaken within

a time frame specified by Planning Service. Within one month of the completion of further works, a noise survey shall be completed as per condition 2.

Reason: To ensure resident's amenity is not adversely affected.

Full revised noise reports have been submitted to address this proposal (and other related applications for Creagh). The findings are accepted by EHO of Mid-Ulster Council subject to conditions. The Acoustic Consultant for Creagh has utilized noise modelling software to calculate, present, assess and predict the environmental noise from the proposed application on the nearest residential properties.

The model conclusions demonstrate that noise levels at the nearest noise sensitive receptors are compliant with BS 4142:2014, based on a number of assumptions, there should be no adverse noise impacts predicted at receiver locations.

Planning Assessment of Policy and other Material Considerations

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

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

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The guiding principles for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing the rural character and the environment.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4. Therefore this proposal falls to be considered under Policy PED 9 – General Criteria for Economic Development. As the use and building are existing, the key planning policy tests relate to the impact on the amenity of nearby neighbours particularly in terms of noise nuisance as detailed in Policy PED 9.

A number of consultations were forwarded to Council's Environmental Health Department who initially duly advised that following receipt of a revised noise report, that if the Planning Department were minded to permit the proposed development, then conditions which they suggested, would be appropriate were:

1. the building TF1 shall not be used outside of the times applied for;
2. the doors in TF1 shall remain closed and no vehicle movements in or out of TF1 shall take place; and

3. the vibrating plant in TF1 shall not be used nor no metal hammering shall take place outside the extended hours of operation.

This presented some concern for the case officer in his original assessment and recommendation to the Committee in particular surrounding the absence of measurable noise levels at clearly identified receptors, in particular the main objectors property at No 20 Blackpark Road.

The revised noise assessment submitted since the initial recommendation and use of 'soundplan software modelling' has provided the Council will measurable and enforceable **day and nighttime** noise levels measured at the following properties, Nos 20,22,26,32 Blackpark Road and No 70a Creagh Road. These are listed at the end of this report and are accepted by EHO.

In consideration of the above, the SPPS advises that 'All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development. However, whilst the planning system operates in the public interest of local communities and it has a role to play in minimising potential adverse impacts, such as noise pollution on sensitive receptors, it does not exist to protect the private interests of one person against the activities of another. However, the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured.

It is acknowledged that Creagh Concrete is a large employer in the Mid Ulster District Council area on a long established site and that additional contract gains and workload requirements have presented a need to seek permission to extend the company's hours of operation.

I contend that Policy PED9 of PPS4 is met as a result of a satisfactory means to condition noise levels and control potential nuisance.

Summary of Issues including representations

A number of representations have been received in relation to this application including:-

(i) Airfield Enterprises of 24 Blackpark Road objecting to; the increase in noise at times when the majority of people are either asleep or are have finished work and are at home; a noise abatement order has already been served on the applicant by the Council; the building was previously designed and approved for storage purposes, thereby providing a buffer between the site and residents but this proposal now proposes manufacturing which is a change of use of the building.

The issue of noise is dealt with later in the case officer's report. Planning approval was granted for building TF1 under H/2007/0546/F as an extension to the original factory building which is clearly annotated as such on the approved drawing no's. 02/2, 07 & 09. Furthermore, there was no reference to the extension being used for storage nor was it conditioned for such a use.

(ii) 4 No. objections from Mr & Mrs Mulholland of 20 Blackpark Road including two objections from URPA on behalf of Mr & Mrs Mulholland relating to; H/2007/0546/F restricted the hours of use of the existing site to protect residential amenity. However Building No. 2 should only have been storage. The current application makes no justification for changing these hours. Mr & Mrs Mulholland complained in December 2015 about noise nuisance from the site. The noise report provided lacks details of addresses and times and the levels given confirm that these continue to be exceeded due to the use of the building for manufacturing as opposed to the approved storage use; Mr & Mrs Mulholland have been and still are involved in High Court action against Creagh Concrete; any variation of the condition of hours of operation will cause further nuisance to the objectors; Past experience shows Creagh Concrete continually breach the hours of operation and will continue to do so; Discrepancies between noise reports for separate applications on the same site; MUDC cannot police the hours of operation being proposed;

The issue relating to the hours of operation is discussed below in the case officer's report. The use of building TF1 for storage has already been discussed above. The covering letter details the operations to be undertaken during the proposed extended hours of operation. This advises that the 'proposal is intended to assist in the efficient operation of the approved TF1 factory to ensure quality control of the specialist precast products produced therein....' however no justification has been provided as to why it is essential that these operations must be undertaken during the proposed hours. The noise issue will have been considered during the consultation process with Environmental Health and is also considered later in the case officer's report as is the issue of enforcing the suggested conditions. The details of the previous High Court agreement between the objector and the applicant have not been provided and therefore only limited consideration can be given to this. However, it should be noted that Mr Mulholland has previously taken a High Court action against the applicant with another High Court action currently pending against the same applicant for breach of contract of the earlier Agreement and a continuing noise nuisance. This is primarily a legal issue between the parties concerned, albeit that issues relating to noise nuisance and noise abatement remain the responsibility of Council.

(iii) B Quinn of Ard Na Grann, Dungiven objected on the grounds that the applicant has included lands outlined in blue which is not within their ownership. This issue is a civil matter and was brought to the attention of the agent who advised that the objector has not claimed ownership, nor does the folio extract suggest this either.

Since the deferral of the application in early 2017 the following additional objections have been received:

1. 3 letters on behalf of No 20 Blackpark Road which again state concerns that the Council look favourably upon the application by applying appropriate and enforceable conditions. That the occupants of N0 20 will be faced with a never ending battle with a lack of enforceability around specific noise levels in the early morning hours. That the Council will be faced with legal action about the implications of any variation in the conditions of this proposal and that the latest

noise report does not adequately deal with noise impact in light of alleged ongoing beaches. Concerns are also expressed around the intentions to alter/ remove conditions 2 and 3 and what the implications of doing this are, if there is any prospect of the Council changing conditions prior consultation is sought on this.

2. An objection from No 24 Blackpark Road raises concerns about the further removal of conditions 2 and 3 and that if current noise controls are removed then the company will be able to operate without any noise controls.
3. An objection from No 32 Blackpark Road about ongoing noise, dust and impacts on health.

My detailed consideration as set out above I feel adequately addresses these concerns and in particular the acceptance by EHO of the findings of the noise report subject to conditions allows an approval to be recommended to the Committee.

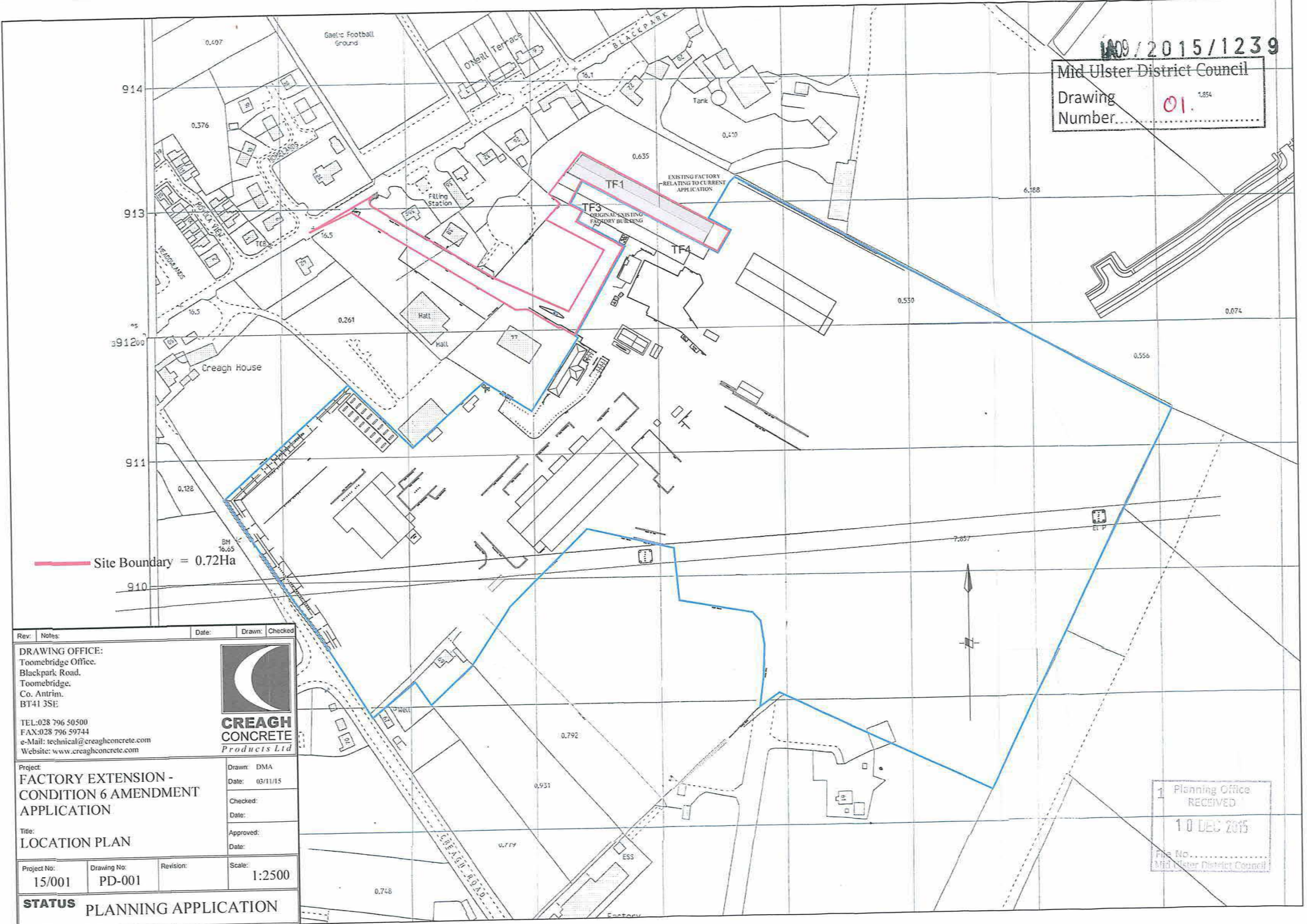
Conditions: As attached from EHO including standard 5 year time limit condition.

Signature(s): M.Bowman

Date 21/8/2017.

1009 / 2015 / 1239

Mid Ulster District Council
Drawing Number 01



Rev:	Notes:	Date:	Drawn:	Checked:
<p>DRAWING OFFICE: Toomebridge Office, Blackpark Road, Toomebridge, Co. Antrim, BT41 3SE</p> <p>TEL:028 796 50500 FAX:028 796 59744 e-Mail: technical@creaghconcrete.com Website: www.creaghconcrete.com</p>				
<p>Project: FACTORY EXTENSION - CONDITION 6 AMENDMENT APPLICATION</p>		<p>Drawn: DMA Date: 03/11/15</p>		
<p>Title: LOCATION PLAN</p>		<p>Checked: Date:</p>		
<p>Project No: 15/001</p>		<p>Drawing No: PD-001</p>		<p>Scale: 1:2500</p>
<p>STATUS PLANNING APPLICATION</p>				

1 Planning Office
RECEIVED
10 DEC 2015
File No.
Mid Ulster District Council



Environmental Health Department

Our Ref:

Planning Ref: LA09/2015/1239/F

Date: 21/8/17

Comments on Planning Application

Location: Creagh Concrete Products Ltd Blackpark Road Toomebridge

Proposal: Variation of condition 6 of previous approval H/2007/0546/F to vary the hours of operation to Mon-Fri 5:00am-10:00pm and sat 5:00am – 3:00pm

This response is further to the previous Environmental Health Service response of 8th June 2017. The SoundPLAN model has since been demonstrated by the acoustic consultant.

Recommendation

The Environmental Health Service has no objection to this proposal subject to the following conditions being applied:

1. Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 shall not be used:

At any time on a Sunday

Prior to 05:00hrs and after 22:00hrs Monday to Friday.

Prior to 05:00hrs and after 15:00hrs Saturday's

2. All doors of Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 shall remain in the closed position, no vehicle movements in or out of the building shall take place between the hours of 05:00hrs to 07:30 hrs and in the evening from 19:00-22:00 hrs on any day.
3. The vibrating plant located in Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 shall not be used between the hours of 05:00-07:30 and 19:00-22:00hrs on any day.
4. No metal hammering shall take place within Building TF1 as shown on submitted drawing ref: PD-001 and dated 03/11/15 between the hours of 05:00-07:30 and 19:00- 22:00hrs on any day.

5. The predicted noise levels detailed in the table below should not be exceeded at the relevant properties.

Receiver location	Predicted Noise Level (dB LAeq, 1hr)	
	Daytime	Night-time
H1: 20 Blackpark Road	38	29
H2: 22 Blackpark Road	39	30
H3: 26 Blackpark Road	40	31
H4:32 Blackpark Road	40	31
H5:70a Creagh Road	28	20

6. Within 4 weeks of a written request by the Planning Authority, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at their expense employ a suitably qualified and competent person, to assess the level of noise immissions from the development. Details of the noise monitoring survey shall be submitted to the Planning Authority for written approval prior to any monitoring commencing. The Planning Authority shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.
7. The operator shall provide to the Planning Authority the results, assessment and conclusions regarding the noise monitoring required by Condition 6, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority under condition 6 unless, in either case, otherwise extended in writing by the Planning Authority.



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2016/0693/F	Target Date:
Proposal: Detached shed for winter storage of caravan and general domestic use	Location: 239 Ballygawley Road Dungannon
Applicant Name and Address: Mr Martin Mc Caul 239 Ballygawley Road Dungannon	Agent name and Address: P G Quinn Ltd 15 Derrytresk Road Dungannon BT71 4QL
Summary of Issues: Overshadowing of property, flooding. Cllr Sharon McAleer has been approached by the objector and has been in contact with the Planning Office to enquire about the application.	
Summary of Consultee Responses: N/A	



Characteristics of the Site and Area:

Characteristics of Site/Area

The site contains a 2 storey semi detached dwelling with a single storey 'coal house' to the rear and 2 small metal-clad sheds, it has a flat grass garden area to the rear and a hard surfaced parking and turning area. The boundaries of the property are low picket fences to the N, E & S and a low laurel hedge to the W. The dwelling attached to this house has a single storey mono pitched roof garage in its rear garden at the boundary with 4 Whites Road. 4 Whites Road is a detached chalet dwelling with a sun room on its south boundary facing no's 239 & 241 Ballygawley Road, it has a low picket fence between it and the application site.

Description of Proposal

Description of Proposal

Consent is sought to construct a residential shed to house a caravan and other ancillary residential storage. The building would have a footprint measuring 12.0m x 8.0m with a ridge level of 4.7m and eaves level of 3.9m. The building would be finished in grey dash with a panel clad roof. The

building would be located in the bottom corner of the garden, 5.0m from the common boundary with No4 Whites Road.

Deferred Consideration:

Members will be aware this application was discussed at the Planning Committee on 4 July 2017 (Committee Report for July attached as an Addendum to this report) and the representative for the objector put forward a proposal to restrict the Permitted Development Rights between the proposed building and the objectors property. The application was deferred to allow further consideration of this condition with the applicant.

I can advise the members that following that meeting the applicant has been contacted and is agreeable to such a condition being imposed. Members should note that just because all parties are agreeable to a condition it does not necessarily mean that it should be imposed. In this instance, due to the concerns about the impact of development between the proposed building and the neighbouring dwellings conservatory, I consider it is appropriate to limit the potential for future development in this area. I consider this is necessary to protect the enjoyment of the existing dwelling.

It is my recommendation that planning permission is granted with conditions.

Conditions:

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

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

2. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no building, structure, hard surface or enclosure (including swimming pools and gardens) incidental to the enjoyment of the dwelling hereby permitted, or access onto an unclassified road, shall be erected, provided, maintained or improved within the area indicated, in green, on the approved plan ref 01 Rev 2, bearing the stamp dated 7 JUN 2017.

REASON: In the interests of the residential amenity of the adjoining property.

Signature(s):

Date

ADDENDUM TO REPORT

Deferred Consideration Report (July 2017)

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2016/0693/F	Target Date:
Proposal: Detached shed for winter storage of caravan and general domestic use	Location: 239 Ballygawley Road Dungannon
Applicant Name and Address: Mr Martin Mc Caul 239 Ballygawley Road Dungannon	Agent name and Address: P G Quinn Ltd 15 Derrytresk Road Dungannon BT71 4QL
Summary of Issues: Overshadowing of property, flooding. Cllr Sharon McAleer has been approached by the objector and has been in contact with the Planning Office to enquire about the application.	
Summary of Consultee Responses: N/A	



Characteristics of the Site and Area:

Characteristics of Site/Area

The site contains a 2 storey semi detached dwelling with a single storey 'coal house' to the rear and 2 small metal-clad sheds, it has a flat grass garden area to the rear and a hard surfaced parking and turning area. The boundaries of the property are low picket fences to the N, E & S and a low laurel hedge to the W. The dwelling attached to this house has a single storey mono pitched roof garage in its rear garden at the boundary with 4 Whites Road. 4 Whites Road is a detached chalet dwelling with a sun room on its south boundary facing no's 239 & 241 Ballygawley Road, it has a low picket fence between it and the application site.

Description of Proposal

Description of Proposal

Consent is sought to construct a residential shed to house a caravan and other ancillary residential storage. The building would have a footprint measuring 12.0m x 8.0m with a ridge level of 4.7m and eaves level of 3.9m. The building would be finished in grey dash with a panel clad roof. The

building would be located in the bottom corner of the garden, 5.0m from the common boundary with No4 Whites Road.

Deferred Consideration:

This application was deferred by the Committee at the meeting in September 2016 to allow further discussions. An office meeting was convened with the Planning Manager and the issues relating to over shadowing of the adjacent property were highlighted. At the meeting amendments to move the building and reduce the height of it were discussed. Following the meeting amended plans were submitted that rotated the building on the site through 90 degrees and moved it a further 3 metres from the boundary of the site with the objectors property, now a total of 5 metre from the boundary.

The objector was advised of the amended plans and is still concerned about loss of natural sunlight and heat in his sunroom as well as possibility of fire within the shed The objectors has indicated the area floods and the garage will have to be raised up..

I visited the property and met with the objector to see his concerns about the development. Members are advised this garage with its 4.770m high shallow pitched roof with grey clad roof and grey dash walls has already been approved in the garden of this property and this application seeks to move it 3.135m to the north and closer to the boundary with 4 Whites Road. The owners of 4 Whites Road, the Gillens, are concerned that the garage will have a significant overshadowing effect on their sun room as it is stated the sunroom requires the light to provide heat and light, the ground floods where the garage is proposed which will result in it being raised up and this will further dominate the house. It is suggested the applicant has ample room to locate a garage further away from the boundary and this has been agreed. It is further suggested the applicant will submit a further application, if this is allowed, to site the garage closer to the boundary.

The garage is located on the south side of the Gillen's house and there is a local hill further to the south on the opposite side of the Dungannon Road which already appears to limit the sun between late autumn to early spring. From the photographs submitted by the Gillen's it is clear there will be overshadowing of the sunroom of 4 Whites Road, however the test for refusing planning permission is not that it should be refused if there is overshadowing, but that the overshadowing will be so significant that it would have a detrimental impact on the residential amenity of the dwelling. Members should be aware the garage currently proposed will have a finished floor level 0.38m below the finished floor level of the Gillen's house, as such the comparison height of the garage is 4.09m and it will have its narrow side facing towards the Gillen's property. Members should be aware planning permission is not required for a building which is less than 4m in height provided it is not within 2 metres of the boundary. The comparison height of the garage and the orientation are factors which will help to limit the impact of the overshadowing on the

sunroom. The sunroom will be overshadowed for only a short part of the day in the late autumn to early spring but during the remainder of the day, the proposed garage will not cause any overshadowing. The garage is located over 5m from the sunroom and I consider this to be a reasonable distance, given the comparison height, where it will not have a dominating effect on the sunroom. Thus whilst there will be some impact on the neighbour in terms of their enjoyment of the sunroom, it will not have a significant impact on the habitable rooms within the dwelling. As such I do not consider that there will be a significant loss of residential amenity to justify refusing planning permission.

Conditions:

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

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Malachy McCrystal	
Application ID: LA09/2016/0797/F	Target Date: <add date>
Proposal: Retrospective change of use to car sales yard (including front garden changing to hardstanding car display area) and tyre/alloy wheels sales (Amended plans with revised access and flood lighting plan).	Location: 53 and 53a Ballyronan Road Magherafelt
Applicant Name and Address: Top Gear NI 53a Ballyronan Road Magherafelt BT45 6EW	Agent name and Address: Taggart Design 133a Coolreaghs Road Cookstown BT80 9QD
Summary of Issues including One representations were received in relation to this application and raised the following issue:- <ul style="list-style-type: none"> • The provision of additional artificial lighting which would cause a nuisance. This is due to dwellings backing onto the site and which have bedrooms that overlook the site. Environmental Health have considered the issue above and advised that 'Lighting can if poorly designed, directed, operated and maintained result in loss of amenity to occupiers of neighbouring sensitive properties caused by excessive levels of illuminance and glare which is inappropriate to its needs. Appropriate informatives were suggested to advise the applicant of the issue.	
Summary of Consultee Responses: TransportNI - advised that the proposal was acceptable subject to conditions relating to the following:- Access arrangements; Provision of waiting area outside entrance gates; Provision of parking/display areas. Environmental Health Department - advised that the proposal would be acceptable subject to informatives relating to the following; Appropriate use of lighting so that it does not become a nuisance;	

The selection and use of external noise generating plant/equipment to avoid creating noise disturbance.

Description of proposal

This planning application is for full planning permission for the 'Retrospective change of use to car sales yard (including front garden changing to hardstanding car display area) and tyre / alloy wheels sales'

The existing dwelling already has planning approval to change to offices which the applicant advised has already been implemented. The front garden which extends from the dwelling to the Ballyronan Road is to be changed to provide a hard standing area for the display of cars for sale. A low wall is proposed around this area. There is no proposed changes to the access.

The existing site contains a large 6 bay industrial building to the rear of the dwelling which was the tyre depot. This is subdivided into three units with a small portacabin office to the side. The three units have separate roller doors. At present units 1 and 2, as identified on the submitted drawing no.03 dated 28th September 2016, is being used in connection with the car sales business. Unit 3 is still retained in connection with the tyre depot.

Characteristics of the site and area

The site is located within the settlement development limits of Magherafelt and is located within a mixed use area between the private housing development at Ronan Drive, a small dwelling at No. 51 and Meadowbank Sports Arena. Mid Ulster District Council offices are located almost directly opposite the site with the entrance to Acheson & Glovers concrete plant less than 100m to the south of the site.

Deferred Consideration:

This application was presented to Committee on 7th March 2017 with an opinion to approve. However, at that meeting, members were advised of a late objection in which the objector, Mr Joe McKernan, alleged that he owned both the laneway and the visibility splays associated with the application. Mr McKernan further contended that he was unaware of the application and that the 'Planning Application Certificate' was incorrectly submitted. Committee agreed to defer the application to allow these issues to be clarified and/or resolved.

A land registry check was subsequently undertaken which shows that the adjoining dwelling at No.51 and the visibility splay in front of that dwelling are in fact registered to Conor Joseph McKernan and Charlene Elizabeth Crilly. It is noted that a neighbour notification letter had previously been sent to No.51. The access laneway to the application site is partially owned by Mr McKernan and Ms. Crilly with the remainder of the access laneway, the visibility splay in front of and the remainder of the site in the ownership of Mr & Mrs Harold Greer and Ryan McLean. At that time there was an application pending to register Ryan and Darren McClean as owners of those lands. The applicant was shown to own no part of the site as outlined in red.

Notification was received of service of the planning application certificate on Mr McKernan and Ms Crilly, however this was delivered to no.54 and not 51. Consequently this notice had to be reserved to the correct address. Notice was also served on Ryan and Darren

McClean. An amended P1 with the description changed to include flood lighting and tyre/alloy wheel sales was also received. Amended plans were also submitted detailing the flood lighting.

TransportNI were re-consulted with the details mentioned above and duly advised that a further amendment was required to show visibility splays of 2.4m x 45m looking north east and 2.4m x 70m looking south west. These details were submitted and TransportNI advised that they were content not to be re-consulted subject to the visibility splays being conditioned as these already exist on site.

Following receipt of the amended plans, all neighbours were re-notified and no further representations were received.

The application is therefore being recommended for approval as it satisfies all policy requirements and subject to the conditions listed below, is considered to be acceptable.

Conditions

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The use hereby permitted shall not be open to customers and no deliveries shall take place to or from the site, outside the following times, 8:00am to 6:00pm Monday to Saturday and at no time on a Sunday.

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

3. The sheds associated with the development hereby approved as indicated on drawing no.03 date stamped 28th September 2016 shall be used in connection with the car sales business only and for no other use.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order.

4. The vehicular access, including visibility splays of 2.4m x 45m in both directions, shall be provided in accordance with Drawing No. 02 revision 2 bearing the date stamp 21/11/16, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. 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, car transporter, 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.

6. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02 revision 2 bearing date stamp 21/11/2016 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and display of vehicles.

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

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Roisin McAllister	
Application ID: LA09/2016/0965/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Lands sited between 103 Killymeal road and 7 Edendork Road Dungannon
Applicant Name and Address: Mr Rodger Jones 63 Newry Road Armagh	Agent name and Address: 2Plan NI 47 Lough Fea Road Cookstown BT80 9QL
Summary of Issues: Site History A search of the planning portal reveals no historical planning applications on site. Validity of Application Representation contests the validity of the application, noting that questions, 14, 15 and 16 of the 'P1A' have not been completed. The application meets the legislative requirements for validation as outlined in the General Development Procedure Order (NI) 2015. Questions 14, 15 and 16 on the P1 form were subsequently completed upon request. Neighbouring Amenity Concerns were raised in relation to privacy of adjacent premises. The site is considered to be large enough and sufficiently separated from other residential properties to alleviate concerns in relation to private amenity. It is notable that this is an outline application and design is a matter reserved. If considered necessary a siting condition could be included to mitigate any adverse impact on neighbouring residential amenity. Planning Policy Policy CTY 10 of PPS21 Concerns are raised in relation to clustering or visually linking with farm buildings. It is highlighted that the site is sufficiently large so that a dwelling may not satisfy this criterion. It is notable that if considered necessary, in order to satisfy this part of Policy CTY 10, a siting condition restricting the position of the dwelling could be included. The representation notes the farm buildings are outside the red line. They have however been outlined in blue indicating they are under the ownership of the applicant. The representation notes the proposal fails to meet the requirements of CTY 13, CTY 14 and CTY16 of PPS21. Policy requirements are considered in detail and documented in the latter of this report. Ownership of the Laneway / Right of Way Over Laneway The occupier of no. 5 Edendork Road, Mr. Kenneth R. Farquhar claims ownership of the laneway to the site. He notes that the right of way which exists is for agriculture and he does not give	

permission for access to a dwelling house. The agent contests the right of way is only for agricultural use, noting the applicant's solicitors in receipt of the relevant 'instrument' which shows the deed of transfer which can be provided.

It is also noted that Mr Kempton of 22 Kingarve Road notes he has a right of way over the laneway to lands owned by him to the East of what he refers to as 'Farquhar's Farm'. He continues that the land was acquired by the applicant due to a mapping error.

It is notable that planning permission does not confer title and relates to land rather than those persons who own or occupy it. Subsequently, in the event permission were granted it would be the responsibility of the developer to ensure he controls all the lands necessary to carry out the proposed development. Any dispute in relation to land ownership or right of way would be a civil matter.

Farm Activity

It is noted that the application relates to a dwelling on a farm but 'the associated maps do not include a farm as they are outside the boundary.' Farm maps have been received with the application and farm buildings are outlined in blue indicating ownership by the applicant. The representation claims the farm has been disused for many years. DEARA have been consulted and confirmed Single Farm payment was claimed from 2005-2014. No claims were submitted (Basic Payment Scheme) for 2015 or 2016.

Greenbelt

Representations note their view that the area is a greenbelt and development is forbidden. The application site is outside any settlement limits as defined by the Dungannon and South Tyrone Area Plan (2010) and Planning Policy Statement 21: Sustainable Development in the Countryside is applicable.

Summary of Consultee Responses:

Transport NI were consulted and returned a response stating,

"Access visibility is substandard on the existing entrance point; please advise if there is a reasonable prospect of the applicant gaining control of the necessary third party land, in order to achieve the requirement of (2.0m * 60.0m), Northeasterly direction and (2.0m * 33.0m), Southwesterly direction."

This was discussed at the office meeting and it was considered reasonable to include a condition stipulating these requirements.

NI Water were consulted and have recommended negative conditions to safeguard against the site and adjacent land against flooding and standing water and in the interest of public health.

DEARA were consulted and confirmed that the farm Business ID identified on Form P1C been in existence for more than 6 years. DEARA also confirmed the farm business claimed either Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes from 2005-2014, however no claims were submitted in 2015 or 2016. (Reponse dated 29th July 2016). This issue is further discussed below.

Characteristics of the Site and Area:

The application site is located within an area largely characterised by agricultural land, farm holdings and some dispersed settlement. The red line site encompasses a portion of a larger field and a laneway which abuts the Edendork Road. The topography of the site falls steadily from west to east. To the north west of the site there are a cluster of 3 no. farm sheds, two (the most westerly) of which are under the ownership of the applicant. To the north, is no.7 Edendork Road

which is a disused and slightly dilapidated dwelling. The site boundaries to the north and east are marked by well-established hedgerows and trees which provides screening to the site. To the west the boundary is unmarked and to the south, the site is partially abutted by the curtilage of a dwelling – no. 103 Killymeal Road.



Description of Proposal

Proposed dwelling and garage.

Deferred Consideration:

This application was presented to Committee on 1st August 2017 as a refusal and was subsequently deferred for an office meeting with the Planning Manager which took place on 10th August 2017.

The main issue with this application was that while the farm is established over 6 years (confirmed by DEARA), claims were only made by the applicant between 2005 - 2014. Evidence was submitted to demonstrate the farm was let out in con-acre to Mr Davidson from 2010, thus the current farm actively relates to the farmer who leased the land and not the applicant.

During an office meeting, the agent provided further detail, highlighting that the applicant had farmed the land, claiming subsidies until 2015. However, when the subsidies structure changed in 2015, the farmer who leased the land - Mr Davidson claimed subsidies. She continued noting the applicant was now in his 80's and his intention was that Mr Davidson would continue to farm the land, however he hoped that his daughter would take the land some time in the future. The agent explained the applicant, Mr Jones was considered a manager of the farm.

Dr. Boomer agreed he was content the land was currently being farmed and given the intentionality in this case along with the material circumstances which prevented him from continuing to farm the land himself and the change to the structure of DEARA claims, the application should be returned to committee with a favourable recommendation.

Issues raised by objectors including the requirement for visibility splays and the fact the applicant does not own the laneway, this was considered a civil matter and access and splays could be addressed by a condition on any permission granted.

The issue of neighbouring amenity and proximity to no. 103 K8illymeal Road. It was considered a siting condition restricting the position of the dwelling and garage to the northern portion of the site was required.

Approval is recommended in that, it has been demonstrated the farm is currently active, by way of letting out, temporarily in con-acre.

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 Mid Ulster District Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

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

Reason: To enable Mid Ulster District 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. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of

similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

6. During the first available planting season after the occupation of the dwelling all new boundaries shall be defined by a timber post and wire fence with a native species hedgerow with trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the amenity afforded by existing hedges is maintained.

7. The proposed dwelling shall be sited in the area shaded orange on the approved drawing number 01, date received on 7th July 2016.

Reason: To ensure that the development is integrated into the landscape.

8. The dwelling hereby permitted shall be designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

9. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.0 x 60 metres in a north-easterly direction and 2.0 x 33 metres in a south-westerly direction shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

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

REASON: In the interests of visual amenity

11. The dwelling hereby permitted shall not be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

REASON: In the interest of public health

12. The dwelling hereby permitted shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

REASON: In the interests of public health.

13. 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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Dr Boomer	
Application ID: LA09/2016/1300/O	Target Date:
Proposal: Proposed New Dwelling	Location: Site at 20 M NE of 49 Brough Road and adjacent to Brough Road crossroads, Castledawson
Applicant Name and Address: Cathal McOscar 17 The Cairns Castledawson Magherafelt BT45 8RZ	Agent name and Address: Newline Architects 48 Main Street Castledawson Magherafelt BT45 8AB
Summary of Issues: Principle of a new dwelling, roads issues and design	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: <p>The proposal site is located on the roadside of Brough road, Castledawson. Immediately adjacent on the southern boundary of the site is the A6 road, while directly on the NE boundary there are four dwellings and one large detached garage. The site has no existing vegetation on any of the site boundaries however it has a high close boarded fence surrounding the site and securely locked gates, the site is currently being used as a storage yard for builders materials and there is a detached 2 storey garage immediately adjacent the proposal site although it appeared as if the upstairs may have been used as for an office or dwelling - this has been referred to our enforcement team.</p>	
Description of Proposal <p>Proposed new dwelling.</p>	

Deferred Consideration:

This application was presented before, and deferred by, the Planning Committee on both 4 April and 1 August 2017.

The historical facts in relation to this development have been previously incorrectly reported, thus affecting Members understanding of the case. The planning history on the site has been checked, including aerial photographs and the facts that we now know are as follows:

- (i) In 2005 a dwelling on this site was refused planning permission and appealed but the appeal was dismissed for the reason that it could be prejudicial to the alignment of a new road.
- (ii) In 2011 the site comprised a grass field separated from the dwelling by old farm outbuildings but contained within the boundary planting. During or before 2013 the outbuildings were removed and work on an attached garage was underway and the field had been hard cored to form part of the curtilage of the dwelling.
- (iii) In March 2013 a planning application for a builder's store was refused planning permission on this site (ref H2012/0167/F) for the reason that it was contrary to Planning Policy Statement 4. An enforcement case in relation to the builder's yard was opened (re H/2013/0013/CA). Following site inspection and a warning letter in April 2013, Mr McOscar ceased operation of a builder's yard which was confirmed by a site visit and photographic evidence.
- (iv) Also in 2013 an application was submitted to relocate an existing builder's yard to this site, which included retention of a builder's stores, office and domestic garage was and retention of hard coring and fencing of surrounding area for car parking. This was subsequently withdrawn in March 2014
- (v) In December 2016 a complaint was received that there was again an unauthorised builder's yards at the site and that the store was being uses as a dwelling 2017. Following a site inspection the officer did not find evidence of a breach in relation to the yard as a builder's yard or use of the building as a dwelling, other than accommodation ancillary to the shed.
- (vi) During my site visit on Tuesday 8th August I saw that the yard area had been fenced off separately from the house and divided the garage in two. In the yard area there were a few bags of cement and materials but nothing to the extent that it was operating as a separate builder's yard. The site was however hard cored and further hard coring had taken place since 2013 to provide access to a separate gate, which clearly had been provided since the yard area had been separated from the house by the fence. Most of the hedging which was present in 2011 had been removed, although there was a good line of trees to define the far end of the yard.
- (vii) The Department of Infrastructure are progressing proposals for the new road and its alignment no longer interferes with the site. There are proposals for a foot bridge but whether or when it will be built is still uncertain.

In light of the above the following conclusions have been drawn:

- (a) The land changed from a field to a yard area after 2011 and is part of the curtilage of the dwelling despite attempts to section it off into a separate planning unit. Any use other than that ancillary to the dwelling would be unauthorised and therefore could be

subject to enforcement action. Therefore no weight should be attached to the notion that this is a builder's yard.

- (b) The Panning Department has been aware of the hard coring and fencing and felt it not expedient to seek its removal, therefore it is reasonable to assume that if undeveloped it will remain in its current state, which is urban in character rather than rural.
- (c) Given that the bridge has not been built determining weight cannot be attached to it, to argue that it provides a bookend demarking the end of development thus allowing a development as an infill. However, regardless of whether a bridge is built or not, Transport NI has proposed to design the new road to allow provision for such a bridge because the degree of urbanisation either side of the road could justify the expenditure.
- (d) The site is at the end of what can both be described as either a ribbon of development or a rural cluster. In my view the correct policy to apply in this instance is CTY2a because:
 - a. it is associated with a cluster of more than 4 houses;
 - b. it appears as a visual entity in the local landscape, which is clearly defined by the linear form of the development;
 - c. it is associated with a focal point which in this instance includes both a GAA club and to some degree crosses a staggered cross roads on the main road;
 - d. The site has a suitable degree of enclosure provided by the fencing and existing vegetation and the neighbouring dwelling.
- (e) The only area of contention is that the site does not have development on two sides, however, in my view given the site is to some degree defined by its boundaries and the road it clearly will not set a precedent and lead to further urban sprawl. More importantly I am satisfied that providing it is limited to a 6 metre ridge in character with the cluster it can be absorbed into the cluster through rounding off and consolidation and will not significantly alter its existing character or visually intrude into the countryside. I am also satisfied that it will not adversely impact on neighbouring amenity by reason of overlooking, overshadowing, and ample room can be provided on site for parking and garden area.

Thus, on this basis I feel that the spirit of the policy has been met and I do not feel that a refusal would be sustained on the grounds that it conflicts with PPS1.

The applicant has revised the plans to reduce the sites size to respect the land vested for the road improvements and to utilise the existing access to the neighbouring house. Thus on this basis I am content to recommend Permission subject to standard access conditions plus those identified below:-

Conditions:

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

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

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

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

3. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level and a low angle of roof pitch not exceeding.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

4. 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.

5. The plans and particulars submitted in accordance with Condition 04 above shall include details of the site preparation, planting methods, medium and additives together with the species, size and time of planting, presentation, location, spacing and numbers of all trees and shrubs to be planted and the proposed time of planting.

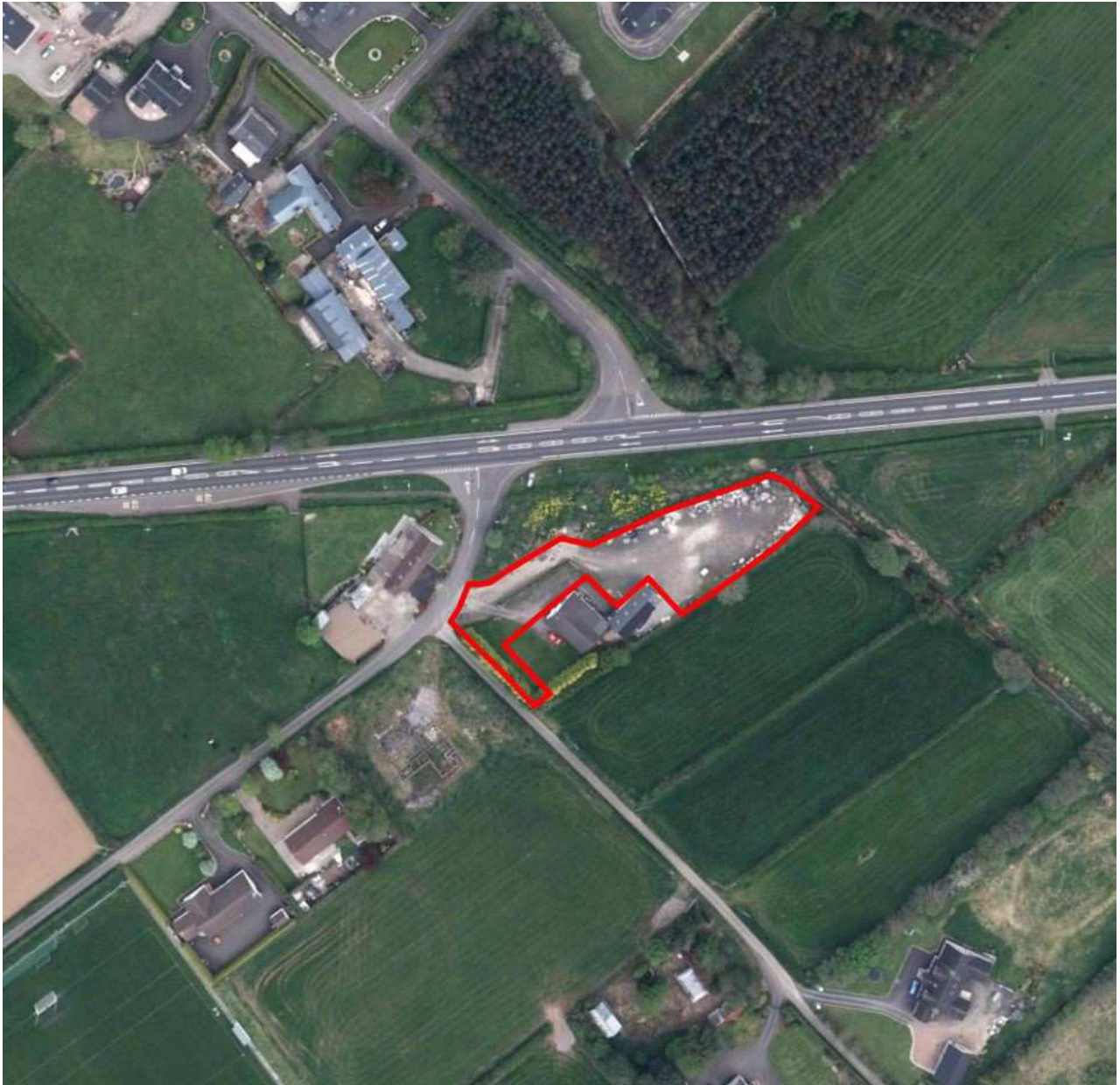
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access 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.

Signature(s):

Date





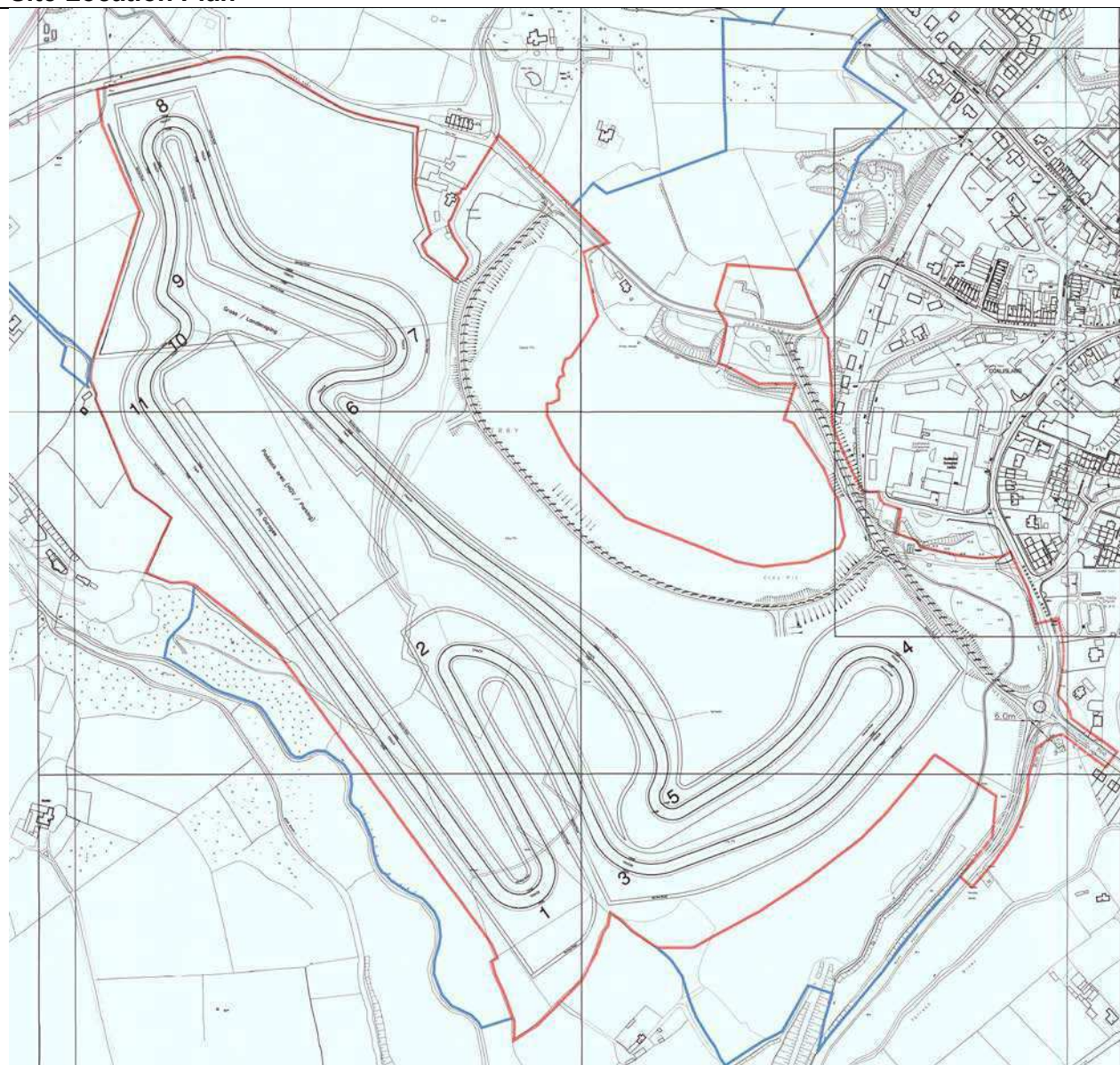
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date – 5 September 2017	Item Number:
Application ID: LA09/2016/1307/F	Target Date:
Proposal: Construction of proposed motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; creche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland	Location: Clay Pits Dungannon Road Coalisland
Referral Route: MAJOR APPLICATION with objections	
Recommendation: APPROVAL	
Applicant Name and Address: Manna Developments 48a Mullaghboy Road Islandmagee Larne BT40 3TR	Agent Name and Address: Clarman & Co Unit 1, 33 Dungannon Road, Coalisland BT71 4HP
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Strategic Applications	Issues to be addressed in future ES

Non Statutory	DETI - Geological Survey (NI)	Add Info Requested
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	Add Info Requested
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Health & Safety Executive for NI	Considered - No Comment Necessary
Non Statutory	DETI - Geological Survey (NI)	Superseded by further Consultation
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Conditions provided
Non Statutory	DETI - Geological Survey (NI)	
Statutory	Historic Environment Division (HED)	Extension Required – no objections
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA: NH	

Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA: NH	Advice

Representations:

Letters of Support	1
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The proposed site is located out with, but directly adjacent to the Settlement Development Limit 'SDL' of Coalisland, on the western edge, as identified within the Dungannon and South Tyrone Area Plan 2010 'DSTAP', which was adopted in March 2005. Within the DSTAP the site is identified as 'Green Belt' (now covered by the policies contained with Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and a portion is also identified as being located within a Minerals Reserve Policy Area (MRPA) along with a Site of Local Nature Conservation Importance (SLNCI) being identified within the site.

The proposed site comprises areas of exhausted clay and coal pits located on the Western edge of Coalisland. The site was previously known as the known as the 'Clay Pits' or 'Tyrone Brickworks site' and which was previously owned by Roadstone plc. Building bricks and clay pipes for construction, were manufactured on site, with aggregates extracted, over a hundred year period.

Prior to this, the site has a long history of industrial workings, including coal mining.

The site itself which covers approximately 57 hectares, comprises grassed agricultural fields and hedgerows to the South and South West quarters untouched by the quarrying. In the central area, steep quarry faces lacking vegetation dominate, with two water-filled deep quarried excavations forming large ponds. The site abuts the Derry Road to the North, the Dungannon Road to the East and the Bush Road to the South East. The site also comprises the existing Coalisland Household Waste Recycling Area which forms part of the site area and which will be relocated under the proposals.

Description of Proposal

Construction of proposed motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; creche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland.

The development proposal will provide a multi-faceted complex, which will provide a facility for motor sport enthusiasts. The motorsport facility will host a range of events throughout the year. The majority of the events (1No. per month) will be small regional racing competitions attracting between 500 – 2,000 spectators. However, 4No. times a year it is anticipated that there will be major events ranging from 15,000 to 30,000 spectators, these include:

- ☐ World Super Bike Championship (WSB);
- ☐ British Super Bike Championship (BSB); and

☐ British Touring Car Championship (BTCC).

On weekdays the circuit will accommodate specialist driver skill training as well as enabling private race car tests and development and at weekends the circuit will be used for club level race events for both motorcycle and race cars.

As part of the development proposal the following key aspects will be provided:

- ☐ Motorsport racetrack;
- ☐ Pit Garages/Hospitality/Media Centre/Press Area: 7,297sqm (Total Floor Area over 2 floors + External Area);
- ☐ Medical Centre Area: (Single Storey): 410sqm;
- ☐ Shower Block Area: (Single Storey): 45sqm;
- ☐ Creche Area: (Single Storey) 209sqm;
- ☐ Mission Hall Area: (Single Storey attached to Restaurant Building): 187.5sqm;
- ☐ Restaurant Area & Spectator Gallery: (3 Storeys Split-level): 1,232sqm;
- ☐ Loop road and public link road between Dungannon Road and Derry Road; and
- ☐ Relocated recycling area.

As part of the application there is provision of a link road between Dungannon Road and Derry Road, improvements to the existing roundabout on the Dungannon Road will also be provided. This will include the upgrading from the existing 3 arm mini roundabout to a standard 4 arm roundabout. The additional arm on the roundabout will form part of the link road allowing for a partial bypass of Coalisland linking to the Derry Road.

The internal loop road will access from the public link road to allow access to the proposed development and will also provide access onto the Derry Road. The provision of the link and loop roads will allow for the improved flow of traffic to facilitate the development proposal and Coalisland as a whole.

Planning Assessment of Policy and Other Material Considerations

In considering the proposed scheme, in light of its magnitude and complexity, limited supporting information and consultation responses, it was considered the application should be accompanied by an Environmental Statement, as there will be a number significant environmental impacts.

A positive EIA determination was carried out on 7th December 2016 and an Environmental Statement was requested. This was received on 2nd May 2017 and advertised on 18th May 2017 in line with EIA Regulations.

Further environmental information was then received on and an advertisement placed on 27th July 2017 and Neighbours re-notified on 18th July 2017 and the public will be given 4 weeks to comment.

The following policies are relevant to the proposal and will be taken into account in the assessment;

Regional

Regional Development Strategy for Northern Ireland 2035 March 2012 (RDS 2035);;

Regional Transportation Strategy (A New Approach to Regional Transportation), June 2011, (RTS)

Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation, March 2011 (ESTF);

Planning Policy Statement 2 Natural Heritage, July 2013, (PPS2);

Planning Policy Statement 3 Access, Movement and Parking, February 2005, (PPS3);

Supplementary Guidance - Development Control Advice Note 15, 2nd edition August 1999 - Vehicular Access Standards, (DCAN 15);

Supplementary Guidance – Parking Standards – February 2006;
 Planning Policy Statement 4 – Planning & Economic Development, in particular PED4, PED5 & PED9.
 Planning Policy Statement 6 Planning, Archaeology and the Built Heritage, March 1999, (PPS6);
 Planning Policy Statement 8 (PPS8) – Open Space, sport and outdoor recreation’;
 Planning Policy Statement 13 Transportation and Land Use, February 2005, (PPS13);
 Planning Policy Statement 15 Planning and Flood Risk (Revised), September 2014, (PPS15);
 Planning Policy Statement 16 - PPS 16 'Tourism' – June 2013
 Planning Policy Statement 21 Sustainable Development in the Countryside, June 2010, (PPS21);
 Planning Strategy for Rural Northern Ireland, March 1997, (PSRNI); and
 Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development, September 2015, (SPPS).

Local

Dungannon and South Tyrone Area Plan 2010 (DSTAP), adopted March 2005.

Supplementary Planning Guidance

Development Control Advice Note 10: Environmental Impact Assessments (DCAN10)
 Development Control Advice Note 10: Access for People with Disabilities (DCAN 11)
 Development Control Advice Note 10: Vehicular Access Standards (DCAN 15)

Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development.

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area.

SPPS supports sustainable economic growth. In paragraph 4.19 it states planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. Large scale investments, such as this proposal, with job creation potential should be given particular priority. However, this must be weighed against the public interest of the local and wider community.

Paragraph 6.208 states that particular attention should be given to development such as motorsports which generate high level of noise. These are activities which are likely to conflict with disturb and cause nuisance to nearby noise sensitive uses. These developments will only be permitted where there is no unacceptable level of disturbance. A number of strict conditions to control the frequency and duration of noisy events have been provided by EH to protect the amenity of nearby residents. This has been further considered in the report under PPS4 & PPS8.

Planning Policy Statement 21 Sustainable Development in the Countryside. June 2010. (PPS21):

The overriding policy relevant to the proposal is PPS21. Policy CTY1 states the range of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

In relation to non-residential development permission will only be granted in the countryside in certain cases;

The main element in this proposal would fall under 'outdoor sport and recreational uses in accordance with PPS8', with the remainder of the proposal involving ancillary buildings including pit garages/media centre/press area, a medical centre, shower block, crèche, mission hall, restaurant & spectator gallery. As these are non-residential uses the policy states it must be shown they are a necessary community facility to serve the local rural population in order to meet PPS21 criteria. It has been stated by the agent these buildings are necessary for the efficient functioning of the main element of the proposal. The medical centre is needed for any injuries caused by those using the track and the mission hall will also be for this used by competitors and their families if ever required. The crèche is proposed with the intention that the racers wife's and children, who will accompany them to the track, have somewhere to go during the day, and there is a soft play area etc as well as the possibility of drop offs. The media centre, press area, restaurant and gallery area are types of development associated with a motor track and would be an intrinsically linked to it. It is accepted the proposed buildings are subsidiary to the main use of the motorsport track.

Policy CTY13 is relevant as it relates to the integration and design of buildings in the countryside. The proposed buildings, none of which are residential in nature, will be visually integrated in the surrounding landscape and they are of a design appropriate for their purpose and location. Due to the existing and proposed landscaping, and their location on the site, the buildings will easily integrate with the overall proposal into the landscape.

Full detailed drawings have been provided of the proposed buildings and their locations shown on the block plan.

The medical centre will be ground floor at 410sqm with render white painted walls and weatherboard cladding.

The shower/toilet facilities will be ground floor with white render walls.

The crèche will be ground floor only at 209sqm in total.

The pit garages are long and narrow and will have first floor above the garages and have light grey walls with a substantial glazed area, it is standard design for this type of development and is adjacent to the paddock area.

The restaurant will have external seating in part with a balcony area, and a spectator gallery on a second floor to look advantage of the views of the track and lake. It has a curved roof and is contemporary in its design with substantial glazing. The restaurant will be 1233sqm in total. The mission hall, which is ground floor only and 188sqm is attached to the rear of the restaurant with a linking door.

The finishes for all the proposed buildings are of a similar style and therefore would remain in keeping with each other and they would be appropriate for this location. Their siting ensures they have no significant visual impact on the surrounding area.

CTY14 relates to rural character, and permission will only 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. The proposed buildings will not be prominent in the landscape, and will not result in any build-up or add to a ribbon in the countryside. The impact of any ancillary works will not cause damage to the rural character of the area. All development has regard for the surrounding residential properties and none will be detrimentally impacted upon.

CTY15 – the setting of settlements is relevant, as the proposal sits of the edge of the settlement limits of Coalisland. The principle of drawing a settlement limit is partly to promote and partly to contain new development so as to maintain a clear distinction between the built-up area and the surrounding countryside. Due to the fact this proposal is sited in what was a former quarry/clay pits, it would not be considered open countryside in the ordinary sense, and the proposal on this site would not result in urban sprawl or mar the distinction between town and countryside.

Planning Policy Statement 8 (PPS8)- Open Space, sport and outdoor recreation'

The proposed motorsport racetrack would fall under 'Outdoor sport and recreational uses' and must be in accordance with PPS8. The Committee's attention should be drawn to Policy OS5 – Noise generating sports and outdoor recreational activities. This policy indicates that a suitable site for noisy sports may be a former site of mineral workings.

This application relates to a proposed motor sport centre of excellence and would intend to run a number of events including the following at 4 times per year attracting 15,000 to 30,000 spectators.

World Superbikes Events (WSB).

British Superbike Championship (BSC).

British Touring car Championship (BTCC).

In addition to the above it is also envisaged that there will be 12 regional racing competitions working out at 1 per month and attracting between 500 and 2,000 spectators. The venue will also be used for club level races events for both motorcycles and race cars. These events will take place at the weekends including Sundays.

The venue is also proposed to accommodate a private race car testing and specialist driver skill training during the week.

In principle this site is acceptable as it meets the following policy criteria;

- (i) There should be no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses. Environmental Health again note the words outlined in the applicants own Acoustic report which states, 'Motorsport, by its very nature, is a noisy activity and indeed part of the enjoyment for those attending is the amount of noise generated'. Therefore noise from racetrack activities are typically controlled by conditions to allow the operators to maximise their business opportunities while limiting the number of events per year which are likely to give annoyance to local residents.

The proposal will have to potential to impact negatively on the amenity of nearby residents with regard to noise was the issue was raised by objector. The submitted Environmental Statement outlines the potential impact from the operational stage is moderate to significant, but this can be reduced to moderate with the appropriate noise reduction measures. The main issue with motorsport noise is that there is no accepted standard for assessing noise. Whilst the noise report makes reference to WHO Guidelines, these only consider 'steady, continuous noise' and motorsport would not fit into this definition. Noise form this type of racing is distinctive and would be audible above the background level of Coalisland, and has the potential to give rise to significant noise concerns. It should be noted there is no historical use of the site as a motor racing venue, and that the local community would be unfamiliar with this type of development in the vicinity.

Appropriate sites for regular use by noise generating sport are not easy to identify and much will depend on a number of factors including mitigation measures.

EHO have recommended a phased approach be taken with the number of days of race activity. It should be initially restricted with regard to the number of events per year. The anticipated use of the track is mainly between March and October. A number of strict conditions have been provided by EH to ensure there will minimal disturbance to the nearby residents.

- (ii) There is no unacceptable level of disturbance to farm livestock and wildlife. No local landowners have objected in relation to any impact on their livestock. NIEA: Natural Heritage initially objected to the proposal on the basis of PPS2, however the applicant has forwarded additional information to address these issues. I am confident these concerns can be addressed within a reasonable timeframe, however under The Environmental Impact Assessment Regulations the further environmental information received had to be re-advertised and neighbours re-notified to order for the public to be given the opportunity to comment. No objections were received on technical grounds to the Environmental Statement, although some were submitted in relation to noise and nuisance, so there should be no reason to assume any technical objections would be received at this stage. However the Council is not permitted to make a final decision until the expiry of the advertisement which would end on c.24th August 2017.
- (iii) There will be no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude in or adjacent to the site.

The Planning (General Permitted Development) Order (NI) 2015 – Part 5 – Temporary Buildings and Uses, Under Class B – permitted development, the use of any land for any purpose for not more than 28 days in total in any calendar year, or which not more than 14 days in total may be for any purpose referred to paragraph B.2 and the provision of the land on any moveable structure for the purposes of the permitted use. The purposes mentioned in B.2 include in part (b) motor car and motor cycle racing, including trials of speed, and practising for these activities.

Planning Policy Statement 2 Natural Heritage. July 2013. (PPS2):

The application site is hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar/Lough Neagh ASSI (hereafter referred to as the designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Natural Environment Division (NED) has considered the impacts of the proposal on the designated sites and advises that due regard is given by the competent authority, Mid Ulster District Council, to the recommendation outlined below, in undertaking the Habitats Regulations Assessment on Lough Neagh and Lough Beg SPA/Ramsar to overcome any NIEA concerns with the proposal. This should ensure compliance with the requirements of the Habitats Directive and The Environment (Northern Ireland) Order 2002.

NED requested further information relating to the management of habitats, status the bats and whether the badger sett which will require closure will be likely to get a licence. The agent provided this information and NED have now suggested conditions to be attached to any planning approval.

This planning application was considered by Shared Environmental Services (SES) in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

SES note the submitted Preliminary Construction Environmental Management Plan and Outline Construction Method Statement submitted (Appendix 3.2). Provided that the proposed mitigation within this document, and other submitted information within the Environmental Statement is adhered to, it is unlikely that there will be any adverse effects on the site integrity of Lough Neagh and Lough Beg SPA/Ramsar or any other European site.

**Planning Policy Statement 3 Access, Movement and Parking, February 2005. (PPS3):
Supplementary Guidance - Development Control Advice Note 15, 2nd edition August 1999
Vehicular Access Standards. (DCAN 15):**

As part of the application there is provision of a link road between Dungannon Road and Derry Road, improvements to the existing roundabout on the Dungannon Road will also be provided. This will include the upgrading from the existing 3 arm mini roundabout to a standard 4 arm roundabout. The additional arm on the roundabout will form part of the link road allowing for a partial bypass of Coalisland linking to the Derry Road.

The internal loop road will access from the public link road to allow access to the proposed development and will also provide access onto the Derry Road. The provision of the link and loop roads will allow for the improved flow of traffic to facilitate the development proposal and Coalisland as a whole. This will provide direct access to the facility as well as diverting existing traffic from Coalisland town resulting in reduced traffic congestion and improved traffic progression and journey times.

An integrated transport strategy has been provided to accommodate all scales of attendance at events. A plan has been provided in relation to the proposed park and ride facilities proposed to aid in the additional patrons attending the events at the motorsports site. The applicant has advised this land is under his control. This indicates 8 off site park and rides/pedestrian routes, with a total off site car parking of 7,525 and 2,000 bicycle spaces. On site (in five separate areas) in total there will be 1,347 car spaces. This leaves an overall total of 8,872 car spaces and 2,000 bicycle spaces. TNI are content with these proposals.

Conditions have been provided by TNI which will be attached to any approval for the proposal.

Planning Policy Statement 4 – Planning & Economic Development

The planning policy consideration relates to outdoor sport and recreation, however it is arguable that other policies apply because of the economic and tourism implications of the proposal.

PPS4 indicates proposals for redevelopment of industrial sites for outdoor sport and recreation will be viewed sympathetically where the criteria of PED4 is met. The criteria being;

- (a) The scale and nature of the proposal does not harm the rural character or appearance of the local area;

Due to the location and existing nature of the site, the character and appearance of Coalisland is not being harmed due to this proposal in the short or long term. Over a 15 year period the proposed planting plan will ensure mitigation of any significant viewpoints, and will be conditioned as such. The long views from Mouse Hole Road, Annagher Road & St. Mary & St. Joseph's Church will be reduced with the proposed planting, and views from the Churches on barrack Street will be reduced by the proposed tunnel with turf mitigation screens, leaving an improved landscape.

Also the short term visual impact on Derry Road & Dungannon Road will be resolved by mitigation planting. With the retention and enhancement of the woodlands on Eastern & Southern boundaries, which currently screen short views of the site along Derry Road &

Dungannon Road, visual impact will remain limited. Furthermore the clay pits have been worked out and there are visual benefits to this racetrack resulting in management of the land.

The mature hedging on the Northern boundary with Derry Vale Road will be enhanced with additional tree planting.

(b) There would be environmental benefits as a result;

There will be significant long term benefits due to the proposal in terms of environmental benefits;

Currently the site is a derelict Clay Pits, this proposal will provide much regeneration and incorporate community access to an upgraded site and facilities which will have major long term benefits for the site and the area.

On the periphery of the site, a link road between the Derry & Dungannon Road will be provided meaning a partial bypass for Coalisland town, this is in order to deal with the additional traffic generated by the proposal. It will significantly reduce congestion in the centre of the town and pollution.

Proposed Walkways and cycle paths will offer potential usage to the wider community, creating opportunities for improving general health & wellbeing.

The lakes will be fully stocked with fish and there will be a peatlands area for habitats to enjoy.

The proposal involves the relocation of an existing recycling site to a better location removed from the main development.

(c) The scheme deals comprehensively with the full extent of the existing site;

Detailed plans have been provided to how the full extent of the site will be developed, including a block plan of all proposed buildings. It is understood there will be additional phases to the scheme which will be submitted at a later date.

(d) The overall visual impact of replacement buildings is not significantly greater than that to be replaced.

Currently the site is a derelict Clay Pits with no buildings. This proposal will provide the upgrading and regeneration of the site. The buildings will be of a greater visual impact than what is existing but not so much as to cause detrimental harm to the amenities of any neighbouring properties.

The proposal also goes on to state proposal for outdoor sport and recreation will be viewed sympathetically where all the above criteria can be met and where the proposal does not involve land forming all or part of an existing industrial estate, which would be the case in this instance. There will no loss of land for industrial purposes.

The policy goes on to say, where a proposal is judged acceptable in principle in a countryside location, an edge of town location will be favoured, which is the case with this site.

PED9 of PPS4 is the general criteria required for economic development in the countryside. Points (a) – (m) provide the tests and the proposal meets all of them. The key tests as discussed in detail are set out in PPS8.

PPS 6- Archaeology and the Built Heritage. March 1999.

The application site is located in an sensitive area close to a number of sites of local importance protected by Policy BH 2 of PPS 6 applies, which relates to the protection of archaeologically remains of local importance and their settings.

The archaeological study carried out has identified the site to be an area of archaeological potential and a watching brief will be carried out by a qualified archaeologist under license to HED during the construction phase.

In terms of built heritage and policy BH11 and the development affecting the setting of listed buildings, the proposed development would involve only a moderate impact at the construction and operations stages, on listed Grade B building – Holy Trinity Church, grade B St. Marys Church. B2 Gortnaskeagh Bridge and the Weaving Factory.

Historic Environment Division: Historic Monuments (HED: HM) has considered the Archaeological Impact Assessment (AIA) submitted as part of the EIA for this application. We agree with the findings and suggested mitigations measures presented within this document. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

Planning Policy Statement 15 Planning and Flood Risk (Revised). September 2014. (PPS15);

The main objective of PPS15 is to seek to prevent inappropriate new development that may increase flood risk and ensure adequate and appropriate mitigation measures are put in place. As part of the Environmental Statement, the flood risks were identified and any drainage issues addressed for this proposal.

There are sufficient WwTW facilities available to serve the proposed development. Consent to discharge and connection will be obtained from NI Water prior to implementation of the construction stage.

Regarding drainage and potential flooding, which an objector also raised as a potential issue, the agent provided a Flood Risk Assessment. The majority of the proposed development will be on land predicted 1:100 year flood plain apart from one road crossing. However subject to the mitigation proposed any negative impacts associated with flood risks will be minimised. Subject to the implementation of the mitigation measures detailed for storm water drainage, foul drainage and flood risk, the proposed development will have a neutral or positive residual impact.

Rivers Agency were consulted and while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Agency cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

Planning Policy Statement 16 - PPS 16 'Tourism'

Tourism makes an important contribution to the NI economy in terms of the revenues it generates, the employment opportunities it provides and the potential it creates for economic growth. As well as direct spending, tourism plays an important role in helping to support the viability of many local suppliers and services.

Sustainable tourism development is brought by balancing the needs of tourists and the tourism industry with those of the destination. It is important to ensure the development is sustainable and achievable without damaging those qualities in the environment which are of acknowledged public value.

Paragraph 7.5 of PPS16 goes on to state a tourist amenity is defined by the Tourism (NI) Order 1992 'as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation'. This proposal will undoubtedly have a spin off impact on tourism in Coalisland and there is no specific tourism accommodation proposed, however it is not 'provided primarily for tourists' and so PPS16 would not be given significant weight at this time.

Other material considerations:

- **Health & Safety :**

Following a site visit, Health & Safety Executive had no concerns relating to safety on the site and offer no objections to the development.

The proposed development is located in an area of historic mine workings therefore land stability issues need to be investigated. Geological Survey of NI (GSNI) were consulted in relation to land stability issues at the site due to the numerous abandoned mines.

A land stability assessment was submitted and a Coal Mining Assessment. Further details have been requested by Geological Survey NI (GSNI) in order for them to adequately determine any land stability concerns, consideration of their recent response would appear to suggest no objections subject to conditions.

- **Representations**

One letter of support has been received in relation to the generation of employment and benefit to the local economy. It is also felt this proposal will help in aiding current anti-social behaviour related to car racing in Coalisland town.

A total of 7 objection letters have been received in relation to the proposal, and of these, two of the objectors have sent in two letters each. This is a relatively low number of objections to such a large complex scheme.

The main issues raised by the objectors relate to noise & disturbance, Pollution & health concerns, road safety/parking concerns, change to the character of the area and flooding. These have all been fully explored in the planning assessment and have been taken into account.

- **Concerns over hotel development on site:**

One of the issues raised by an objector related to the development of a hotel on the site, and the noise, traffic and anti-social behaviour that could stem from this.

However a hotel is not included as part of the proposal under this planning application and so cannot be assessed at this time. The initial Masterplan indicated there may be future plans for a hotel on the site, and if an application is submitted for this it will be fully assessed against relevant policy and consultations sent at that time, with any objections to it taken into account.

- **Summary of Recommendation:**

It is my view that in principal this proposal meets policy in terms of its use. The key issues primarily relate to noise, transportation, habitats, and land stability. The key objections primarily relate to noise and nuisance. Given that Environmental health feel these can be addressed by conditions, I do not consider these objections fatal to the application.

TNI have indicated that in this case they are content to provide conditions in relation to the provision of a link road, access and offsite parking. The applicant has addressed NED ecological issues and these are able to be resolved through condition.

The expiry of the advertisement (25/08/17) relating to further environmental information has now been reached and no further objections were received.

The recent GSNI response is supportive of the proposal, and whilst seeking some further clarity around the Coal Mines Risk Assessment, which having considered with the Planning Manager can be dealt with as a pre-commencement condition, I recommend to the Committee that planning permission is granted subject to the following conditions.

Neighbour Notification Checked

Yes

Conditions :

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

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

2. A Final Construction Environmental Management Plan/Construction Method Statement must be submitted to Mid Ulster Planning Department by the appointed contractor for agreement prior to any works commencing. This should include detail of all construction and earthworks to be undertaken and pollution prevention measures to be employed on site during construction works to prevent contamination/pollution entering watercourses that are hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar.

Reason: To ensure that the appointed contractor undertaking the work is aware of the mitigation measures required, and ensure that the final CEMP has received Council approval prior to works commencing, thus protecting the integrity of Lough Neagh and Lough Beg SPA/Ramsar.

3. 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.

4. 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.

5. The existing natural screenings of the site as shown on approved drawing ref 89 date stamped received 31 May 2017, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

6. During the first available planting season after the occupation of the site for its permitted use, planting shall be carried out as shown on stamped approved drawing 89 date stamped 31 May 2017.

Reason: In the interest of visual amenity.

Environmental Health Conditions

7. All noise barriers and acoustic berms shall be put in place in accordance with stamped approved plan 18A dated 2 May 2017 prior to operation of the development hereby approved.

Reason: To protect the amenity of nearby residents.

8. The hours of operation of the track shall be 9am to 5pm Monday to Saturday with a lunch break of 1 hour duration taken between noon and 2pm, and 1pm to 6pm on a Sunday.

9. The use of the circuit shall be limited to the following per calendar year:

- 12 Race Day Events (RDE). These are defined as a day on which participating vehicles must adhere to the noise controls specified by the appropriate motorsport governing body and where there is no limit applied outside of the circuit.
- 12 additional Track Day Events (TD) where the noise levels from vehicles on the track does not exceed 51dB LAeq 30mins measured in any continuous 30 minute period at any residential property in the vicinity of the circuit.
- 100 Quiet Days (QD) where the noise level from motor vehicles on the circuit does not exceed 38dB LAeq 30 mins measured in any continuous 30 minute period at any residential property in the vicinity of the circuit.

Weekends

10. There shall be no more than 4 weekends per annum with two consecutive Race Day Events or Track Day Events.

11. There shall be a maximum of 1 weekend per calendar month where there is a Race Day Event or a Track Day Event.

12. There shall be at least two Quiet Days following any weekend where there is a Race Day Event or a Track Day Event.

Weekdays

13. There shall be a maximum of 1 Race Day Event or 1 Track Day Event per week (Mon-Fri).

Reason for 1- 13 - To protect residential amenity and ensure noise emissions accord with the noise report as submitted as part of the application.

General

14. The Lake Torrent circuit shall be operated in accordance with the Noise Management Plan submitted on the 23rd June 2017. This shall be reviewed on an annual basis in agreement with Mid Ulster District Council Planning Department and Environmental Services Department.
15. As outlined in the Noise Management Plan a Drive-by Noise Monitoring System calibrated to identify individual vehicles exceeding the vehicle equivalent static test or other agreed noise limit shall be installed at the circuit. This shall be used to identify those vehicles exceeding the required noise level and action shall be taken by the operator to remove the vehicle from the track. The details of the system, location and the action levels shall be submitted to and approved by Mid Ulster District Council prior to the operation of the circuit. The data from this system shall be provided to Mid Ulster District Council on request, and direct access allowed.
16. As outlined in the Noise Management Plan noise measurement equipment will be installed outside the circuit at representative locations. The location of the noise measurement equipment will be agreed with Mid Ulster District Council prior to installation. The data from these monitors shall be provided to Mid Ulster District Council on request, and direct access allowed.
17. Within 4 weeks of a written request by the Planning Authority, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator of the circuit shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise emissions from the racing circuit at the complainant's property. Details of the noise monitoring survey shall be submitted to the Planning Authority for written approval prior to any monitoring commencing. The Planning Authority shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.
18. The operator of the circuit shall provide to the Planning Authority the results, assessment and conclusions regarding the noise monitoring required by Condition 10, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority under condition 10 unless, in either case, otherwise extended in writing by the Planning Authority.

Reason for 14-18: To control the noise levels from the development at noise sensitive locations.

TNI conditions (subject to change)

The development hereby approved shall not become operational until all drawings showing the location and two dimensional design of vehicular, pedestrian and cyclist access to the site from the surrounding road network and also the circulation and car parking facilities for the loading and unloading of vehicles attracted to the site and access to individual buildings within the site have been submitted to and approved by MUDC Council.

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

The development hereby approved shall not become operational until full particulars, including detailed road plans, cross sections and long sections for the required access in the above condition shall be submitted 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 and to ensure an acceptable level of quality and consistency throughout the development.

The development hereby approved shall not become operational until the Transportation Assessment has been fully reviewed by Council and should any impacts upon the existing road network be identified mitigation measures will be agreed and thereafter implemented.

Reason: To ensure there is a safe and convenient road system to support the traffic associated with the development

A Travel Plan shall be submitted to and approved by the Council before the development becomes operational and the plan shall thereafter be implemented in accordance with the approved detail.

Reason: To assist in promoting a package of complementary measures for the overall delivery of more sustainable travel patterns to encourage patrons to use park and ride and park and share during significant race days

The development hereby approved shall not become operational until a link road and all associated works has been designed and constructed to the satisfaction of DfI Roads from the Dungannon Road through the site across Derry Road and on to Brackaville Road as generally indicated on drawing 02 dated 15th Sept 2016. The link road shall be designed to current standards contained in the Design Manual for Roads and Bridges (DMRB).

Reason: To ensure there is a safe and convenient road system to support the traffic associated with the development

The development hereby approved shall not become operational until a full drainage assessment has been completed to ensure the storm capacity of the existing drainage system is capable of sustaining the runoff from the proposed new link road.

Reason: To ensure there is a safe and convenient road system to support the traffic associated with the development

No part of the development hereby permitted shall become operational until details of the proposed provision to facilitate pedestrian and cyclist movements to and from the site have been submitted to and approved by the Council/Department and thereafter implemented.

Reason: To ensure that the development provides connectivity for pedestrian and cyclist movements with the existing and proposed road layout.

No part of the development hereby permitted shall become operational until any necessary Technical Approval, under DfI Roads Technical Approval Scheme, and any necessary Geotechnical Certification in accordance with HD22, Volume 4 of the Design Manual for Roads and Bridges has been granted by DfI Roads.

Reason: To ensure that the design of any structure and the ground conditions associated with the development have been adequately addressed and are found fit for purpose.

Design of the car parking and service arrangements shall be in accordance with the Councils current policies and guidance and shall be submitted to and approved by the Council prior to the commencement of any operations on the site.

Reason: To ensure the adequate provision of parking and servicing within the development.

The construction of the approved access road shall not commence until details of a Stage 1/2 Safety Audit, as required under DMRB Volume 5 Section 2 Part 2 HD 19/15, on the approved road layout drawings has been submitted to and approved by the Council/Department and any recommendations identified to alter the drawings have been agreed and thereafter implemented.

Reason: To provide quality assurance that the proposal has considered all road safety requirements.

The development hereby permitted shall not become operational until details of a Stage 3 Safety Audit, as required under DMRB Volume 5 Section 2 Part 2 HD 19/15, on the completed road layout has been submitted to and approved by the Council/Department and any recommendations identified thereafter implemented within 30 days from the date of the approval.

Reason: To provide quality assurance that the proposal has considered all road safety requirements.

During the 12 months from the date of the issue of the resident engineers completion certificate details of a Stage 4 Safety Audit, as required under DMRB Volume 5 Section 2 Part 2 HD 19/15, on the completed road layout shall be submitted to and approved by the Council/Department and any recommendations identified thereafter implemented within 30 days from the date of the approval.

Reason: To provide quality assurance that the proposal has considered all road safety requirements.

NIEA CONDITIONS:

No felling or development works shall take place within the ancient woodland site as depicted in Figure 11.1, Distribution of woodland polygons of the Environmental Statement.

Reason: To protect the nature conservation interest.

There shall be no site clearance or development activity within 25 metres of the outlier badger setts, as shown in appendix 11.5: Mammal Observations as a green square, until badgers have been excluded and the setts have been closed under the terms of a licence issued by the Northern Ireland Environment Agency.

Reason: To protect badgers and their setts.

No development activity, including clearance shall commence on site until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance (as shown on the main badger sett entrance jpeg emailed on the 25 July 2017) at a radius of 25 metres. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within those protection zones without the consent of the Planning Authority. The protection zones

shall be retained and maintained until all construction activity has been completed on site.

Reason: To avoid disturbance to badger activity.

A wildlife licence for the construction of the security fencing within 25metres of the main badger sett must be granted before fencing works commence within the marked badger protection zone.

Reason: To protect badgers and their setts.

An updated habitat management plan to include mitigation for the loss of open mosaic habitats shall be submitted to the Council for their agreement prior to any works commencing on site. Reason: To protect the priority habitat on site.

Additional native planting shall be carried out at the first available planting season around Pond A as shown in the ES plan/report.

Reason: To ensure adequate habitat is provided over wintering habitat for newts.

GSNI

1. Prior to the commencement of any development hereby approved, a revised Coal Mines Risk Assessment (CMRA) shall be submitted for approval by the Council, in accordance with The Coal Authority and CIRIA SUP 32 Guidance, for consultation and approval by DfE which contains the following information: -

- ☐ Ground model of Coal and Fire clay seams which occurred on site ;
- ☐ Assessment of historic mining activity;
- ☐ Consideration of unrecorded mining activity;
- ☐ Risk rating (High, Medium and Low) for the area within the application boundary;
- ☐ Detailed recommendation for intrusive and non-intrusive site investigation works; and
- ☐ Detailed mitigation strategy

Reason: In the interests of ensuring land stability concerns are fully addressed.

2. Prior to the commencement of the development of the racetrack and other ancillary buildings or works the developer shall have undertaken the intrusive and non-intrusive site investigation works and approval of the results of the investigations by the Council.

Reason: In the interests of ensuring land stability concerns are fully addressed.

3. Prior to the commencement of the development hereby approved the developer shall have submitted a scheme of remedial works and carry out those works in accordance with a timetable and schedule as agreed with the Council.

Reason: In the interests of ensuring land stability concerns are fully addressed.

4. Prior to the use of the racetrack, a verification report demonstrating completion of the works set out in the approved remediation works and the effectiveness of the remediation shall be submitted to the Council for DfE for approval. The report shall include evidence to demonstrate that the remediation criteria were met.

Reason: In the interests of ensuring land stability concerns are fully addressed.

The Private Streets (Northern Ireland) Order 1980

The Council shall, for the purpose of adopting private streets as public roads, 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 there is a safe and convenient road system within the development and to comply with the provisions of the Private Street (Northern Ireland) Order 1980.

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

No part of the development hereby permitted shall become operational until the works necessary for the improvement of a public road have been completed in accordance with details to be submitted to and approved by the Council/Department. The Council/Department may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

Informatives

This planning permission grants permission for the racetrack, ancillary buildings and road ways as contained within the red line. Any other development such as provision of temporary carparks or roadways to that carpark are still subject to planning regulations and therefore either the extent of use must be such as to fall under permitted development under The Planning (General Permitted Development) Order (NI) 2015 or a separate planning permission be obtained under section 41 of The Planning Act 2011.

Signature(s)

Date:

ANNEX	
Date Valid	16th September 2016
Date First Advertised	6th October 2016
Date Last Advertised	18 th May 2017 (EIA Regs)
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14 Ballynakilly Road, Coalisland The Owner/Occupier, 2 Derry Row,Derry,Coalisland,Tyrone,BT71 4NX, The Owner/Occupier, 37 Derry Road, Coalisland The Owner/Occupier, 58 Derry Road, Coalisland The Owner/Occupier, 60 Derry Road, Coalisland The Owner/Occupier, 64 Derry Road, Coalisland The Owner/Occupier, 86 Dungannon Road,Gortgonis,Coalisland,Tyrone,BT71 4HP, The Owner/Occupier, 1 Ballynakilly Road, Gortgonis The Owner/Occupier, 1 Derry Row,Derry,Coalisland,Tyrone,BT71 4NX, The Owner/Occupier, 1 Mill View Cottages,Derrywinnin Glebe,Dungannon,Tyrone,BT71 6EX, The Owner/Occupier, 1 Mountcairn Drive, Gortgonis, Coalisland Anthony Conway 1 Weavers Brae, Derryvale Road, Coalisland, Tyrone, Northern Ireland, BT71 4SH The Owner/Occupier, 100 Derryvale Road, Coalisland The Owner/Occupier, 104 Derryvale Road, Coalisland, Co Tyrone The Owner/Occupier, 11 Brackaville Road, Coalisland The Owner/Occupier, 11 Laurel Grove Gortgonis Coalisland The Owner/Occupier, 11a Brackaville Road, Coalisland The Owner/Occupier, 12 Laurel Grove,Gortgonis,Coalisland,Tyrone,BT71 4SA, The Owner/Occupier, 13 Ballynakilly Road, Coalisland The Owner/Occupier, 13 Brackaville Road, Coalisland	

The Owner/Occupier,
13 Laurel Grove, Gortgonis, Coalisland, Tyrone, BT71 4SA,
The Owner/Occupier,
14 Laurel Grove, Gortgonis, Coalisland, Tyrone, BT71 4SA,
The Owner/Occupier,
15 Brackaville Road, Coalisland
The Owner/Occupier,
17 Brackaville Road, Coalisland
The Owner/Occupier,
199 Bush Road, Coalisland
The Owner/Occupier,
2 Mill View Cottages, Derrywinnin Glebe, Dungannon, Tyrone, BT71 6EX,
The Owner/Occupier,
2 Mountcairn Drive, Gortgonis, Coalisland
The Owner/Occupier,
25 Derryvale Road, Coalisland
The Owner/Occupier,
270 Coalisland Road, Co Tyrone
The Owner/Occupier,
280 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
282 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
3 Derry Road, Coalisland, Co. Tyrone
The Owner/Occupier,
3 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
The Owner/Occupier,
3 Mountcairn Drive, Gortgonis, Coalisland
The Owner/Occupier,
31 Derry, Road, Coalisland
Thomas W Marshall
314 Coalisland Road Derrywinnin Glebe Drumcoo Dungannon
The Owner/Occupier,
314 Coalisland Road, Drumcoo, Dungannon.
The Owner/Occupier,
318 Bush Road, Coalisland
The Owner/Occupier,
318 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
323 Coalisland Road, Derry, Drumcoo, Dungannon, Tyrone, BT71 6ET,
The Owner/Occupier,
36 Derry Road, Coalisland
The Owner/Occupier,
36 Derry Road, Coalisland
The Owner/Occupier,
4 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
The Owner/Occupier,
4 Ballynakilly Road, Coalisland
The Owner/Occupier,
4 Ballynakilly Road, Gortgonis

The Owner/Occupier,
4 Derry Road, Coalisland BT71 4HY.
The Owner/Occupier,
4 Mountcairn Drive, Gortgonis, Coalisland
The Owner/Occupier,
4 Station Yard, Coalisland
Pamela Nicholl
4, Derry Row, Coalisland, Tyrone, Northern Ireland, BT71 4NX
The Owner/Occupier,
41 Derry Road, Coalisland
The Owner/Occupier,
46 Derry Road, Coalisland
The Owner/Occupier,
46 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
46a Derry Road, Coalisland
The Owner/Occupier,
48 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
5 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
The Owner/Occupier,
50 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
Frank McCabe
6 Derry Road, Coalisland, Co Tyrone, BT71 4NX
The Owner/Occupier,
6 Derry Row, Derry, Coalisland, Tyrone, BT71 4NX,
Frank McCabe
6, Derry Road, Coalisland, Tyrone, Northern Ireland, BT71 4HY
The Owner/Occupier,
60 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
Robert Magee
60, Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HT
Samuel McKay
60, Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HT
The Owner/Occupier,
62 Derry Road, Coalisland
The Owner/Occupier,
64 Derry Road, Coalisland
The Owner/Occupier,
68 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
7 Brackaville Road, Coalisland
The Owner/Occupier,
8 Ballynakilly Road, Gortgonis
The Owner/Occupier,
82 Dungannon Road, Gortgonis, Coalisland, Tyrone, BT71 4HP,
The Owner/Occupier,
84 Dungannon Road, Coalisland
The Owner/Occupier,
86 Bush Road, Coalisland

The Owner/Occupier,
 88 Derryvale Road, Coalisland
 The Owner/Occupier,
 9 Brackaville Road, Coalisland
 The Owner/Occupier,
 90 Derryvale Road, Coalisland, BT71 4PB
 The Owner/Occupier,
 92 Derryvale Road, Coalisland
 The Owner/Occupier,
 94 Derryvale Road, Coalisland
 The Owner/Occupier,
 Coalisland Entrprise Centre, 2 Dungannon Rd, Coalisland, Dungannon BT71 6JT
 The Owner/Occupier,
 Drumreagh House, Derryvale Rd, Coalisland
 Anthony Conway
 Email
 The Owner/Occupier,
 Gold Star Engineering, Derry, Road, Coalisland
 The Owner/Occupier,
 Holy Trinity Church, Brackaville Parish, Coalisland

Date of Last Neighbour Notification

12th May 2017

Date of EIA Determination

7th December 2016

ES Requested

Yes

Planning History

Ref ID: LA09/2016/1307/F

Proposal: Lake Torrent Motor Sport Centre of Excellence. Motor Sport Use/Commercial, Medical Centre, Mission Hall, Pit Garages, Offices, Shower Block, Coffee Shop and Crèche

Address: Clay Pits, Dungannon Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2015/1098/F

Proposal: Proposed 2 Detached bungalow dwelling houses

Address: Lands 50m to the North West of 8 Brackaville Road, Coalisland,

Decision: RL

Decision Date:

Ref ID: LA09/2016/0419/F

Proposal: Extension to existing workshop unit and additional rear yard/space proposed works as described below in Question 21

Address: 135m NE of 11 Derryvale Park, Derry Road, Coalisland, BT71 4NT,

Decision:

Decision Date:

Ref ID: M/2014/0325/PREAPP

Proposal: Centre of Excellence Development

Address: Lands at Dungannon Road, Coalisland,

Decision: EOLI

Decision Date:

Ref ID: M/1988/0475

Proposal: Residential Development (14 No semi-detached Dwellings)

Address: OPPOSITE 8 BALLYNAKILLY RD GORTGONIS COALISLAND

Decision:

Decision Date:

Ref ID: M/1988/0475B

Proposal: Residential development (14 Dwellings)

Address: OPPOSITE 8 BALLYNAKILLY ROAD GORTGONIS COALISLAND

Decision:

Decision Date:

Ref ID: M/2006/1254/F

Proposal: Erection of sunroom extension

Address: 14 Laurel Grove, Coalisland

Decision:

Decision Date: 25.08.2006

Ref ID: M/2005/2365/F

Proposal: Extension to a dwelling house.

Address: 14 Laurel Grove, Coalisland.

Decision:

Decision Date: 15.03.2006

Ref ID: M/2004/1465/F

Proposal: proposed demolition of existing filling station & rebuild of new supermarket & filling station

Address: existing filling station at junction of Ballynakelly Road & Bush Road, Coalisland

Decision:

Decision Date: 09.05.2005

Ref ID: M/1977/0608

Proposal: INSTALLATION OF 6,000 GAL PETROL STORAGE TANK

Address: BUNGALOW FILLING STATION, CHURCH CORNER, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0005

Proposal: Installation of underground petrol tanks

Address: OLIVERS FILLING STATION DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1986/0519

Proposal: CAR/LORRY WASH AREAS AND ASSOCIATED WORKS

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0203

Proposal: RE-CONSTRUCTION OF FILLING STATION

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0006

Proposal: Erection of sign

Address: OLIVERS FILLING STATION DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0496

Proposal: PETROL PUMP CANOPY

Address: DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1995/0715

Proposal: Replacement and extension of garage and stores

Address: 86 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2006/1443/F

Proposal: Extension to existing parish hall

Address: Holy Trinity Parish Church Hall (ie Brackaville Parish Hall)

Decision:

Decision Date: 15.08.2006

Ref ID: M/1991/0590

Proposal: Erection of new Church of Ireland Rectory

Address: 82 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1991/6007

Proposal: New Rectory Coalisland

Address: Coalisland

Decision:

Decision Date:

Ref ID: M/2005/1431/F

Proposal: Proposed retail development consisting of 5 no units with mezzanine floor.

Address: Site opposite to No 36-56 Dungannon Road, Coalisland

Decision:

Decision Date: 14.03.2007

Ref ID: M/1991/0248

Proposal: Erection of double temporary classroom

Address: ST JOSEPHS HIGH SCHOOL BRACKAVILLE ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0369

Proposal: DWELLING HOUSE

Address: GORTNASKEA, COALISLAND

Decision:

Decision Date:

Ref ID: M/1976/0607

Proposal: ERECTION OF 2 NO. MOBILE HOMES

Address: BRACKAVILLE, COOKSTOWN

Decision:

Decision Date:

Ref ID: M/1994/0649

Proposal: Extension to Dwelling

Address: 1 KILLOWEN BRACKAVILLE ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2004/0622/O

Proposal: 1 no. Dwelling with Detached Garage
Address: adjacent to 1 Killowen, Brackaville Road, Coalisland
Decision:
Decision Date: 09.09.2004

Ref ID: M/2006/1956/RM
Proposal: Proposed detached dwelling
Address: Aadjacent to 1 Killowen, Brackaville Road, Coalisland
Decision:
Decision Date: 17.05.2007

Ref ID: M/1992/0320
Proposal: Extension to Dwelling
Address: 17 BRACKAVILLE ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1981/0535
Proposal: ERECTION OF DWELLING
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/2007/0292/O
Proposal: Proposed two storey dwelling and domestic garage.
Address: Adjacent to 17 Brackaville Road, Coalisland.
Decision:
Decision Date: 05.06.2007

Ref ID: M/1977/0342
Proposal: LIVING ACCOMMODATION
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1990/0037
Proposal: Extension to dwelling
Address: 11 BRACKAVILLE ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1996/0617
Proposal: Dwelling
Address: SITE ADJACENT TO 9 BRACKAVILLE ROAD COALISLAND

Decision:
Decision Date:

Ref ID: M/1974/0404
Proposal: SUBSIDY BUNGALOW.
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1974/040401
Proposal: ERECTION OF BUNGALOW
Address: BRACKAVILLE ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1995/0547
Proposal: Site for dwelling
Address: ADJACENT TO 9 BRACKAVILLE ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2000/1094/O
Proposal: Site for dwelling and garage
Address: Adjacent to 36 Derry Road Coalisland
Decision:
Decision Date: 14.02.2001

Ref ID: M/1995/0437
Proposal: Site for dwelling
Address: ADJACENT TO 36 DERRY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1991/0439
Proposal: Skip amenity site
Address: DERRY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1988/0696
Proposal: 33 KV Diversion
Address: DERRY COALISLAND
Decision:
Decision Date:

Ref ID: M/1974/0476
Proposal: MINERAL EXTRACTION
Address: PLANT NO 3, COALISLAND
Decision:
Decision Date:

Ref ID: M/1977/0311
Proposal: CONSTRUCTION OF NEW ACCESS AND HAULAGE ROAD FROM CLAY PIT
Address: DUNGANNON ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1979/0933
Proposal: 33KV (UN) DIVERSION
Address: DERRY, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1990/0468
Proposal: Machinery Store for Excavation Equipment
Address: 40M SOUTH OF 51 DUNGANNON ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2014/0075/O
Proposal: Proposed community building including community based office space, shared community meeting and activity and new build child care facility and associated car-parking
Address: Site 75m S E of Coalisland Enterprise Centre 51 Dungannon Road Coalisland,
Decision: PG
Decision Date: 17.04.2014

Ref ID: M/1986/0652
Proposal: ADDITIONAL 8 NO WORKSHOP UNITS
Address: 51 DUNGANNON ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/1989/0476
Proposal: Factory Units
Address: ADJACENT TO 51 DUNGANNON ROAD COALISLAND
Decision:

Decision Date:

Ref ID: M/1988/0434

Proposal: 3 Hoardings

Address: ADJACENT TO 51 DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1990/0322

Proposal: Proposed 14 No Additional Workshop Units (Various Commercial Uses)

Address: 51 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2008/0633/F

Proposal: Change of use from existing coffee shop to proposed licensed restaurant

Address: Unit 4, Coalisland Enterprise Centre, Dungannon Road, Coalisland, Tyrone.
BT71 4HP

Decision:

Decision Date: 22.10.2008

Ref ID: M/1996/0528

Proposal: Change of use of vacant building to visitors centre

Address: 51 DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2010/0711/A

Proposal: Free standing pole signage

Address: 31 Dungannon Road, Coalisland

Decision:

Decision Date: 03.02.2011

Ref ID: M/1989/0419

Proposal: Office Block

Address: 51 DUNGANNON ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/2000/0189

Proposal: Proposed Housing Development

Address: Adjacent to Derryvale Park Coalisland

Decision:

Decision Date:

Ref ID: M/1980/0052

Proposal: ASSOCIATION FOOTBALL CAR PARK AND PAVILION, PITCH

Address: DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1975/0019

Proposal: MANUFACTURE OF MOBILE CLASSROOMS

Address: DERRY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1974/0565

Proposal: ERECTION OF WORKSHOP AND STORES

Address: DERRY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1981/0394

Proposal: REINSTATEMENT OF EXISTING WORKSHOP AND STORE

Address: 46 DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1994/0317

Proposal: Alterations to Dwelling

Address: THE GRANGE DERRY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1999/0838

Proposal: Extension/Alteration to existing dwelling and new garage

Address: 37 Derryvale Road Coalisland

Decision:

Decision Date: 23.06.2000

Ref ID: M/1999/1015/F

Proposal: Replacement Dwelling

Address: 37 Derryvale Road Coalisland Co Tyrone

Decision:

Decision Date: 03.03.2000

Ref ID: M/1999/0753/F

Proposal: Extension and alteration to existing dwelling

Address: 37 Derryvale Road, Coalisland, Co Tyrone

Decision:

Decision Date: 29.11.1999

Ref ID: M/2006/1937/F

Proposal: Proposed site storage shed

Address: Land approximately 80m south of 37 Derry Road, Coalisland

Decision:

Decision Date: 22.10.2007

Ref ID: M/1978/0245

Proposal: REINSTATEMENT OF BOMB DAMAGED DWELLING

Address: DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1985/0640

Proposal: BUNGALOW

Address: 15 DERRY ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0359

Proposal: Replacement Dwelling

Address: 4 DERRY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2004/0934/O

Proposal: Proposed Retail outlet - for the sale of mechanical power tools

Address: 80M NE of Amenity Site Derry Road Coalisland

Decision:

Decision Date: 19.02.2005

Ref ID: M/1998/0008

Proposal: Erection of Dwelling Derry Road Coalisland

Address: Derry Road Coalisland

Decision:

Decision Date: 30.08.2002

Ref ID: M/1992/0042

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

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

Decision:

Decision Date:

Ref ID: M/2001/1364/F

Proposal: Excavation of Brick Shale and Fireclay

Address: Derry Road, Gortnaskea, Derryvale Road,,Drumreagh Etra, Coalisland.,,,Coalisland

Decision:

Decision Date: 02.09.2005

Ref ID: M/1976/0046

Proposal: 33 KV O/H LINES

Address: DRUMREAGH ETRA, DERRY AND BRACKAVILLE, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2015/0550/F

Proposal: To increase the area to serve food and to cater for small functions

Address: Coalisland Enterprise Centre, 51 Dungannon Road, Coalisland,

Decision: PG

Decision Date: 06.10.2015

Ref ID: LA09/2015/0968/LDP

Proposal: Importing of inert material for the purposes of making secure the steep bank along the Lower Lake through the operation of filling in the interest of land stability

Address: Brick Pits, approx 90m SW of Enterprise Centre, Dungannon Road, Coalisland,

Decision: PG

Decision Date:

Ref ID: LA09/2015/0145/PAN

Proposal: Sporting Centre of Excellence

Address: Lands at Dungannon Road Coalisland,

Decision:

Decision Date:

Ref ID: M/1997/0347

Proposal: Fish Farm and Ancillary Store

Address: 314 COALISLAND ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/6099
Proposal: Fish Farm Bush Road
Address: Bush Road
Decision:
Decision Date:

Ref ID: M/1986/0402
Proposal: IMPROVEMENTS TO DWELLING
Address: 318 COALISLAND ROAD, DERRY, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1994/0112B
Proposal: Replacement Dwelling
Address: 314 COALISLAND ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2001/1285/O
Proposal: Builders Store for Storage of Plant and Equipment
Address: Land 20 M North of 314 Dungannon Road, Derrywinnin, Coalisland
Decision:
Decision Date: 05.03.2002

Ref ID: M/1994/0112
Proposal: Site for replacement dwelling
Address: 314 COALISLAND ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2011/0198/F
Proposal: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.
Address: Tamnamore Grid Substation Drumkee Road Dungannon and townlands of Drumkee, Drumnaspil, Cavan, Coash, Lederg and Keenaghan,
Decision:
Decision Date: 08.12.2011

Ref ID: M/2001/0626
Proposal: Proposed meter sites
Address: Dungannon
Decision:
Decision Date:

Summary of Consultee Responses
Await final responses from TNI, NED & GSNI.
Notification to Department (if relevant)
Date of Notification to Department: Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2017/0367/O	Target Date:
Proposal: Proposed Dwelling	Location: 51 Drum Road Cookstown
Applicant Name and Address: Mr and Mrs Glackin 51 Drum Road Cookstown	Agent name and Address: Darcon Architectural Services 5 Malabhui Road Carrickmore BT79 9JS
<p><u>Summary of Issues:</u></p> <p>One representation was received in the form of an objection from no.126 Westland Road which looks directly onto the site.</p> <p>Issues raised were;</p> <ul style="list-style-type: none"> - building line - loss of privacy - out of character - noise pollution during construction. 	
<p><u>Characteristics of the Site and Area:</u></p> <p>The site comprises a rectangular portion of the side and rear garden of number 51 Drum Road. The red line includes the access to the existing dwelling via a metal gate and brick pillars, the land is flat and all laid in grass. To the rear there are a number of small trees, to the south and east the site is enclosed by a red brick wall beginning at the gates to the front of the house at 1 metre high and stepping up to 2 metres high to the side and rear. The east boundary is undefined on the ground and runs parallel to the existing dwelling gable wall.</p> <p>The site lies at the end of a row of large detached dwellings along Drum Road, it is on the inside of a junction with Westland Road, the adjoining dwelling is two storey with a mix of red brick and</p>	

white render, the majority of dwellings within the wider vicinity are of the same size and design and all with relatively large gardens. The Glenavon hotel is located a short distance to the South West.

Description of Proposal:

The proposal seeks outline permission for a dwelling

Deferred Consideration:

This application was presented as a refusal for the following reasons at the June Committee 2017;

1. (a) as it will not respect the surrounding context, street scene and character of the area;
(h) as it will result in an unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

2. The proposal is contrary to PPS7 addendum 'Safeguarding the Character of Established Residential Areas' in that the pattern of development would not be in keeping with the overall character and environmental quality of the established residential area.

At the Committee meeting it was deferred for an office meeting with the Area Planning Manager which was held on 22nd June 2017. A medical case in need was submitted, however on its own would not be sufficient to allow a dwelling without meeting all other policy requirements.

In line with PPS7, the character of Westland Road, as well as Drum Road, was taken into account in terms of plot sizes and garden sizes, and it is considered it would not be out of keeping or result in over development of the site.

Dr. Boomer visited the site and was content if the block plan was amended to show an indicative siting which ensured the existing building line is respected in line with Drum Road if conditioned as such.

The siting and height condition will ensure the objector's concerns are alleviated and they will have the opportunity to comment at reserved matters stage on the siting and design elements.

Approval with siting and ridge height condition is recommended.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

4. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape in the local area plan and with the adjacent residential dwellings.

5. The proposed dwelling shall be sited in the area shaded green on the approved plan 01 date stamped 13 March 2017 and be general conformity with plan 02/01 date stamped 4 July 2017.

Reason: To remain in keeping with the existing building line and to preserve the amenity and privacy of the adjoining dwelling.

Signature(s):

Date

C

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 August 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present	Councillor Mallaghan, Chair
	Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Reid, Robinson
Officers in Attendance	Dr Boomer, Planning Manager Mr McClean, Senior Planning Officer Mr McCrystal, Senior Planning Officer Ms McCullagh, Senior Planning Officer Mr McGibbon, Senior Planning Officer Ms Mullen, Council Solicitor Miss Thompson, Committee Services Officer
Others in Attendance	Applicant Speakers LA09/2016/1640/F Mr Loughrey LA09/2016/1693/O Mr Cassidy LA09/2017/0598/O Mr Cassidy LA09/2017/0649/F Mr Loughrey LA09/2016/1739/A Mr Cassidy Item C – Consultation Ms McKenna response to LA10/2015/0292/F

The meeting commenced at 7.10 pm

P103/17 Apologies

Councillor Mullen and J Shiels.

P104/17 Declarations of Interest

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

Councillor Reid declared an interest in planning application LA09/2016/1307/F.

Councillor Robinson declared an interest in planning application LA09/2017/0509/F.

Councillor McPeake declared an interest in planning application LA09/2016/1300/O.

Councillor Kearney declared an interest in item D on the agenda – Report on Tree Preservation Order at Bellaghy.

P105/17 Chair's Business

The Planning Manager advised that, further to discussion at recent Council meeting in relation to consultation regarding Mineral Prospecting Licence application DG4 (Dalradian Gold Limited) he proposed wording in response to the consultation as follows –

“That Mid Ulster Council object to the issue of Mineral Prospecting Licence application DG4 (Dalradian Limited) and any other similar licences within the Mid Ulster area and that the issue of such licences caused division in the community and conflict amongst neighbours.”

The Planning Manager advised that unofficial performance statistics for the first quarter of the year indicate that the targets are being met in relation to local applications however there was room for improvement in relation to meeting targets for major applications.

Matters for Decision

P106/17 Planning Applications for Determination

H/2014/0399/F Pig Fattening shed with feed bin (to contain 900 pork pigs) at lands off Cahore Road, approximately 100m E of 11A Tonaght Road, Draperstown for Mr Michael McErlean

The Planning Manager advised that this was a complex application with concerns being raised in relation to foodstuffs. The Planning Manager suggested that Members undertake a site visit to a similar pig unit, and, having acquired additional knowledge from this visit they could then make an informed determination on this application.

In response to Councillor Clarke's question the Planning Manager advised that there was land available for this application closer to the applicant and further away from neighbours.

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That planning application H/2014/0399/F be deferred for a site meeting.

LA09/2015/0687/O Dwelling and garage 100m N of 17 Carricklongfield Road, Aughnacloy for Mr Colin Mullan

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2015/0687/O be approved subject to conditions as per the officer's report.

LA09/2016/0687/F Retention of existing farm building 100m N of 17 Carricklongfield Road, Aughnacloy for Mr Colin Mullan

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2016/0687/F be approved subject to conditions as per the officer's report.

LA09/2016/0965/O Dwelling and garage at lands between 103 Killymeal Road and 7 Edendork Road, Dungannon for Mr Rodger Jones

The Planning Manager suggested an office meeting to discuss policy issues in relation to this application.

Proposed by Councillor Gildernew
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/0965/O be deferred for an office meeting.

LA09/2016/1086/F 3 town houses adjacent to 1 The Villas, The Rock, Dungannon for Mr T Gilkinson

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

In response to the Chair's question, Ms McCullagh advised the applicant had not made any proposals in relation to the rest of the site.

Proposed by Councillor McAleer
Seconded by Councillor Reid and

Resolved That planning application LA09/2016/1086/F be approved subject to conditions as per the officer's report.

LA09/2016/1102/RM 2 class B2 light industrial units at lands N of 23 Magherafelt Road and opposite 1-8 Rochview Terrace, Moneymore for Mr Alastair Hayes

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

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/1102/RM be approved subject to conditions as per the officer's report.

LA09/2016/1307/F Motorsport racetrack and ancillary buildings; car parking and associated site and road works at Clay Pits, Dungannon Road, Coalisland for Manna Developments

The Chair advised that this item would be considered under confidential business later in the meeting.

LA09/2016/1444/F Dwelling off new approved access road at lands opposite Tullyallen Graveyard, Tullyallen Road, Dungannon for Martin Hamill Construction

Application withdrawn by applicant.

LA09/2016/1550/F Single storey dwelling at 200m NE of 159 Tullyvar Road, Ballygawley for Mr Raymond Gilmour

Mr McClean (SPO) presented a report on planning application LA09/2016/1550/F advising that it was recommended for refusal and suggested that the application be discussed in confidential business due to the personal circumstances.

Councillor Gildernew advised that he had been contacted by the agent for the application who was taken ill and had been in hospital. The Councillor requested that the application be deferred.

The Planning Manager advised that an office meeting may be beneficial to discuss personal circumstances in a more relaxed forum.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2016/1550/F be deferred for an office meeting.

LA09/2016/1568/F Variation of condition 19 of planning approval H/2010/0009/F at Crockdun, approximately 450m WSW of Cullion Road and Drumard Road, Draperstown for Tom O'Donnell

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

Proposed by Councillor Bell
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/1568/F be approved subject to conditions as per the officer's report.

**LA09/2016/1640/F Agricultural shed 90m S of 54 Gortlenaghan Road,
Dungannon for Martin McCool**

Mr McClean (SPO) presented a report on planning application LA09/2016/1640/F advising that it was recommended for refusal. Mr McClean also highlighted addendum to agenda which recommended that the additional bullet point be added to refusal reason no.2 –

It has not been demonstrated that the applicant has an active and established farm holding.

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

Mr Loughrey advised that he had not been informed of additional reason for refusal.

Mr Loughrey advised that the applicant's father has farmed the application site from the 1980's. The applicant's father maintains the land in good condition and has a DAERA client id but no business number. The land is also part rented. Mr Loughrey advised that the proposed shed will be used for storage with a cattle crush located at the rear of the shed. The proposal will look and function as a shed, will be located close to the road, a road which has other sheds located. It was advised that there are no views of the site from the roadside. Mr Loughrey concluded that there was an existing farm established for more than six years and that this was not an application to commence farming.

The Planning Manager advised that an office meeting may be useful in this case given the claim now made that this was an active farm.

Councillor Gildernew proposed that the application be deferred for an office meeting.

Councillor Clarke referred to the difficulties of farming without adequate facilities and that a person cannot get a herd number without facilities. The Councillor also stated that farm buildings erected 20 years ago may not be fit for use today. Councillor Clarke seconded the proposal for an office meeting.

Councillor Reid advised he had intended to refuse the application but was agreeable to an office meeting on what he had heard tonight.

The Planning Manager advised that the policy in relation to farm buildings was strict however he felt enough had been said by the agent tonight to warrant further discussion.

Resolved That planning application LA09/2016/1640/F be deferred for an office meeting.

LA09/2016/1672/O Dwelling and garage between 1 and 3 Brackaghreilly Road, Maghera for Mrs M Convery

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1672/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/1672/O be refused on grounds stated in the officer's report.

LA09/2016/1693/O Farm dwelling and garage 195m SW of 146 Gulladuff Road, Bellaghy for Seamus McCorry

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1693/O advising that it was recommended for refusal.

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

In response to the Planning Manager's question Mr Cassidy confirmed that the applicant's address was 6 Clarkes Court, Gulladuff.

Mr Cassidy advised that the farm business had been established in excess of six years and advised of evidence previously circulated showing farm business being registered from 1995. Mr Cassidy advised of receipts provided covering period 2013 to 2017 and advised that further receipts could be provided going back to 2011. Mr Cassidy advised that the proposal would be able to integrate and requested an office meeting to provide further receipts.

The Planning Manager stated he would be agreeable to an office meeting.

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/1693/O be deferred for an office meeting.

LA09/2016/1793/F Housing development (19 detached dwellings) at lands opposite (SE) of 17-31 Benburb Road, Moy for Chris Traynor

Mr McClean (SPO) presented a report on planning application LA09/2016/1793/F advising that it was recommended for refusal. Mr McClean also highlighted addendum to agenda in which it was advised that an amended layout had been submitted but that this did not address the concerns or deal with all the issues previously raised.

Councillor Gildernew proposed an office meeting in relation to this application stating that further housing was needed in Moy and that he felt issues related to the application could be resolved.

The Planning Manager stated that if the applicant was willing to work with officers then an office meeting could be accommodated.

Councillor McKinney seconded Councillor Gildernew's proposal.

Resolved That planning application LA09/2016/1793/F be deferred for an office meeting.

LA09/2017/0272/F Wind turbine 92.5m blade to tip height, with ancillary works at Beltonanean Mountain, Beltonanean TD, Cookstown for Ross Planning

The Chair advised that a decision on this application should be deferred for one month due to application and agenda advertising the applicant name and agent name as the same person.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0272/F be deferred for one month.

LA09/2017/0304/F Redevelopment of existing store at 38 Castledawson Road, Magherafelt for Lidl Northern Ireland GmbH

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

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0304/F be approved subject to conditions as per the officer's report.

LA09/2017/0509/F Demolition of existing store and erection of new pallet store building with extended yard area and alterations to entrance at 15A Grange Road, Ballygawley for Exi-tite Ltd

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

Proposed by Councillor Cuthbertson
Seconded by Councillor McAleer and

Resolved That planning application LA09/2017/0509/F be approved subject to conditions as per the officer's report.

**LA09/2017/0598/O Dwelling and garage/store at approximately 175m W of 6
Tonaght Road, Draperstown for Sean McGlade**

Mr McCrystal (SPO) presented a report on planning application LA09/2017/0598/O advising that it was recommended for refusal.

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

Mr Cassidy advised that DAERA have confirmed that the farm is both active and established and that issues regarding the application related to farm buildings. Mr Cassidy advised that the submitted proposal site will be well integrated and not be prominent, he conceded that the site is away from the main farm group of buildings but referred to earlier investigations for another location on the main farm holding and stated that the applicant would be unable to obtain a mortgage at that location because of a shared access laneway. Mr Cassidy advised that this was not a unique scenario and requested an office meeting.

The Planning Manager stated he was satisfied that the farm is active but that the issue came down to farm buildings. The Planning Manager stated the need to apply policy but that this should not be in an unduly slavish manner. The Planning Manager suggested an office meeting be held.

Councillor McKinney proposed that an office meeting be held in respect of planning application LA09/2017/0598/O.

Councillor Reid seconded Councillor McKinney's proposal and agreed with the comments made by the agent in relation to difficulties obtaining a mortgage.

The Planning Manager expressed the need to be careful stating that just because it is felt that the policy is not right it still should not be ignored.

Resolved That planning application LA09/2016/0598/O be deferred for an office meeting.

**LA09/2017/0644/O Dwelling and garage between 22 and 24 Mulnavoo Road,
Draperstown for P McGuigan**

Mr McCrystal (SPO) presented a report on planning application LA09/2017/0644/O advising that it was recommended for refusal.

Proposed by Councillor Bateson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/0644/O be refused on grounds stated in the officer's report.

**LA09/2017/0649/F Variation of condition 15 of planning approval
LA09/2015/0241/F (window frames) at Killymeal House and
adjacent lands, Killymeal Road, Dungannon for J & V
Construction**

Mr McClean (SPO) presented a report on planning application LA09/2017/0649/F advising that it was recommended for refusal. It was highlighted in the addendum to the agenda that if there is a decision to approve the application then HED must be notified before the decision issues.

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

Examples of proposed roof tile and window frames were shown to Members.

Mr Loughrey stated the need for social housing in the Dungannon area and that these houses were currently under construction with the potential of being occupied by November. Mr Loughrey advised that the proposed roof tile is around half the cost of natural slate which is an important consideration for social housing provider. Mr Loughrey advised that there would be no noticeable difference between the natural slate tile and slate effect tile and that views of the site will be localised. Mr Loughrey advised that the social housing provider did not want wooden window frames and felt that the wood effect pvc was sympathetic to the surroundings. Mr Loughrey referred to previous decision taken in relation to using pvc windows on a listed building. Mr Loughrey felt that sympathy to the listed building was being achieved.

The Planning Manager advised that the primary consideration in relation to this application was the listed building. He stated that he was not convinced that the proposal would harm the listed building and would not be opposed if the committee were sympathetic to the proposal. It was advised that Historic Environment Division responded to consultation on the application stating that the proposal is contrary to policy. The Planning Manager advised that a decision to approve the application must be notified to HED to which they may object to such a decision.

Councillor Cuthbertson felt the opinion of HED was harsh and that there had been advances made in roof tiles. The Councillor advised that if the comments of HED followed through then nothing could be built in Dungannon due to the number of listed buildings. Councillor Cuthbertson advised he would be in favour of approving the application.

Councillor Gildernew stated he was of the same opinion and expressed the need for social housing in Dungannon. Councillor Gildernew proposed the approval of planning application LA09/2017/0649/F.

Councillor Bateson seconded Councillor Gildernew's proposal.

Councillor McAleer stated she would support the comments of other Members and that wooden window frames incur higher maintenance.

Councillor Clarke also agreed with the previous Members' comments.

The Planning Manager advised that the integrity of the listed building would not be destroyed and that he would be happy to go to the Department with a recommendation to approve the application.

Councillor Reid asked if a decision to approve the application would effect the listed building and if it would still be protected.

The Planning Manager advised that the listed building would continue to be protected and the three key reasons for approving the application are –

- The proposed materials are not detrimental to the listed building.
- Materials proposed and examples provided are of high quality and will help to assist with keeping the integrity of the listed building.
- Recognised need for social housing in Dungannon area.

Resolved That HED be informed of the intention to approve planning application LA09/2016/0649/F for the following reasons –

- The proposed materials are not detrimental to the listed building.
- Materials proposed and examples provided are of high quality and will help to assist with keeping the integrity of the listed building.
- Recognised need for social housing in Dungannon area.

LA09/2017/0655/F Health and beauty salon at 48A Milltown Street, Dungannon for Leah Cuddy

Application withdrawn from schedule as incorrect information had been presented in the report.

LA09/2017/0684/F Dungannon Improvement Scheme at Thomas Street/Market Street/Church Street/Market Square, Dungannon for Mid Ulster District Council

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Reid, Robinson declared an interest in this application.

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

Members were advised of response from Department in relation to this application in which it asks Council to attach a number of conditions if the application is approved.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0684/F be approved subject to conditions as per the officer's report and further conditions to be added.

LA09/2016/1300/O Dwelling on site 20m NE of 49 Brough Road and adjacent to Brough Road Crossroads, Castledawson for Cathal McOscar

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1300/O advising that it was recommended for refusal.

Councillor Cuthbertson left the meeting at 8.30 pm

Councillor McPeake requested to speak on this application.

Councillor McPeake advised that the application site is located at a staggered crossroads with a GAA pitch also not far from the site. Councillor McPeake advised of the intended provision of a footbridge within the A6 road scheme to be located to the south of the site across the Broagh Road. The Councillor felt that this footbridge will in itself be a focal point and that the proposal will round off the cluster as there could be no further development further down the road as it was a protected route. Councillor McPeake stated that the site is currently a builders yard which has been active for more than five years and advised that permitted development could be obtained for a dwelling of up to 4m height on this site.

The Planning Manager expressed the need to demonstrate the builders yard is authorised as it has had an enforcement notice served. The Planning Manager felt that if the bridge is to be built then the proposal would offer logical rounding off, the Planning Manager asked when the road is to be constructed.

Councillor McPeake advised that work was ongoing on the A6 road scheme but has not been completely signed off.

The Planning Manager suggested that the application be deferred for six months to one year to allow for the footbridge to be erected.

Councillor McPeake stated that the road is a protected route further down so could be no further development.

*Councillor Cuthbertson returned to the meeting.
Councillor McPeake withdrew to the public gallery.*

The Planning Manager advised that if the bridge was in place it could be taken into account but as it had not yet been erected the opportunity to consider had not been created. The Planning Manager advised that the only argument left is in relation to the protected route and would be tricky to defend if challenged. The Planning Manager suggested waiting for a passing of time until the bridge is erected.

Councillor McKinney proposed that the application be deferred for one year.

Councillor Clarke seconded Councillor McKinney's proposal.

Councillor Reid asked if this left the opportunity for similar applications to be made.

The Planning Manager advised that he would have concerns in relation to defending a case which relates to a Department not completely signing off on a process.

Councillor Bateson questioned the need to even consider the footbridge as a natural cut off to further development had been demonstrated.

Councillor Bell supported Councillor Bateson's sentiments stating that the A6 will stop any further development. Councillor Bell also referred to the two existing focal points, those being the staggered crossroads and the nearby GAA pitch.

The Planning Manager advised that the focal points had been taken into account.

Councillor Bateson felt that the fact there was an existing builders yard on the site helped to distinguish the application as it could not be assessed in the same way as a green field site.

The Planning Manager advised that clarification was needed on whether the builders yard was authorised and stated that if it was authorised it would be acceptable to approve the application.

Proposed by Councillor Bateson
Seconded by Councillor Bell

To defer planning application LA09/2016/1300/O for one month.

Councillor Clarke withdrew the previous proposal.

The Planning Manager advised that the argument put forward tonight that the builders yard has existed for years would be easy to verify.

Councillor Reid asked if clarification could be sought from TransportNI on their future intentions for the A6 including the proposed application area and whether lands would have to be vested. The Councillor asked that his concerns be noted.

Councillor Bell stated that it was remarkable that planning officers would take into consideration something which TransportNI may or may not do in the future. Councillor Bell felt that the matter of the footbridge should not be a material consideration of this application.

Members voted on Councillor Bateson's proposal to defer planning application LA09/2016/1300/O for one month –

For – 7
Against – 2
Abstained -1

The Planning Manager stated that he had been advised by Council Solicitor that if someone has not been in the room for the whole discussion of an item they cannot vote. It was noted however that even if the Councillor retracted his vote it would not change the result.

Councillor Gildernew asked if this was at the Chairman's discretion.

The Chair asked Councillor Cuthbertson if he wanted to retract his vote.

Councillor Cuthbertson stated he would retract his vote if needed but that it would make no difference to the result of the vote. Councillor Cuthbertson advised that this was the second time this application had come before Members and that he had been present for the whole discussion on the initial presentation.

It was noted that there was no suggestion of mal intent on the Councillors part.

Resolved That planning application LA09/2016/1300/O deferred for one month.

LA09/2016/1739/A 2 shop signs relocated from existing positions (to accommodate new by pass road layout) at lands 40m W and 145m E of 55 Aughrim Road, Magherafelt for Bradley Furniture

Councillor McKinney left the meeting at 8.45 pm.

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1739/A advising that it was recommended for refusal.

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

Mr Cassidy advised that the applicant was his cousin and that he had helped to erect the signs 20 years ago. Mr Cassidy advised that the applicant ran a family enterprise which had been disrupted in the past two years with the construction of the Magherafelt bypass. Mr Cassidy advised that the proposed signs would be the same as those replaced and that TransportNI were supportive of the resiting of the signs. Mr Cassidy referred to streetview photo which showed signs in place in 2008, he stated that the signage was invaluable for the applicants business and requested approval of the application.

The Planning Manager advised that if new signage is to be erected then the application could not be viewed as relocation.

Councillor McKinney rejoined the meeting at 8.49 pm.

Mr Cassidy advised that the signage would be the same size as what was previously there.

The Planning Manager advised that a business is entitled to advertise itself but that signage should be put at the end of the laneway to the business in this case. He advised that the signs were not being relocated as they were bigger than what was previously there.

Councillor Bateson advised he travelled along the road where the signage is located for many years and he did not remember a time when the signage had not been

there. He advised that the by pass had dictated the need to relocate the signage and that the passing of time also required the signage to be replaced. Councillor Bateson felt it was clear that the signage is linked to the business and stated that TransportNI have no issue with the application.

Councillor Clarke asked if the two signs had been there for more than 10 years if the applicant would be entitled to keep these two signs.

The Planning Manager stated he would suggest that the signage is located beside the laneway of the business.

Councillor McKinney felt that placing the signage a distance away highlights to road users and customers that they are nearing the business and that if signage is placed at the laneway directly before people could pass the business without realising.

The Planning Manager stated that if that reasoning was used it would have to follow for every other business in Mid Ulster and would lead to a proliferation of signage. The Planning Manager expressed the need to control signage and felt that the logical approach in this instance was to locate the signage at the laneway to the business.

Councillor Bateson stated he understood the fear of proliferation of signage but felt there was a clear visual link with the business and in light of the fact that these were to replace signs which had been there a long time in order to facilitate the road improvements he proposed approval of the application in terms of fairness.

Councillor McKinney seconded Councillor Bateson's proposal as this was an existing business.

Councillor Cuthbertson referred to enforcement cases taken in relation to signage in the past and proposed the refusal of the application.

The Planning Manager advised that this case differed from recent enforcement cases in that Road Service had raised no objection and each case would be dealt with on its merits.

Members voted on Councillor Bateson's proposal to approve planning application LA09/2016/1739/A –

For – 10
Against - 1

Resolved That planning application LA09/2016/1739/A be approved.

**P107/17 Consultation response to Department for Infrastructure on
LA10/2015/0292/F – 33 Wind Turbines at Broughderg**

The Planning Manager presented previously circulated report which provided basis of consultation response to Department for Infrastructure on planning application LA10/2015/0292/F. This scheme at Broughderg has been amended to remove 3

turbines and re-position 7 wind turbines. The Planning Manager also drew attention to the additional photographs included within the addendum which highlighted the visibility of the proposal.

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

Ms McKenna stated that the proposal would lead to the exploitation, downgrading and potential destruction of an Area of Outstanding Natural Beauty. She stressed the importance of peatland in the area and that this should be preserved. Ms McKenna also spoke in relation to the number of protected species in the area. Ms McKenna stated that the area was of important character which should be protected for all to enjoy, she advised that tourism was important to the area with numerous walking and cycling routes and referred to the evidence that being active outdoors improves mental health and learning. She stated that an AONB should be an area of pleasure. Ms McKenna also spoke in relation to the area being within the 'dark skies' and the importance of maintaining this. Ms McKenna advised that the proposed development will be located in an area of high sensitivity and that the project will have a high visual impact. Ms McKenna stated that a wind farm cannot be tolerated in the area and that it was the duty of government officials to stop such development taking place.

Councillor Gildernew stated that the application was total madness in such a sensitive area and would be quite happy to refuse the application.

The Chair advised that he had recently returned from holiday in Snowdonia, Wales which is also an AONB area and stated that there were no wind turbines in that area. He advised that when he looks out the window at his own home he can see 36 turbines and stated it was important to respond to the consultation as outlined in the report in order to protect the Sperrins AONB.

Councillor Clarke declared an interest in the application and requested to speak on it.

Councillor Clarke spoke in relation to the area in which the proposal lies mentioning that Mullaghturk stretches right into Broughderg and that Spaltindoagh was the site of a Standing Stone at almost 400m with other sites close by. Councillor Clarke referred to the extent of Active Blanket Bog and Degraded Blanket Bog all of which has equal priority status protection. Councillor Clarke stated that the latest proposal was amended to take out three turbines, two of which were the lowest base heights and least imposing, however all remaining turbines were proposed to be 10m higher than originally proposed. The Councillor also stated he had some difficulty with the photomontages and would question how visuals of the proposal were produced since he believes that the structures in reality will be much larger than what has been shown. Councillor Clarke felt a further important viewpoint would be on Davagh Road near Laghta in Broughderg. Crockalaghta, which is the full name, means Hill of the Monuments and is an important viewpoint for the Beaghmore ASAI. Views of the complete local archaeological landscape can be seen from this Hill and with the East Sperrins Drive crossing this Hill it will be an obvious key visitor route in future development of a tourism product. Councillor Clarke also referred to numerous

famous heritage sites around the world such as Machu Picchu in Peru, Stonehenge, Newgrange and the Boyne Valley and Céide Fields and advised that the townlands impacted by this proposal include examples of similar assets but also countless more as well. The Councillor stated that only in more recent times has the importance of the area and the need for its protection become really evident, he stated that, to date, the area was untouched and lacked industrialisation which meant has huge potential to grow a tourism product in the future.

Councillor McKinney stated it was important to keep the Sperrins area free of turbines.

Councillor Glasgow referred to response point number six in which Council expresses concern with regard to potential damage to road and infrastructure through the transport of such turbines. Councillor Glasgow felt that a further point could be added to the response in which the effect on the community should be taken into account as they are the ones who will be left to endure the turbines in the future.

Councillor Reid stated that discussions surrounding wind turbines and wind farms were taking up considerable time of the committee every month and expressed the need for discussion with the Department for Infrastructure in relation to identifying realistic locations for wind farms and to protect sensitive areas such as the Sperrins.

Councillor Bell supported the comments of Members.

Councillor Robinson stated there were wind turbines everywhere including in the Clogher Valley area which was just as sensitive as the Sperrins. Councillor Robinson also advised that, in his experience, roads in an area where wind turbines had been erected were left in a better condition than before development started.

The Chair advised of a different experience to Councillor Robinson in which the road was left in a much worse condition following development of a wind farm.

Councillor Cuthbertson felt there was nowhere left in Mid Ulster without a wind turbine or wind farm and that every area was as special as the other. The Councillor stated he was in agreement with the points made but felt there was nowhere in Mid Ulster suitable for a wind farm.

The Planning Manager stated that Mid Ulster had taken a lead in relation to how wind farms are dealt with. He advised that as Council were responding with an objection to this application it could also seek a public examination if the Department were minded to approve the application and suggested that this also be included in the response.

Proposed by Councillor Bateson
Seconded by Councillor Reid and

Resolved That Mid Ulster District Council advise the Department of Infrastructure of their concerns with planning application LA10/2015/0292/F and

submit consultation response as circulated with report including the additional points –

- That the effect of turbines on the community is taken into account as they have to live with the aftermath of any such development.
- That if the Department are minded to approve the application, that this Council would seek a public examination.

Meeting recessed at 9.28 pm and recommenced at 10.01 pm.

CONFIDENTIAL BUSINESS

Proposed by Councillor Reid
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/0199/O be heard as confidential business.

Open Business resumed at 10.08 pm

P108/17 Report on Tree Preservation Order at Bellaghy

Mr McGibbon presented previously circulated report which recommended the confirmation of a Tree Preservation Order (TPO) at lands to the rear of Bellaghy Bawn, Deerpark Road, Bellaghy, which is the subject of a current provisional TPO.

Councillor Gildernew left the meeting at 10.13 pm.

Councillor Reid stated that if something was not done there would be no trees in this area in the future and proposed the confirmation of the Tree Preservation Order.

Councillor Kearney declared an interest in this item.

Councillor Bateson seconded Councillor Reid's proposal.

Resolved To confirm the Tree Preservation Order with the following modifications:
Those trees located within the red line on stamped Tree Preservation Order Map A and Trees tagged T.2, T.3, T.22, T.23, T.24, T.25, T.31, T.43, T.44, T.51, T.61, T.70, T.71, T.73, T.78, T.87 and T.90 identified as Green on the stamped Tree Preservation Order Map B dated xx August 2017.

P109/17 Response to Mid and East Antrim Council's Preferred Options Paper

Members considered previously circulated report which provided consultation response to the Mid and East Antrim Borough Council Local Development Plan Preferred Options Paper.

Proposed by Councillor McKinney

Seconded by Councillor Bateson and

- Resolved** That Council submit consultation response to Mid and East Antrim Borough Council's Preferred Options Paper as circulated with report.
- P110/17 Response to Derry and Strabane Council's Preferred Options Paper**

Members considered previously circulated report which provided consultation response to the Derry and Strabane District Council Local Development Plan Preferred Options Paper.

Proposed by Councillor Clarke
Seconded by Councillor McEldowney and

- Resolved** That Council submit consultation response to Derry and Strabane District Council's Preferred Options Paper as circulated with report.

Matters for Information

- P111/17 Minutes of Planning Committee held on Tuesday 4 July 2017**

Members noted minutes of Planning Committee held on Tuesday 4 July 2017.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bateson
Seconded by Councillor McEldowney and

- Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P112/17 to P116/17.

Matters for Decision

- P106/17 Planning Applications for Determination (part of)

Matters for Information

- P112/17 Confidential Minutes of Planning Committee held on Tuesday 4 July 2017
- P113/17 Enforcement Live Caseload
- P114/17 Enforcement Cases Opened
- P115/17 Enforcement Cases Closed

- P116/17 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 10.19 pm.

Chair _____

Date _____