

A

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 November 2016 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Clarke, Chair

Councillors Bateson, Bell, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McElDowney, McKinney, McPeake, Reid, Robinson and J Shiels

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Kearney, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

I/2014/0339/F	Mr Gary Ward
I/2014/0339/F	Ross Planning
I/2014/0339/F	Graham Bell
LA09/2015/0256/F	Councillor Molloy
LA09/2015/0256/F	Mr David Worthington
LA09/2016/0042/F	Mr Andrew Ryan – TLT Solicitors
LA09/2016/0647/F	Mr Jim Maneely
LA09/2016/0685/F	Mr Joe Diamond
LA09/2016/0999/O	Jeffrey Morrow
LA09/2016/1114/F	Councillor Molloy
LA09/2016/1114/F	David Maxwell
LA09/2016/1114/F	Stephen Boyle
LA09/2016/1115/LBC	Councillor Molloy
LA069/2015/1098/F	Mr Jim Maneely

The meeting commenced at 7 pm.

P170/16 Apologies

Councillors Mullen

P171/16 Declarations of Interest

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

Councillor Glasgow declared an interest in applications I/2014/0399/F and LA09/2016/0042/F.

Councillor Glasgow advised that he would be speaking on behalf of the Applicant on application LA09/2016/0042/F.

P173/16 Chair's Business

No issues.

P174/16 Confirm Minutes of Planning Committee Meeting held on Tuesday 4 October 2016

Proposed by Councillor Cuthbertson
Seconded by Councillor Bateson and

Resolved: That the minutes of the meeting of the Planning Committee held on Tuesday 4 October 2016 (P160/16 – P165/16 & P169/16) were considered and, subject to the foregoing, signed as accurate and correct.

Matters for Decision

P175/16 Planning Applications for Determination

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

H/2014/0253/F Wind Turbine (of up to 30m hub height and with blades up to 42.3m to tip height) at lands 256m SW of 27 Calmore Road, Tobermore for Wesley Tomb

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 H/2014/0253/F be approved subject to conditions as per the officer's report.

I/2014/0399/F Single Wind Turbine at Beltonanean Mountain, Cookstown for Mr Graham Bell

Ms McCullagh (SPO) presented a report on planning application I/2014/0399/F advising that it is recommended for refusal.

Councillor Cuthbertson made reference to a further 6 turbines and enquired if they were live.

The Planning Officer advised that existing proposals were taken into account but that the application for a windfarm was still processing and that the application before the committee was for a single turbine.

In response to Councillor Cuthbertson regarding the sequence of applying for the applications, Ms McCullagh (SPO) stated that the applicant applied for the single turbine first.

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

Mr Ward told the committee that his family live at No. 8 Beltonanean Road and that the proposed wind turbine would leave a detrimental effect on his family life. He stated that the blades of the turbine are in full view of the kitchen window and the noise and shadows would be detrimental to the concentration of his children doing their homework at the kitchen table.

Mr Ward advised that Mrs McGlinchey, Planning Appeals Commissioner visited the property and she was of the opinion when information was all generated that permission shouldn't be granted.

He urged the Committee to agree with the recommendation of the Planners and to refuse the application due to the effects that the wind turbine would have on his family life.

Mr Ross advised that there were no negative comments made as it wasn't close to any houses. The nearest house was over 800 metres away and across the mountain. He felt that the recommendation of the planning report was incorrect and that the application be deferred until further consideration was given.

Mr Ross stated that NIEA raised no objections and that the impact on the dwelling was clearly unacceptable as the nearest house is 860 metres from the wind turbine. He felt that the Planners were setting a precedent as they were hostile towards wind turbines. He felt that as there were no objections from government agencies and to refuse the application would harm the creditability of the Council and said that the application should be deferred due to the flaws within the report.

Mr Ross referred to page 4 of the plan which was circulated and advised that incorrect information was presented for the committee to make a decision on.

The Planning Officer felt confident that it was the site which was consulted on.

The Planning Manager advised that a farm building wasn't evident on the report and said that it was very important to determine what was being put before the planning committee and would be satisfied to deter the decision if members were agreeable.

Councillor Bell enquired if Ms McCullagh (SPO) could respond on the incorrect location.

Ms McCullagh (SPO) stated that she could do so if required. She said that the maps which were submitted may not have picked up a farm building and rather showed a ruin.

Mr Ross pointed out the outlined farm buildings on the overhead presentation and felt that the committee would be vulnerable to make a decision at this stage before further consideration was given.

Proposed by Councillor Reid
Seconded by Councillor J Shiels

Resolved: That planning application I/2014/0399/F be deferred until further investigations are carried out.

**LA09/2015/0227/F Wind Turbine associated access and 2 electricity cabinets
230m NE of 62 Bush Road, Dungannon for Mr Brian
Cummings**

The Head of Development Management presented a report on planning application LA09/2015/0227/F advising that it is recommended for refusal.

Proposed by Councillor Mallaghan
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2015/0227/F be refused.

**LA09/2015/0256/F 44 Dwellings, Estate Roads and Ancillary Works at Earls
Court, Carland Road, Dungannon for Knockburn Ltd**

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

The Senior Planning Officer circulated an addendum to members present on additional information received on the above item since the agenda was issued.

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

Councillor Molloy advised that he wasn't against the revised proposal as it was hard to argue against the need for housing in Dungannon. He said that residents of Knockmore Drive had concerns regarding the lack of green space and play areas for children and teenagers.

Councillor Molloy felt that in order to move the application on, consideration would need to be given to making provision for green space and the installation of play equipment.

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

Mr Worthington said that he was fully supportive of the planning officers' decision to approve the application. He advised that 23 hectare site is a normal size for a suburban housing development and that PPS5 reflects this in their plans.

He stated that open space can be incidental and doesn't necessarily have to be open to still retain the diversity of wildlife and trees.

He said that the relationship with existing houses wasn't an issue as they were between 20-40 metres away which contributed to no privacy issues.

The Planning Manager stated that one of the reasons he agreed with Councillor Molloy was on his opinion relating to open space in the area. He said that it was important to consider the recreational needs of children within the area and if the applicant was agreeable then a suitable scheme could be implemented into the scheme which would benefit everyone.

Councillor Reid advised that this was the old Drumglass School site and that existing houses had no access to play facilities. He suggested that as a goodwill gesture the developer implement a suitable play facility so that children didn't have to cross the road. He said that he would support the application on the basis on the amendment of play facilities.

The Planning Manager suggested granting the application for approval subject to condition that play equipment be provided.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved: That planning application LA09/2015/0256/F be approved subject to the conditions on the implementation of appropriate play provision for the area.

LA09/2015/0845/F Change of House type (from approved under M/2013/0225/F) at 100m E of 99 Tullyvar Road, Aughnacloy for Halingsham Ltd

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

Proposed by Councillor Gildernew
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2015/0845/F be approved subject to conditions as per the officer's report.

LA09/2015/1044/F Change of use to activity farm using existing farm buildings at 50m W of 131 Orritor Road, Cookstown for Mr J Faulkner

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

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2015/1044/F be approved subject to conditions as per the officer's report.

**LA09/2015/1107/F 4 applications for major new/existing development, for
LA09/2016/0069/F industrial/ commercial use of 106 Syerla Road, Dungannon
LA09/2016/0072/F for O&S Holdings Ltd
LA09/2016/0427/F**

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

Councillor Cuthbertson felt that it would be more beneficial for the case officer to go through the applications for members present before making a proposal.

The Senior Planning Officer updated the Committee on the proposals outlined above.

Councillor Gildernew said that he wasn't aware of any objections being made from any neighbours. He said that the company concerned was a very successful business which employed in the region of 300 people. He stated that the applicant complies with all the regulations he is asked to do by all the relative agencies.

Councillor Cuthbertson raised concern about businesses within the rural community just continually proceeding to break the law and only applying for planning permission when they're detected.

The Planning Manager disagreed with Councillor Cuthbertson and advised that development management in Mid Ulster was getting better and that it was important that where unauthorised development occurred, planning applications be sought to ensure regulation through condition in liaison with other authorities.

The Planning Manager advised that from the case officer's report it shows that criteria was met and leeway given because it was a major planning application. He said the law was not perfect as there were loopholes and this has put it right by making a determination. If the building was already there, the community was aware and not worried about the expansion.

Councillor Cuthbertson felt that there was no deterrent to stop this sort of thing happening again.

The Planning Manager disagreed with Councillor Cuthbertson and advised that this was on the basis of someone feeling they can go above the law.

Councillor Mallaghan said that nothing has changed within the last 18 months with buildings etc., but that the quarry industry had been hit tremendously hard and there was a need to be more flexible to move on which is much needed within the rural community.

Councillor Bateson felt that if some members weren't happy with the decisions made by Officers, then they should reconsider their position about sitting on the planning committee if contradictions were going to be made.

Councillor Cuthbertson said that he was only raising the issue of breaking the law and the consequences relating to it.

The Chair said if what was proposed met planning policy then the Committee has to abide by this.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved: That planning applications LA09/2015/1107/F, LA09/2016/0069/F, LA09/2016/0072/F and LA09/2016/0472/F be approved subject to conditions as per the officer's report.

LA09/2015/1215/F 24 Dwellings at lands E of 21 Magherafelt Road and N of 15 & 40 Fairlea Heights, Moneymore for A N Property

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

The Planning Manager asked that this application be withdrawn to enable a drainage assessment to be completed.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2015/1215/F be withdrawn until further information is received.

LA09/2015/1286/A Static Electronic Sign at Spar Supermarket, 2 Magherafelt Road, Tobermore for R and J Foods Ltd

The Acting Senior Planning Officer presented a report on planning application LA09/2015/1286/A advising that it is recommended for refusal.

Councillor Cuthbertson said as it's a static sign and not moving, was there any consideration given to making the recommendation of not having it lit at night. He enquired about the precedent set as there was a similar sign in Coalisland which wasn't static.

The Planning Manager said that an electronic sign was always going to be dominant and enquired if this was what we want in villages. He said although signage was important to direct the public to shops it shouldn't be seen to over dominate.

Councillor Bell asked would it be possible for the applicant to consider relocating the sign.

The Planning Manager advised that he would be happy to discuss options with the applicant on possible way forward.

Councillor McAleer said that careful consideration needs to be given to this application as there were two roundabouts nearby with road safety being the major factor.

Councillor McKinney stated that the gable wall was the only place that the sign could be erected as there was no alternative site to put it on. He felt that the decision to refuse the application was harsh as there were bigger and brighter signs in other towns and villages in the Mid Ulster area.

Councillor J Shiels referred to other illuminated signs in other villages like Maghera and asked if there was any way that lighting could be dimmed down as it can be dangerous to motorists.

The Planning Manager said that there were two reasons to refuse the application, these being was it detrimental to road safety or detrimental to amenity. He said that Transport NI advised it failed on was road safety and the case officer had advised on detrimental impact on visual amenity..

Councillor Reid proposed to defer the application until further information is received.

The Planning Manager in reply to Councillor Reid's proposal stated that there were times when an officer makes a recommendation, the Committee needs to make a decision and he asked that this be the case tonight.

Councillor McAleer stated that she was concerned about discussing this application further if TransportNI refused the application on the grounds of road safety and said that she would be supportive of the recommendation to refuse based on that principle.

Proposed by Councillor McAleer
Seconded by Councillor Mallaghan

To refuse the application on the basis of road safety and visual amenity as per the office recommendation.

Councillor Mallaghan also raised concern about the sign being a distraction but felt that all signs should be judged on their own merit.

Councillor McKinney proposed that consideration should be given to making the sign static for a much longer period of time and that road safety was related to the house on the corner and not the sign.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

To defer the application until further options were considered.

The Planning Manager urged the Committee to make a decision on way forward.

Members voted on Councillor McAleer's proposal to refuse the application as follows:

For – 8
Against – 6

Members voted on Councillor McKinney's proposal to approving the application as follows:

For – 6

Against - 8

Resolved: That planning application LA09/2015/1286/A be refused on the basis of road safety and visual amenity as per the officer recommendation.

LA09/2016/0042/F Change of Use from Tyre Store to Petrol Filling Station with Retail Sales, Café, Ancillary Areas and Parking Facilities at Unit 1 (b), 1 Loves Hill, Castledawson for Noel and Marie Lennon

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

Mr McCrystal (SPO) presented a report on planning application LA09/2015/1286/A advising that it is recommended for approval but that one late objection had been received following publication of the Committee Schedule.

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

Mr Ryan said that he was objecting to the application on the instruction of his client, citing that the development of a filling station on a major trunk road should have a 12 mile radius between each one. He said that this is not the case on this stretch of road as there were numerous filling station and it was hard to establish the need for another one. He advised that such facilities should be on an existing settlement which wasn't the case here and that the other issue was that the proposal was in an established area. In his opinion it was incorrectly applied and vulnerable to legal decision and asked that the application be deferred until adequate information was received.

The Planning Manager referred to Mr Ryan's statement that he was representing his client's commercial interest and invited him to elaborate as to who the client was and what was his interests were. He also asked if the Council were minded to treat this as an exception to the policy were there any other considerations other than those relating to the policy he wish for members to consider.

Mr Ryan declined to provide more information on his client and said that he client was only interested on the policy ground and that the fundamentals within the proposal haven't been fully considered within the decision.

The Chair invited Councillor Glasgow to speak on behalf of the applicant.

Councillor Glasgow told members that this was a family run business and not a huge corporation. He said that the applicant was reusing a current business which was a big bonus in the rural area and that TransportNI were agreeable as there were no issues. He advised that he had no hesitation on agreeing to speak on behalf of the applicant as there was a need for healthy competition in the area and would personally welcome the establishment coming to the Mid Ulster area.

Councillor McPeake said that he would be supportive of the application as it was a family run business and that approval should be granted.

The Planning Manager referred to Mr Ryan's comment that the policy had not been fully considered and concurred that he felt there were failing in the officer's report and that in his view the policy test had not been met. He therefore requested the Planning Committee consider carefully the wording of the policy and how it related to the application. The Planning Manager then read the policy out loud focusing on the key policy tests in policy IC15 of the Planning Strategy for Rural Northern Ireland. He explained that the policy stated that the provision of roadside service facilities on the trunk road network in the open countryside may be considered acceptable where there is a clear indication of need. The objector had highlighted that it was their view there was no policy provision for a service station because it was not directly on the trunk road network and that no case of need had been considered. The Planning Manager explained that he felt it was a moot point to argue that it was not on the trunk road network given its location and ease of access via an adjoining access road. He explained that the policy did facilitate roadside services for long distance travellers and that it is not always appropriate to expect travellers to divert off major routes for services. The Planning Manager explained that the proposed site would provide convenience to road travellers both travelling in an east west and north south direction. However, he also explained that if pressure for petrol filling stations is left unchecked this could result in a loss of environmental quality. In this case given the petrol filling station is an existing tyre store unit with neighbouring restaurants and industrial/commercial units nearby. As a result it was difficult to see why it would have a detrimental environmental impact.

The Planning Manager reiterated that there were two facets relating to Mr Ryan's objection the first relating to the fact that the site was not directly on the trunk road network and the second relating to the issue of need. In relation to location on the trunk road, the Planning Manager explained that the policy stated that there will be no necessity to locate petrol filling stations in the open countryside. The Planning Manager advised that in this case account needed to be taken of the location of the proposed petrol filling station which was on a minor road accessing on to the Castledawson roundabout both serving the main road network in a north south and east west direction. Indeed, this location already offered services which included restaurants and a Kentucky Fried Chicken and a park and ride. Therefore to suggest that the application be refused because the site was not directly on the main road failed to recognise its existing convenience and advantages for the motorist. He also advised that it already offered a degree of service to the road user given it was a tyre depot. The Planning Manager was therefore of the view that the site could be considered to serve the main road network by virtue of its siting in relation to the Castledawson interchange and it would be inappropriate to rule it out purely because it was in the countryside.

The Planning Manager went on to state that the policy did ask for a clear indication of need and that this was measured in terms of distance of the nearest petrol filling stations. The policy stated that in normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the traffic route network before reaching a petrol or service station and that new facilities within 12 miles would not normally be permitted. The Planning Manager drew Committees attention to the word

normally in the policy and that need was expressed in relation to the 12 mile travelling distance criteria. In fact on English motorways there was a tendency for service stations to be located at fairly precise 12 mile intervals. In this case it was clear that travelling west there was a service station at the foot of the Glenshane pass which was not more than 9 miles away and service also existed in the eastern direction at Toome. He also indicated that facilities existed in a North South direction at Magherafelt and Castledawson. Therefore this policy test had not been met. However, in his view Members may make an exception to this test due to the weight that can be given to other material consideration. These include the fact that it would be inconvenient to expect motorists to turn off to Magherafelt or Castledawson when travelling east to west to seek petrol. It also included the fact that the roundabout acted as a convenient interchange service east west and north south directions. Weight must be given to the last use as a tyre store which in itself offers a degree of service to motorists. Weight can also be given to the variety of surrounding areas, as already stated, these included restaurants and a park and ride, which added to the merits of the location already being a service hub.

The Planning Manager also advised that the policy required that access should not be hazardous and should be designed without dangerous right hand turning lanes. He said that this location had the advantage of utilising the existing traffic controls associated with the roundabout system and avoided the need for paring service stations, thus reducing environmental impact. The case officer also confirmed that Transport NI had raised no objection on roads grounds.

The key test in relation to environmental impact outlined in the policy related to integration with the landscape. The Planning Manager advised that given the premises was already a tyre centre and that it was clustered with a range of other buildings and uses it was his view that this would not have a detrimental impact on the countryside. The case officer confirmed that no objections had been received from Environmental Health or any of the other consultees.

The Planning Manager also pointed out that consideration need to be given to the retailing and café included in the proposal. The case officer to confirm the size of the unit was over 160 sq. metres gross, but that it comprised a small office toilets and a café seating an preparation area, as well as retail. The net retail floorspace was just over 30 sq. metres. The Planning Manager advised that policy recognised that petrol filling stations now provide a range of retail goods but that such shops should remain secondary to the use of the petrol station. He was satisfied that this could be achieved if conditions were applied to restrict the retailing unit to that area shown on the plans. He was also satisfied that a retail unit of the area stated would not adversely affect the vitality and viability of the neighbouring town and village centres, but again control over the floor area through condition was important.

In conclusion, the Planning Manager advised that whilst this proposal did not meet the policy tests he was content that Members could treat this as an exception. Indeed taking into account the convenience to motorists, the locational advantages of the site, the permitted uses as a tyre store, and the nature of surrounding buildings he was willing to recommend that this be treated as an exception and permission be granted subject to conditions.

Councillor Mallaghan felt that it's a good outcome and unless there was adequate objections then scare tactics have no place within this committee.

Councillor McKinney enquired if there was provision made for public conveniences at the site and Mr McCrystal advised that these were incorporated into the proposal.

Proposed by Councillor McPeake
Seconded by Councillor Mallaghan and

Resolved: That planning application LA09/2016/0042/F be approved subject to conditions as per the officer's report.

LA09/2016/0647/F Retention of Existing Domestic Garage at Lands W of and Adj. to 17 Gortgonis Road, Coalisland for Vivean Teague

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

Proposed by Councillor Mallaghan
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/0647/F be approved subject to conditions as per the officer's report.

LA09/2016/0685/F Change of House Type, Repositioning on Site and New Double Garage to Supersede H/2007/0670/F (amended access) at approx. 65m NE of 33A Culbane Road, Portglenone for Ger McPeake

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

Proposed by Councillor Kearney
Seconded by Councillor Bell and

Resolved: That planning application LA09/2016/0685/F be approved subject to conditions as per the officer's report.

LA09/2016/0700/O Dwelling and Domestic Double Garage 80m S of 49 Glenshane Road, Knockloughrim for William Shiels

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 LA09/2016/0700/O be approved subject to conditions as per the officer's report.

LA09/2016/0783/F Retrospective Application for Car Parking Area at Lands to the Rear of 2 – 12 Moneymore Road, Cookstown for LCC Group Ltd

Councillor Mallaghan declared an interest in the application and advised that he would like the opportunity to speak after the report was presented.

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0783/F advising that it is recommended for refusal.

Councillor Mallaghan advised that the houses nearby belong to the applicant and that the tenants were happy enough to allow this to happen. This carparking facility has been ongoing for over 5 years, and on that basis it should continue to be used like that. He asked that a deferral for an office meeting until further information is received.

Councillor Cuthbertson referred to the dismissal by TransportNI and felt that it was a safety issue. He also suggested that if the applicant owned the houses nearby, it may be the case of having to demolish one.

The Planning Manager said that he felt sympathy towards the applicant and would like to get a solution but that Transport NI have objected due to the dangers of traffic, especially on one way but just can't reach a suitable solution.

Councillor Cuthbertson said that listening to what was said tonight that he would agree that the application should be refused.

Councillor Gildernew agreed with Councillor Mallaghan to proceed with a deferral until further information was received.

Councillor Mallaghan enquired if applicant could determine a use for over 5 years could this be considered. He said that evidence was there to prove that there were carparking facilities for staff and residents.

The Planning Manager advised that an enforcement notice had been lodged and that whilst there was some logic in deferring decision until after the appeal, it would be necessary for the grounds for refusing the retention of this use be presented at appeal.

Councillor Cuthbertson suggested that an officer check to see if the planning appeal relates to the decision or the 5 year immunity.

Proposed by Councillor Gildernew
Seconded by Councillor Bell

To defer the meeting until further information is received.

Proposed by Councillor Clement
Seconded by Councillor McKinney

To refuse the application on the grounds of roads safety.

Councillor McAleer said that she would like to see a safe parking solution for residents of the houses living nearby.

Councillor Gildernew advised that he would also be concerned about road safety but would like to see a favourable solution also.

Councillor Reid said that if the Planning Manager has exhausted all avenues for a favourable solution that the only option would be to refuse the application.

The Chair said that the planning appeal could overtake us and would like to see a favourable solution, but on the basis of road safety this could prove difficult.

Councillor McAleer enquired if there was any way around it if they were using the same carparking facilities for 5 years and asked if the residents of the 6 nearby houses used the carparking facilities.

Councillor Mallaghan stated that there was existing parking for the nearby houses and that TransportNI can't remove that.

The Planning Manager referred to Councillor Cuthbertson suggestion and said that as the applicant was a businessman, it may be a possible way forward to demolish one of the house to make way for carparking.

Councillor McAleer proposed to defer the application until negotiations take place on a possible better outcome.

Councillor Cuthbertson said that he was happy to defer but not to the extent of getting an outcome from the Planning Appeal, but would prefer to make a decision tonight.

The Planning Manager felt as an officer's recommendation is in front of members it should be considered, but that it doesn't do any harm to defer applications.

Councillor McEldowney left the meeting at 9.12 pm and returned at 9.14 pm.

Councillor Bell left the meeting at 9.12 pm and returned at 9.16 pm

Resolved: That planning application LA09/2016/0783/F be deferred for an office meeting.

LA09/2016/0941/F Amended House Design from Approval M/2008/0501 on sites at The Old Fairways Avenue, Colbrooke Road, Fivemiletown for Rahoran Ltd

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2016/0941/F be approved subject to conditions as per the officer's report.

LA09/2016/0947/O Dwelling and Domestic Garage at 100m NW of Junction to Strawmore Lane and Glengomna Road, Draperstown for Vincent McKenna

The Head of Development Management presented a report on planning application LA09/2016/0947/O advising that it is recommended for refusal.

Councillor McPeake requested a deferral on the above application to further investigate options under the farming criteria.

Proposed by Councillor McPeake
Seconded by Councillor Kearney

Resolved: That planning application LA09/2016/0947/O to defer for an office meeting.

LA09/2016/0999/O Dwelling on a Farm approximately 80m SW of 39 Mountjoy Road, Dungannon for Martha Dunlop

The Head of Development Management presented a report on planning application LA09/2016/0999/O advising that it is recommended for refusal.

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

Mr Morrow advised that this site consisted of a 57 acre farm which had been run by Ms Martha Dunlop since the death of her mother. Ms Dunlop's mother had been in receipt of the single farm payment until her death in 2013 which was carried on until 2014 by Ms Martha Dunlop until the process changed. Ms Martha Dunlop is not in receipt of a business number and seems unlikely to receive one due to the change in single farm payment rules. Mr Morrow stated that there is evidence that this is still an active farm holding.

In response to the Planning Manager's query on whether Ms Martha Dunlop was considering applying for a business number, Mr Morrow advised that it was highly unlikely that she would be eligible for the single farm payment, although she was actively using the farm.

Councillor McKinney advised that anyone who previously had a single farm payment number only stayed active until their death.

The Planning Manager suggested deferring this application until further consideration is given by Officers.

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/0999/O be deferred until additional matters are considered by Officers.

**LA09/2016/1114/F Refurbishment of Listed Building to include Demolition
LA09/2016/1115/LBC of Existing 2 Storey Rear Return and Construction of New
 2 Storey Extension and New Single Storey Extension to
 Rear of Strathmullan House, 56 Killymeal Road,
 Dungannon for Stephen and Kiera Boyle**

The Head of Development Management presented a report on planning application LA09/2016/1114/F advising that it is recommended for refusal.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Maxwell, Mr Boyle and Councillor Molloy in turn to address the committee.

Mr Maxwell advised that he fully supported the scheme on the building and felt the issue mostly related to the indistinguishable difference between the PVC window frames and the wooden window frames proposed for B2 Listed Buildings.

The applicant, Mr Boyle advised that he and his wife took on the idea of restoring the listed building to make it into a family home. He said that before they purchased the building it was a haven for anti-social behaviour and a ruin. He said that to replace the windows was going to prove very expensive as the wooden windows proposed by Historic Environment Division (HED) were in the region of £59,000 and PVC timber effect ones were £19,000. He told the committee that he had taken in samples for members to show the lack of distinguishment between them. He said that the restoration would be an ambitious venture but would like the opportunity to make this into a family home.

Councillor Molloy said that he would like to see the Boyle family having the opportunity to make this into a family home and felt that with advances in windows that it was very hard to distinguish between the windows. He advised that although built heritage was important, this house could be restored to its residential beauty again and that members should give consideration to this request and if not, would ask for a site meeting.

Councillor Gildernew felt that £40,000 was a huge difference in expenditure for the windows and would certainly have a problem recommending it.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

To approve the applications.

Councillor Mallaghan advised that this was a different circumstance to protecting our heritage and that underneath the paint there was wood. He felt that sometimes things get very carried away on what they have to protect and that it was the onus of the Planning Committee to take this proposal as it was making the dwelling into a family home and combating anti-social behaviour in the area.

Councillor McAleer agreed that £40,000 was a lot of money and felt that it was hard to distinguish between the wood and PVC had come a long way.

The Planning Manager agreed that there was an onus on the Committee to treat everyone equally. He advised that at a recent meeting the Council had refused the use of PVC windows in a listed building based on HED recommendation. In the interest of ensuring consistency the Planning Manager asked the committee to give him the opportunity to consider the matter further. If following this the Committee wished to grant permission, the application would need to be forwarded to the Department of Infrastructure for their consideration.

Councillor Robinson referred to listed buildings and said that he liked to see things preserved and criteria adhered to, but that he proposed deferring the application for a month until options are explored to see if a favourable outcome could be reached.

Councillor Gildernew withdrew his proposal and said that he would be happy to second Councillor Robinson's proposal.

Proposed by Councillor Robinson
Seconded by Councillor Gildernew and

Resolved: That planning applications LA09/2016/1114/F and LA09/2016/1115/LBC be deferred until other options are explored.

Councillor McPeake left the meeting at 9.45 pm.

**LA09/2015/0085/O Dwelling and Garage 80m S of 11 Strawmore Lane,
Draperstown for Gerard Kelly**

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

Proposed by Councillor Mallaghan
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2015/0085/O be approved subject to conditions as per the officer's report.

**LA09/2015/1098/F 2 Detached Bungalows at Lands 50m NW of 8 Brackaville
Road, Coalisland for James McGuinness**

The Head of Development Management presented a report on planning application LA09/2015/1098/F advising that it is recommended for refusal.

The Planning Manager advised that he would like to hold off on this application until proper planning was in place for the site at Coalisland and suggested waiting until the preferred options paper was made public on Monday.

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

Mr Maneely advised the committee that this application was deferred on the 1 March 2016, with requested accurate information being brought back and several months down the line still no further forward. He said that TransportNI haven't submitted anything, with DETI willing to wait to see if there was a drive which would be their conclusion to the matter. Mr Maneely said that the applicant would be happy to wait as long there was light at the end of the tunnel. In relation to a time line he enquired when there was an indication when this may come up.

The Planning Manager advised that officers were tasked to make a decision on this application and that members should agree with the recommendation as it is for the good of Coalisland. He referred to planning policy and said to let her know of the decision as it was a very complex planning application. He said that there was now a major opportunity to change the whole face of Coalisland.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2015/1098/F to refused.

LA09/2016/0037/O Site for Infill Dwelling and Garage 80m NW of 4 Dunmurry Road, Moneyneany for Joe Morgan

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

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved: That planning application LA09/2016/0037/O be approved subject to conditions as per the officer's report.

Councillor Gildernew left the meeting at 9.55 pm.

The meeting took a recess at 9.55pm and returned at 10.15 pm

Development Plan

P176/16 Council's Response to Fermanagh and Omagh District Council's Local Development Plan Preferred Options Paper

The Planning Officer drew attention to the previously circulated report to provide members with a consultation response to the Fermanagh and Omagh District Council (FODC) Local Development Plan Preferred Options Paper which was launched on 3rd October 2016. In accordance with the requirements of Regulation 10 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, local councils are required to consult with consultation bodies, which includes the Council for any district which adjoins that Council carrying out the consultation, before a Council prepares its development plan.

ASAI took place about 10 years again which is similar to Fermanagh and Omagh and that the ASAI be extended.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved: That it be recommended to the Council to agree to a response being issued to FODC as detailed in report and note the contents of the report.

Matters for Information

P177/16 Correspondence from Department of Communities

The Head of Development Management presented report on Correspondence from Department of Communities to inform members of the outcome of the recent consultation exercise on Ecclesiastical exemption.

Members noted the contents of the report from the Director of Historic Environment Division.

P178/16 Appeal Decisions Received

The Head of Development Management presented report on Planning Appeals Decisions to inform members of recent Planning Appeal decisions.

Members noted the contents of the report on Planning Appeal decisions.

179/16 Report of Delegated Decisions Issued in September 2016

Members noted the content of the report of delegated decisions issued in September 2016.

The Chair, Councillor Clarke vacated the Chair whilst item LA09/2016/0681/N1 was discussed.

Councillor Mallaghan referred to application LA09/2016/0681/N1 for a wind turbine at Broughderg and raised concern that an office meeting had taken place without members being made aware of it.

The Planning Manager advised that as there was no material change made to the application, it wasn't necessary for members to be in attendance as there wasn't a political decision required, but advised that the issue was still ongoing and would reply to members in due course.

Councillor Mallaghan said that he would be concerned about two issues, firstly that a person would claim on the application form that the wind turbine was for community use and secondly the issue of the community waiting this length of time before raising concern about the wind turbine.

The Chair, Councillor Clarke returned to the Chair.

CONFIDENTIAL BUSINESS

Proposed by Councillor J Shiels
Seconded by Councillor Robinson and

Resolved: That items P180/16 to P184/16 be taken as confidential business.

P185/16 Duration of Meeting

The meeting was called for 7.00 pm and ended at 10.50 pm.

Chair _____

Date _____

B



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

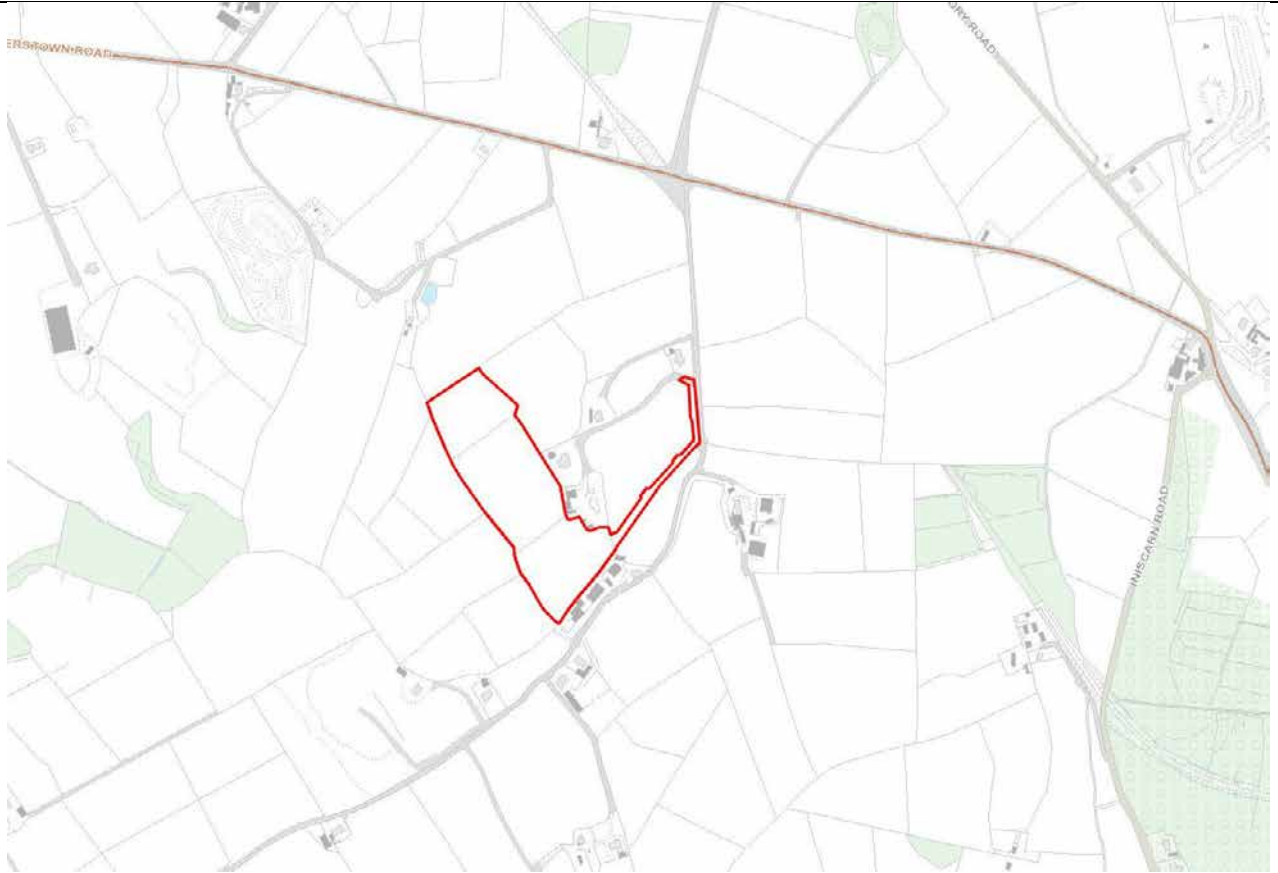
Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2014/0019/F	Target Date:
Proposal: Proposed sand and gravel extraction using dry screeners / loading shovel. Proposed access road including passing bays, wheel wash and welfare facilities. Construction of a Noise attenuation bund. (Supporting Statement Received)	Location: lands to the rear of 5 Brackaghlistea Road Desertmartin
Referral Route:	
Recommendation:	
Applicant Name and Address: MEA C/O Agent	Agent Name and Address: McErlean Associates Ltd 3 Grange Road Toome BT41 3QE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Protecting Historic Monuments	Substantive Response Received
Non Statutory	Water Management Unit	Add Info Requested
Non Statutory	Landscape Architects Branch	Substantive Response Received
Non Statutory	Industrial Pollution & Radio Chemical Inspectorate	No Objection
Non Statutory	Transport NI - Ballymena Office	Consulted in Error
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	Health & Safety Executive for NI	Considered - No Comment Necessary
Non Statutory	NI Water - Strategic Applications	Issues to be addressed in future application
Non Statutory	NIE - EIS Applications	Substantive Response Received

Non Statutory	Natural Heritage	Substantive Response Received
Non Statutory	Env Health Magherafelt District Council	Substantive Response Received
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Statutory	NIEA	Content
Statutory	NIEA	No Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Transport NI - Omagh Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	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 objection have been received in respect of this planning application.

Description of proposal

The application is for a 'Proposed sand and gravel extraction using dry screeners / loading shovel. Proposed access road including passing bays, wheel wash and welfare facilities including the construction of a noise attenuation bund.

Characteristics of the site and area

The site extends to 3.5ha and is located 2.7km south-west of Tobermore, 3.0km east of Draperstown and 4.0km north west of Desertmartin. The site is access directly off the Brackaghislea Road with the access point being located 350m south of the junction of the B40 Draperstown Road with the Brackaghislea Road. The access point is located at the existing entrance to no's 3A and 5 which are two modern single storey dwellings set against the backdrop of an existing working farmyard complete with farm buildings.

The topography of the land is undulating and generally rises from south towards the north. The field through which the access laneway extends, falls gently from the west towards the east. There is a 1.5m high hedge along the roadside boundary with an open drain on the inside. The site is contained mainly by 2.0m high thorn hedges with post and wire fencing. The field along the north-eastern boundary and which extends along the boundaries of no's. 2 and 3A has also been quarried in recent times. Along the southern boundary and immediately adjacent to the site is a large working farmyard with a number of farm buildings as well as a modest single storey dwelling.

Planning Assessment of Policy and Other Material Considerations

The relevant policies for this type of development is POLICY MINERALS 1 - 8 of PSRNI, PPS2 and PPS3 and Magherafelt Area Plan 2015.

Magherafelt the immediate locality around Brackaghlistlea Road is one of main mineral sources of sand and gravel in this part of the Mid Ulster District, with deposits also extending towards Tobermore.

POLICY MIN 1 - Env Protection

The site is comprised of semi-improved grassland enclosed by species-poor hawthorn hedgerows and is adjacent to two working farm complexes. The proposed scheme of work will be confined to the semi-improved grassland. There will no significant hydrological impacts. In relation to the Mining Waste Management Plan (MWMP) NIEA: WMU have considered this acceptable.

NIEA: Waste Management Unit have considered the proposal in terms of the potential to impact on the aquatic Environment and are content with the proposal without conditions.

NIEA's comments are based on consideration of:

- letter from McErlean Associates to Planning department at Mid Ulster Council dated 28 March 2016
- copy of email from Drinking Water Inspectorate dated 10 February 2016
- drawing C-05, revision P-02, Brackaghlistlea Sand Pit, Proposed sand pit cross sections, received at planning office 12 April 2016
- McErlean Associates: boreholes logs, received by planning office 12 April 2016

Natural Environment Division has considered the impact of the proposal on the site and has also considered the badger survey. On the basis of the badger survey report, NED have confirmed that the proposal will not impact on badgers. NED have provided relevant informatives.

POLICY MIN 2 - VISUAL IMPLICATIONS

The landscape sensitivity in this area is considered high to medium. The Sperrins AONB is approx 1km to the south, although there will be limited visibility of the site from higher ground the visual impact will be minor.

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

The establishment period can be the most disruptive but will typically only last 6 months. On completion of this phase, the quarry will settle into its main operational period, involving stripping and extraction. In terms of the landscape character, whilst screening would minimise potential negative impact to the wider character area, the existing hedgerows are to be retained. These hedgerows could be let grow to a mature height which would also provide additional screening.

However the intention is to reinstate the lands to agricultural grazing pasture. Therefore with the exception of the extraction disruption the long term impacts on the land will be minimal.

POLICY MIN 3 - AREAS OF CONSTRAINT

The site is not located within any AONB or ASSI and so does not afford any special protection. Sperrins AONB is approx 1km to the south

MIN 4- VALUABLE MINERALS

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

POLICY MIN 5 - MINERAL RESERVES

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

POLICY MIN 6 - SAFETY AND AMENITY

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

NOISE AND DISTURBANCE

In the absence of specific Noise Standard Guidance the 'Technical Guidance to the National Planning Policy Framework – March 2012' is used for Minerals policy.
In relation to Noise standards, subject to a maximum of 55dB, mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does exceed the background level by more than 10dB. it is recognised, however, that in many circumstances it will be difficult not to exceed the background level by more than 10dB without imposing unreasonable burdens on the mineral operator.

Environmental Health have advised that the proposal is acceptable subject to recommended conditions relating to hours of operation and maximum noise levels.

POLICY MIN 7 - TRAFFIC

Transport NI have advised that following submission of amendments, the access arrangements are acceptable subject to conditions.

POLICY MIN 8 - RESTORATION

The total extraction area is 3.49ha. As a result of the noise assessment, phase 1 of the proposed quarry extends to approximately 1.4ha and will commence at the northern boundary and progress in a southerly direction. The over burden will be stripped and placed in at the southern end of the extraction. Phase 2 covers approximately 1.2ha with the excess overburden and soils being placed in the southern area of the site which will form the noise bund towards the southern part of the site. The final phase 3 covers approximately 0.8ha and will follow in a similar manner to the preceding phases.

The site will be restored as the quarry design development phases take place. The proposal is for the land on the quarry floor to be restored to grassland and agricultural use. The boundary hedge are to be maintained and can be supplemented as required with new hedging.

Recommendation

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:

All consultees responded positively subject to appropriate 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 development hereby approved becoming operational, a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedges is maintained.

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

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

4. The existing natural screenings along the northern, southern, eastern and western boundaries of this site, shall be retained, augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

5. The development hereby permitted shall not be commenced until the vehicular access, including sight splays of 4.5m x 60m in both directions, has been constructed in accordance with Drawing No. 04/2 bearing the date stamp 10th August 2016.

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

6. The area within the visibility splays and 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.

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

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

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

9. The width of the vehicular access shall be no less than 6m for the first 20m.

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

10. The development hereby approved shall not be commenced until the road widening and lay-by indicated on Drawing No. 04/2 bearing the date stamp 10th August 2016 has been fully completed and validated by Transport NI in accordance with the approved plans.

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

11. Before mineral extraction commences the works entrance, weighbridge area and wheel wash area, as indicated on the approved plan shall be hard surfaced with concrete or asphalt.

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

12. Before mineral extraction commences, the first 20 metres of the access road measured from the nearest edge of the carriageway, shall be hard surfaced with concrete or asphalt.

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

13. The development hereby permitted shall not become operational until effective vehicle wheel washing facilities have been installed and brought into operation and should remain in 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.

14. All vehicles operating within the development site shall be fitted with white noise (full spectrum) reversing alarms.

Reason: In the interests of residential amenity.

15. Prior to 07:30 hours and after 18:00 hours Monday to Friday and prior to 08:00 hours and after 13:00 hours Saturday, the premises shall not remain open for business, deliveries by commercial vehicles shall not be made to and from the site and the processing plant and equipment shall not be in operation.

Reason: In the interests of residential amenity.

16. Noise from the permitted extraction and restoration of the quarry shall not exceed those as stated within 'Table 1: Predicted 1 hour noise levels (LAeq,1hour)' of submitted letter dated 16th February 2015 (copy enclosed at Annex 1), at all dwellings referenced within the table.

Reason: In the interests of residential amenity.

17. An increased noise limit of 70 dB LAeq,1hour not exceeding eight weeks in any calendar year is permitted at all dwellings which lawfully exist or have planning permission for construction at the date of this consent for temporary operations to facilitate essential site preparation, restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Reason: In the interests of residential amenity.

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

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

19.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 completed in accordance with the approved programme.

Signature(s)

Date:

ANNEX	
Date Valid	22nd January 2014
Date First Advertised	17th February 2014
Date Last Advertised	24th February 2014
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Brackaghlistlea Road,Mormeal,Draperstown,Londonderry,BT45 5QT, The Owner/Occupier, 3A Brackaghlistlea Road,Mormeal,Draperstown,Londonderry,BT45 5QT, The Owner/Occupier, 5 Brackaghlistlea Road,Mormeal,Draperstown,Londonderry,BT45 5QT, The Owner/Occupier, 7 Brackaghlistlea Road,Brackaghlistlea,Draperstown,Londonderry,BT45 7JZ, The Owner/Occupier, 7A Brackaghlistlea Road,Brackaghlistlea,Draperstown,Londonderry,BT45 7JZ, The Owner/Occupier, 8 Brackaghlistlea Road,Brackaghlistlea,Draperstown,Londonderry,BT45 7JZ, The Owner/Occupier, 8A Brackaghlistlea Road,Brackaghlistlea,Draperstown,Londonderry,BT45 7JZ,	
Date of Last Neighbour Notification	14th February 2014
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1974/0086 Proposal: 11KV O/H LINE Address: MONEYGRAN, MAGHERAFELT Decision: Decision Date: Ref ID: H/2009/0587/F Proposal: Replacement dwelling and garage Address: 5 Brackaghlistlea Road, Draperstown Decision: Decision Date: 29.12.2009 Ref ID: H/2004/1376/O Proposal: Site of dwelling and garage	

Address: Approximately 40m North West of, 5 Brackaghlistlea Road, Draperstown
Decision:
Decision Date: 05.07.2005

Ref ID: H/2006/0384/RM
Proposal: Dwelling and Garage
Address: Approximately 40m NW of 5 Brackaghlistlea Road, Draperstown
Decision:
Decision Date: 31.07.2006

Ref ID: H/2005/0365/O
Proposal: Site of dwelling and garage
Address: 180m North East of 3 Brackaghlistlea Road, Draperstown
Decision:
Decision Date:

Ref ID: H/2005/0423/O
Proposal: Site of bungalow and garage
Address: 30m West of 2 Brackaghlistlea Road, Draperstown
Decision:
Decision Date: 22.08.2006

Ref ID: H/2003/1391/O
Proposal: Site of dwelling and garage.
Address: 40m East of 3 Brackaghlistlea Road, Draperstown.
Decision:
Decision Date: 24.02.2005

Ref ID: H/2014/0019/F
Proposal: Proposed sand and gravel extraction using dry screeners / loading shovel.
Proposed access road including passing bays, wheel wash and welfare facilities.
Construction of a Noise attenuation bund. (Supporting Statement Received)
Address: lands to the rear of 5 Brackaghlistlea Road, Desertmartin,
Decision:
Decision Date:

Ref ID: H/2012/0328/PREAPP
Proposal: Pre-application enquiry and 7(a) and 7(b) EIA Determination for Proposed sand extraction using excavators and mobile screening plants
Address: lands at Brackaghlistlea Road, Desertmartin, Draperstown,
Decision: ELA
Decision Date:

Summary of Consultee Responses

All consultees have responded positively subject to conditions

Drawing Numbers and Title

Drawing No. 01

Type: Site location map

Status: Submitted

Drawing No.03

Type: Proposed site layout

Status: Submitted

Drawing No. 04/2

Type: Proposed access layout

Status: Submitted

Drawing No. 05/1

Type: proposed sand pit cross-sections

Status: Submitted

Drawing No. 06

Type: Miscellaneous details

Status: Submitted

Drawing No. 07

Type: Proposed construction and restoration plans

Status: Submitted

Drawing No. 08

Type: Extent of hard-standing at access

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



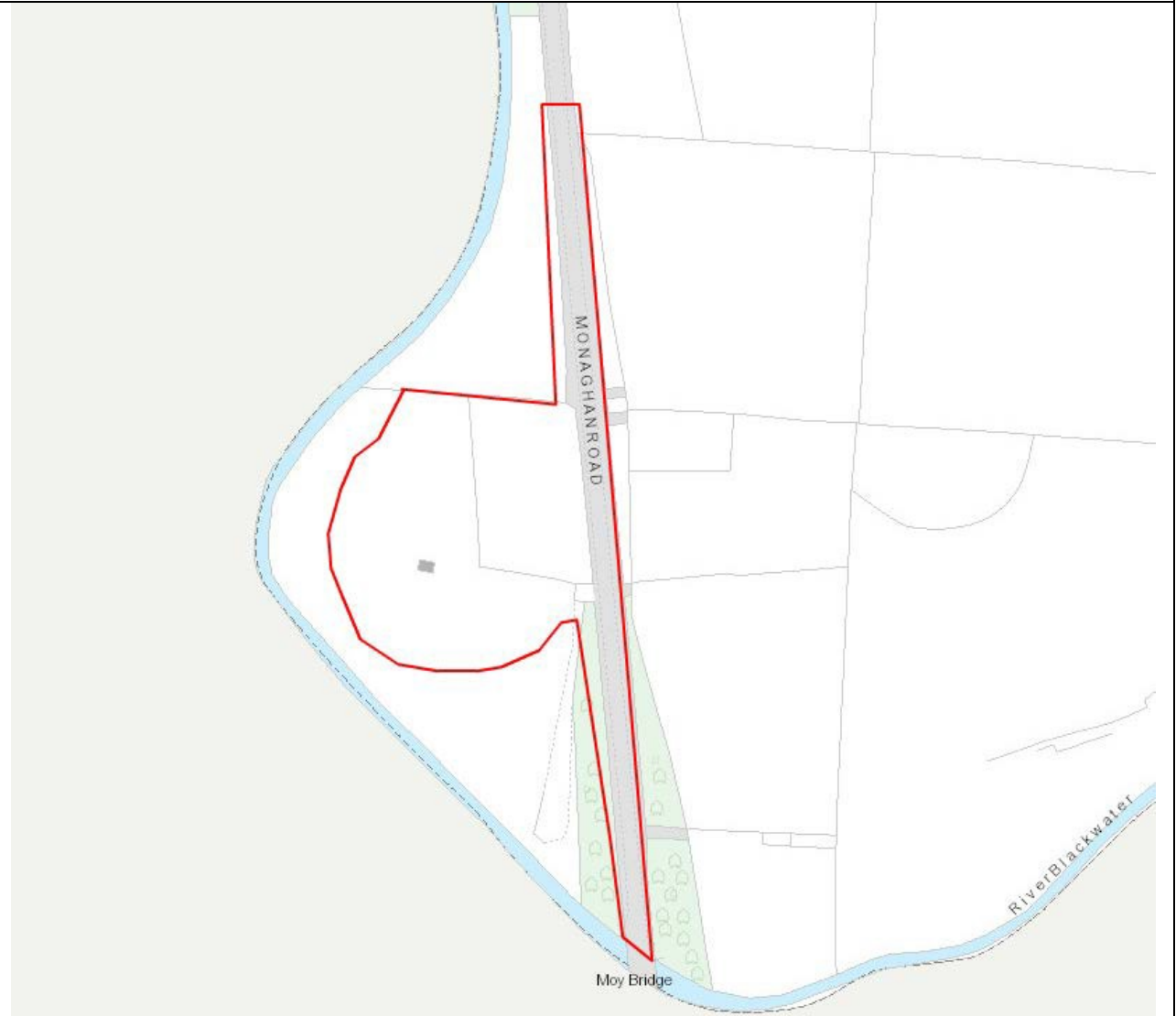
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0465/F	Target Date:
Proposal: Proposed Filling Station, Vehicle Wash, Shop, Restaurant and ATM	Location: Site of Former Customs Station Monaghan Road Aughnacloy and Adjacent to Blackwater River
Referral Route: Major scheme	
Recommendation:	Approve
Applicant Name and Address: Mr Leo Daly c/o Agent	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The application does not does not meet with the strategic policy for this type of facility. The Preferred Options Paper has set a limit for retail floorspace with petrol filling stations and this exceeds that threshold. The proposed development is on the site where planning permission was granted for similar development.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Transport NI - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice

Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Rivers Agency	Advice
Statutory	NIEA	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:

Characteristics of the Site and Area

This site is located just before the border, in the rural area south of Aughnacloy. Part of the site was the former customs station and that part is hardcored with steel posts around it. The remainder is an agricultural field that slopes down towards the River Blackwater, which delineates the border with the Republic of Ireland. To the north there is limited development between here and Aughnacloy, whereas in County Monaghan there is a large petrol filling station and Blackwater Cottage, bar, restaurant and rest area just off the main road.

Planning Assessment of Policy and Other Material Considerations

This proposal is for the erection of a petrol filling station with a shop, rest rooms and restaurant on the ground floor and staff facilities on the first floor. It is also proposed to have a canopy covering the fuel pumps and a store for solid fuels. The building is 2 storey with offset mono pitched roofs which have the slopes orientated parallel to the road. The building is a maximum of 7m in height and is finished with grey profiled metal roof cladding and a mix of painted render walls and stone cladding to the main front wall, and part of the south side elevation. The canopy will sit in front of the building, between it and the road and will have a flattened 'W' appearance. The main policy documents for consideration are :
Dungannon & South Tyrone Area Plan 2010 (DSTAP)
Regional Development Strategy- 2035 (RDS)

Strategic Planning Policy Statement for Northern Ireland (SPPS)
Planning Policy Statement 2 - Natural Heritage
Planning Policy Statement 3 - Access, Movement & Parking (PPS3)
Planning Policy Statement 13 - Transportation and Land Use (PPS13)
Planning Policy Statement 15 - Planning & Flood Risk (PPS15)
Planning Policy Statement 21 - Sustainable Development in the Countryside. (PPS21)
Planning Strategy for Rural Northern Ireland (PSRNI)

The DSTAP identifies the site within the rural area and offers no specific policies in support of or against the proposal. Members are advised this site was previously the Customs Station, which has been demolished, and the Department has allowed a number of planning permissions on this site since 2000. The site has been granted planning permission for a restaurant/shop, on 30 October 2000, a petrol filling stations, supermarket, off sales, ATM and guest house accommodation on 10.05.2005, restaurant /guest accommodation on 21.10.2008 and most recently a filling station, vehicle wash, shop, restaurant and ATM was granted permission on 06 July 2011. None of these permissions have been commenced on the site, however I consider the planning history of this site is a material consideration, particularly given the length of time there has been permission on the site and the fact this proposed application was submitted before the last permission lapsed in July 2016.

Members are advised policy IC15 of the PSRNI sets out the main considerations for this type of development. The policy allows for these types of facilities in the open countryside, on the trunk roads network, where there is a clear indication of need. The need is defined by distance from other such facilities and there should not be any other facilities within 12 miles of the site. This application does not meet that need as there are 3 filling stations in Aughnacloy: a filling station and tyre depot/service station on this side of Aughnacloy on the A5, Poundhill - a filling station and supermarket on the A5, Tullyvar Road and petrol filling station and spar shop on the A28 – Caledon Road. Members are advised the policy for petrol filling station has not changed since the PSRNI and the Department accepted a filling station and restaurant under that policy as recently as 2011 and I consider the planning history is a determining factor in establishing the principle of this development as an exception to the policy. TNI engineers have been consulted about the proposal and due to the planning history have accepted the principle of the access onto the protected route and provided the access is constructed as proposed they have no concerns about road safety. I consider it necessary to impose conditions requiring the access and road improvements to be carried out prior to the commencement of the development for road safety reasons.

The proposed development includes 54 car parking spaces, of which 5 are for the use of disabled patrons, it also includes 6 HGV spaces that will provide a rest area for lorry drivers on this important cross border route and 2 car/van spaces as well as 8 spaces at the petrol pumps. I have considered the parking provision against the published Parking Standards and it would appear the parking provision for cars is not up to standards as there should be 1 space for 3sqm net floorspace as well as 1 space for 3 staff. However, the previous scheme, which was over twice the size only provided 107 spaces and as such I consider, on a pro-rata basis this scheme is providing the same amount as the Department previously accepted.

The SPPS advocates a town centre approach to retailing and directs that inappropriate retail development in the countryside should be resisted. It further advises proposals for shops in villages should be of a scale and nature appropriate to the settlement. The SPPS does allow retail in the countryside for farm shops, craft shops and shops serving tourist or recreational facilities but does not provide any size restrictions. The previous policy (PPS5 – Retailing and Town Centre's) set an upper limit of 250 net retail floorspace before a retail analysis was required and the previous permission allowed 250sqm of retail floorspace. This proposal shows 110sqm of retail floorspace, 110sqm of café floorspace and 31sqm of circulation area between the 2 areas. The recently published Preferred Options Paper has indicated that any retail element for petrol filling stations should be limited to 100sqm of net floorspace. Members are advised they cannot give determining weight to the proposed policies in the POP, as they are only draft policies at this stage. However the issue has been raised in the published papers and I

must advise members how this proposal impacts on the emerging policy. Members are reminded of the extensive planning history on this site, for the same type of development and on a greater scale than this proposed development. This is a significant factor in limiting any precedent that may undermine the proposed policy. I am unaware of any other sites for petrol filling stations, within the Mid Ulster District Council Area, that have this extensive planning history for petrol filling stations that have been accepted as contrary to the IC15 policy. I consider this is a self-evident limiting factor which will not result in a wide ranging precedent that would prejudice the emerging policy.

The proposed development includes on-site treatment facilities for the waste water as well as petrol interceptors to prevent pollution. NIEA Water Management Unit will control the discharge from the site and I consider it appropriate to condition the surface water is channelled to the petrol interceptor prior to any fuel deliveries being received to the site.

NIEA have also considered the impacts of the development on the considered the impacts from the proposed development on the natural heritage and have advised that to protect bats a 3 metre wide landscaped belt should be provided. I consider it reasonable to impose a condition requiring this to

Environmental Health Officers have considered noise and floodlighting from the site, due to the absence of any close noise sensitive receptors they have not suggested any conditions are necessary to be imposed.

Members are advised there is a watercourse along the boundaries of this site and following consultation with Shared Environmental Service the potential impact of this proposal on the 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 (NI) 1995 as amended. The proposal would not be likely to have a significant effect on the features of any European site.

Taking account of the relevant policies I consider the principle of this development on this site is acceptable and I recommend it for approval with conditions attached.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with the conditions stated.

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. Prior to the commencement of any development hereby permitted the vehicular access, including right hand turning lane and visibility splays of 4.5m by 215m and forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 1 bearing the date stamp 14 June 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 gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary.

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

4. The development hereby permitted shall not become operational until a Stage 3 Safety Audit, for the road works on the Monaghan Road (provision of the ghost island) has been completed, submitted to DFI Transportni and any recommendations identified thereafter implemented.

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

5. Within the first planting season following the commencement of any development hereby permitted, a 3m deep planting belt of native species trees shall be carried out along the boundary identified A - A on drawing no 02Rev1 bearing the stamp dated 14 June 2016. The number species, type and size of any tree, shrub and plant shall be agreed in writing with Mid Ulster Council prior to the commencement of any development hereby permitted. Any tree, shrub or plant that dies within the first 5 years of planting shall be replaced in the same location by a similar size and species.

Reason: In the interests of visual amenity and to protect bats.

6. No development or landscaping shall be carried out within the area identified in yellow on drawing no 02 Rev1 bearing the stamp dated 14 June 2016.

Reason: To prevent flooding.

7. Prior to any fuel deliveries being received to the site a petrol interceptor shall be installed, in the position shown on drawing no 02 Rev 1 bearing the stamp dated 14 JUN2016. All storm water from the hard surfaced areas shall pass through the petrol interceptor prior to discharge from the site.

Reason: To prevent pollution

8. No Class A1 – Retail Use, as defined in the Planning (Use Classes) Order (NI) 2015, shall occur outside the area identified in green on drawing No 03 REV1 bearing the stamp dated 14 JUN 2016.

Reason: To protect retailing premises in Aughnacloy.

Informatives

1. Your attention is drawn to the attached comments of NIEA, TNI and Rivers Agency.

Signature(s)

Date:

ANNEX	
Date Valid	26th June 2015
Date First Advertised	20th July 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2005/0346/O Proposal: Proposed filling station, supermarket, off sales, ATM & guest house accomodation. Address: Site of former Customs Station Monaghan Road, Aughnacloy. Decision: Decision Date: 10.05.2005 Ref ID: M/2000/0258/O Proposal: Restaurant/Shop Address: Site of former custom's station, Monaghan Road, Aughnacloy. Decision: Decision Date: 30.10.2000 Ref ID: M/2007/0404/F Proposal: Proposed Restaurant/Guest Accommodation Address: Site of former customs station, Monaghan Road, Aughnacloy Decision: Decision Date: 21.10.2008 Ref ID: M/2009/0231/F Proposal: Proposed filling station, vehicle wash, shop, restaurant and ATM. Address: Site of former Customs Station, Monaghan Rd, Aughnacloy and adjacent to Blackwater river	

Decision:
Decision Date: 06.07.2011

Ref ID: LA09/2015/0465/F
Proposal: Proposed Filling Station, Vehicle Wash, Shop, Restaurant and ATM
Address: Site of Former Customs Station, Monaghan Road, Aughnacloy and Adjacent to Blackwater River,
Decision:
Decision Date:

Ref ID: M/2012/0092/PREAPP
Proposal: Erection of a dwelling on a farm
Address: Lands at 28 Monaghan Road, Aughnacloy,
Decision:
Decision Date:

Summary of Consultee Responses

DARD Rivers – content provided no development within the floodplain
TNI – no roads safety issues with proposed access, Council to consider parking provision
EHO – Clean Neighbour Act, informatives regarding noise
NIEA – septic tank discharge to satisfaction of NIEA, 3 m wide landscaping belt to protect bats

Drawing Numbers and Title

Drawing No. 01
Type:
Status: Submitted

Drawing No. 02Rev1
Type:
Status: Submitted

Drawing No. 03
Type:
Status: Submitted

Drawing No. 04
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: LA09/2015/0878/F	Target Date:
Proposal: Proposed 1 no. replacement semi-detached and 1 no. additional detached dwelling (amended parking)	Location: 15 Empire Avenue Dungannon BT71 7AL
Referral Route: Objections received	
Recommendation:	Approve
Applicant Name and Address: Mr Malcom Symington 1 Annaghginny Road Dungannon BT71 4BP	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: The proposal is for 2 dwellings on a site that has a semi-detached dwelling. Objections have been received to the proposal in relation to the character of the area, parking provision, capacity of the existing sewage network and potential of flooding.	
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
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Objections have been received that raise concerns about the development being out of character, capacity for the sewage network to deal with the additional load, impact on flooding and car parking.

Characteristics of the Site and Area

The site contains a semi-detached 2 storey dwelling with a side and rear garden. The site is relatively flat with ground levels rising to the north and falling to the south. To the rear of the site is a car park and allotment area. This side of Empire Avenue is 2 storey semi detached dwellings with a number of them having extensions to the side that have filled the sites and result in car parking areas to the front. Empire Avenue is a one way street that links Ranfurly Road and Milltown, with the traffic restricted to travelling downhill only.

Planning Assessment of Policy and Other Material Considerations

Members are being asked to consider 2 dwellings on this site in place of the existing dwelling.

The site is within the settlement limit for Dungannon as defined in the Dungannon & South Tyrone Area Plan and just outside the town centre boundary. SETT 1 of the Plan is supportive of development provided it meets with other published policies.

Members are advised the main policy considerations are Planning Policy Statement 7- Quality Residential Environments (PPS7), Planning Policy Statement 7 Addendum - Safeguarding the Character of Established Residential Areas (PPS7 Addendum), Planning Policy Statement 3 - Access Movement and Parking (PPS3) and Planning Policy Statement 12 - Housing in Settlements. The policies within towns are generally supportive of increased housing provided it does not result in town cramming.

The proposal is for full planning permission and the applicant has submitted a concept plan identifying the issues that have been considered in designing the scheme which include the appearance of the existing properties, the location of parking areas and other development in and around the site.

The houses proposed are 2 no 2 bedroom properties, one detached and one semi-detached, car parking requirements for new development would require 4 spaces, however due to the location close to the town centre and the fact there is an existing property that has no car parking at present, I consider 3 spaces is a reasonable number of spaces to serve the development. The location of the car parking is restricted as it is not possible to park a car in front of the existing dwelling, therefore by setting the proposed detached dwelling back this will provide the necessary parking which I consider is an appropriate location for the car parking. The car parking area at the front of the dwelling is similar to other parking areas that have been provided for other properties along Empire Avenue. TNI have considered the proposal and are generally content with the proposal and have not raised any concerns about road safety.

The existing dwelling in the site has not been altered and the proposed replacement of it is very similar in style and appearance. The proposed detached dwelling also reflects the style and appearance of the existing dwelling. I consider the proposal is similar in character to the existing

development. Empire Avenue meanders down the slope and as such there is no definite building line, the detached dwelling is set back from the line of the existing and I consider this will lessen its impact on the street scene. The dwelling to the south is at a lower level and is on the south side of the proposed development, it does not have any windows in the gable facing this site and as such I do not consider the proposal will result in an unacceptable loss of light. A high level window on the gable for the stairs is the only window facing towards the neighbouring property and as such I do not consider this will result in any undue overlooking. The proposed development will have approx. 70sqm and 50sqm of private amenity space, which I consider is appropriate as these are small 2 bedroom properties.

Objections have been received to the proposal in terms of parking provision, impact on the character of the area, capacity for the sewage to deal with this scheme and impacts on flooding. I have considered the parking for the development as acceptable and the character of the proposal is in keeping with the surrounding development. A concern has been raised that sewage is backing up in the area, this appears to be a current issue which should be dealt with by NI Water. The site is not within a flood area and it is not of a scale that requires consultation with River Agency, however to limit the impact I consider it is appropriate to attach a condition requiring the parking area at the front to be laid out with permeable paving.

In light of all these considerations I recommend to the committee that this scheme is approved with conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions

Conditions/Reasons for Refusal:

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 occupation of any of the development hereby approved, the parking area shall be permanently laid out with permeable paving.

Reason: To reduce the impacts of the development on flooding.

Signature(s)

Date:

ANNEX	
Date Valid	28th September 2015
Date First Advertised	12th October 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 13 Empire Avenue Drumcoo Dungannon Mr Colin G Beatty and Mrs Shirley Beatty 17 Empire Avenue, Drumcoo, Dungannon, Tyrone, BT71 7AL The Owner/Occupier, 17 Empire Avenue, Drumcoo, Dungannon, Tyrone, BT71 7AL, Colin and Shirley Beatty 17, Empire Avenue, Dungannon, Tyrone, Northern Ireland, BT71 7AL The Owner/Occupier, 24 Empire Avenue Drumcoo Dungannon Dorothy Dougan 26 Empire Avenue Drumcoo Dungannon Dorothy Dougan 26, Empire Avenue, Dungannon, Tyrone, Northern Ireland, BT71 7AL The Owner/Occupier, 28 Empire Avenue Drumcoo Dungannon	
Date of Last Neighbour Notification	3rd October 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/1978/0588 Proposal: IMPROVEMENTS AND REPAIRS TO DWELLING Address: 17 EMPIRE AVENUE, DUNGANNON Decision: Decision Date: Ref ID: M/2010/0181/F Proposal: Single storey extension to gable of dwelling Address: 13 Empire Avenue, Dungannon, BT71 7AL Decision:	

Decision Date: 30.04.2010

Ref ID: M/1990/4050

Proposal: Improvements to Dwelling

Address: 17 EMPIRE AVENUE

Decision:

Decision Date:

Ref ID: M/1993/0356

Proposal: Domestic Garage

Address: 13 EMPIRE AVENUE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/4011

Proposal: Domestic Porch

Address: 13 EMPIRE AVENUE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/0161

Proposal: Erection of porch to front of dwelling

Address: 13 EMPIRE AVENUE, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/1976/0437

Proposal: ERECTION OF NIES SUBSTATION

Address: PARK ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1974/0190

Proposal: PUBLIC HOUSING DEVELOPMENT OF 34 DWELLINGS

Address: PARK ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1991/0558

Proposal: Erection of temporary caravans for the purpose of
decanting during renovations of NIHE dwellings

Address: ASHBEG GROVE AND VICTORIA WAY DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2015/0878/F

Proposal: Proposed 1 no. replacement semi-detached and 1 no. additional detached dwelling

Address: 15 Empire Avenue, Dungannon, BT71 7AL,

Decision:

Decision Date:

Summary of Consultee Responses

TNI – approve, informatives

Drawing Numbers and Title

Drawing No. 02 Rev 2

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03 Rev 1

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04 Rev 1

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



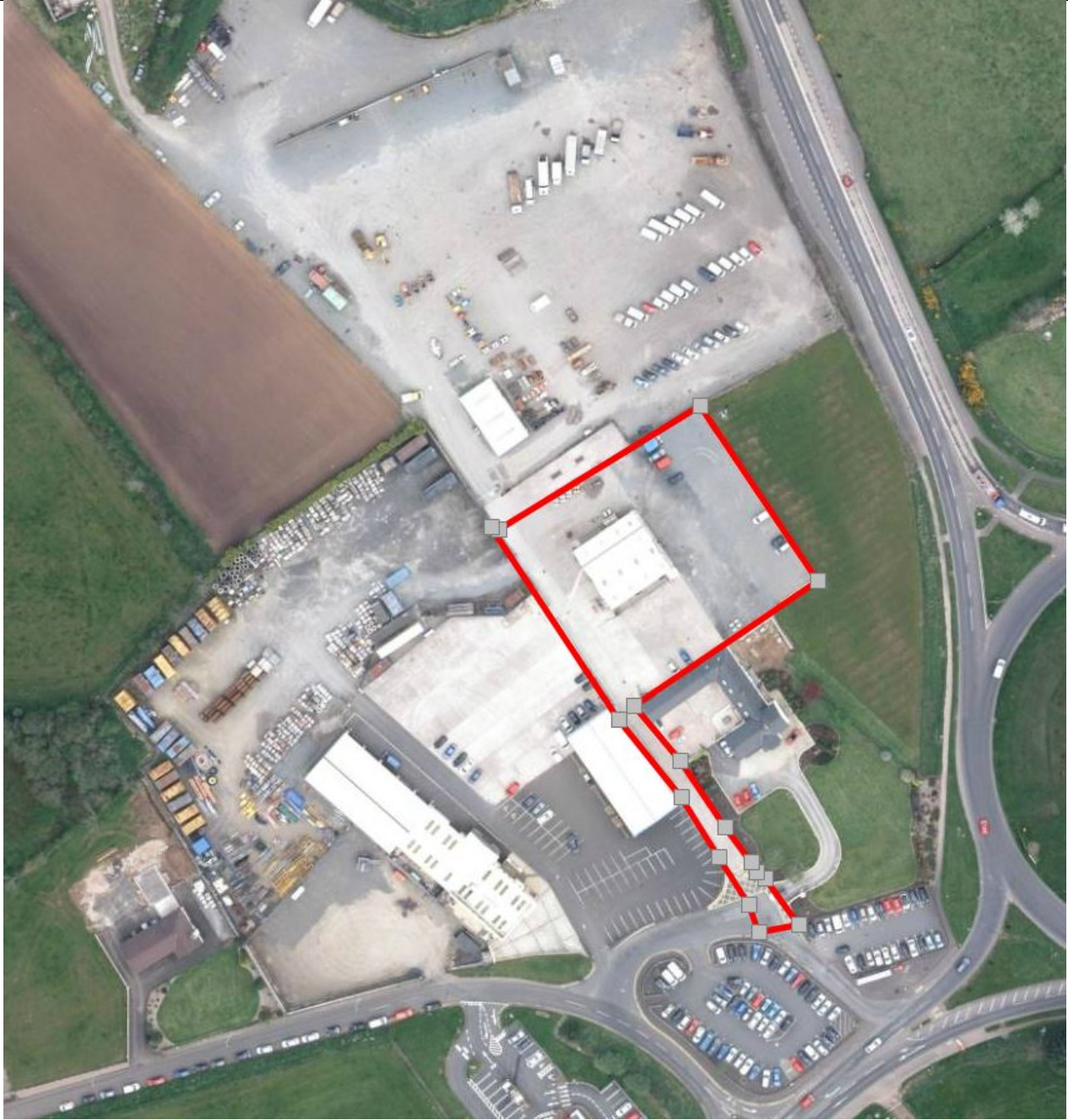
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0057/F	Target Date:
Proposal: Extension to small plant and hand tool store and associated offices in connection with existing auction sales business	Location: Unit 2 25m NW of 1 Loves Hill Castledawson
Referral Route: Approval recommended despite additional information requested by Transportni not having been received.	
Recommendation:	Approve
Applicant Name and Address: Noel and Marie Lennon 1 Loves Hill Castledawson BT45 8DP	Agent Name and Address: Hamill Gallagher 73-75 Great Victoria Street Belfast BT2 7AF
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
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 Approval recommended despite additional information requested from Transportni not having been received, discussed with principal planner and considered this additional information was unnecessary for this small extension proposed.	
Characteristics of the Site and Area The proposal site is a 2 storey independent building within a large industrial site. There is an extensive hard standing area to all sides of the property. The existing building is an existing hand and tool store and is affiliated with the existing Auction business.	
Planning Assessment of Policy and Other Material Considerations I have assessed this proposal under the following: SPSS Magherafelt Area Plan 2015 Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 21 Consultees: - Transportni were asked to comment and responded on 08.02.2016 requesting additional information. NI Water were asked to comment on the proposal and responded on 29.02.2016 with no objections Environmental Health were asked to comment and responded on 24.02.2016 stating that the proposed development must satisfy the requirements of the Health and Safety at Work (NI) Order 1978 and the Regulations made thereunder. Neighbours: The owners/occupiers of No 1 _ No 2 Loves Hill, No 5, No 6, No 7 _ No 9 Tamnadeese were all notified of this proposal on 9.02.2016 and no objections have been received to date. The proposal was advertised in several local press publications during February 2016 with no objections having been received to date. The use of the existing building has been established and approved, this proposal is for the extension of this building, the proposed extension measures approx. 174.84m2 in square footage and the finishes are proposed to match those of the existing building. The ridge height is not proposed to change. The proposal site is situated within a large area with several different uses, electrical wholesalers, restaurants, light industrial, parking. There are no immediate neighbours and the proposed extension is to the rear of the existing building as such I do not feel that this proposal would have any detrimental impacts on neighbouring amenity or on the character of the area. Transportni have asked for additional information in their consultee response of 08.02.2016:	

- A TAF will be required to indicate the traffic impact on the public road and that adequate car parking is provided.
- The applicant should demonstrate how the peak parking associated with the auction will be addressed.
- The kerbline should be adjusted where the traffic will exit the site to discourage drivers from using the bus route.
- Submit a detailed drawing demonstrating the turning movements of a lorry.
- Further analysis of subsequent drawings may be provided.

This has been requested from the agent however upon reflection and in depth discussions at the monthly group meeting it is felt that given the scale of the proposal the requests are excessive and given the existing development and surrounding land use and available parking, turning etc this requested information is not required.

Recommendation: Approval

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.

3. 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.

4. The proposed development must satisfy the requirements of the Health and Safety at Work (NI) Order 1978 and the Regulations made thereunder.

Signature(s)

Date:

ANNEX	
Date Valid	20th January 2016
Date First Advertised	1st February 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Loves Hill, Castledawson The Owner/Occupier, 2 Loves Hill, Castledawson The Owner/Occupier, 5 Tamnadeese, Castledawson The Owner/Occupier, 6 Tamnadeese, Castledawson The Owner/Occupier, 7 Tamnadeese, Castledawson The Owner/Occupier, 9 Tamnadeese, Castledawson	
Date of Last Neighbour Notification	9th February 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0057/F Proposal: Extension to small plant and hand tool store and associated offices in connection with existing auction sales business Address: Unit 2, 25m NW of 1 Loves Hill, Castledawson, Decision: Decision Date: Ref ID: LA09/2016/0042/F Proposal: Change of use from Tyre Store to Petrol Filling Station including Forecourt and Canopy with Retail Sales, Café and Ancilliary areas along with Associated Parking Facilities Address: Unit 1(b), 1 Loves Hill, Castledawson, Decision: Decision Date: Ref ID: H/2014/0342/F	

Proposal: Change of use from Tyre Store (H/2005/0293/F) to Electrical Wholesalers (H/2011/0521/F) in Unit 1 (A) and from Electrical Wholesalers to Tyre Store in Unit 1 (B).
Address: Unit 1, 1 Loves Hill, Castledawson. BT45 8DP,
Decision: PG
Decision Date: 12.12.2014

Ref ID: H/2014/0255/F
Proposal: Retrospective relocation of existing dwelling access
Address: 1 Loves Hill, Castledawson. BT45 8DP,
Decision: PG
Decision Date: 30.09.2014

Ref ID: H/1991/6077
Proposal: PROPOSED HOTEL LOVES HILL CASTLEDAWSON
Address: LOVES HILL
Decision:
Decision Date:

Ref ID: H/1984/0196
Proposal: REPLACEMENT HOUSE WITH DOUBLE GARAGE AND OUTBUILDINGS
Address: LOVESHILL, KILLYNESE, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2002/0345/F
Proposal: Proposed Sun Lounge.
Address: 1 Loves Hill, Castledawson.
Decision:
Decision Date: 15.06.2002

Ref ID: H/2011/0521/F
Proposal: Retrospective application for a change of use of part of an existing building from a vehicle wash unit to an electrical wholesale unit.
Address: Unit 1, 10 metres South West of 1 Loves Hill, Castledawson, BT45 8DP,
Decision:
Decision Date: 21.06.2012

Ref ID: H/1990/0272
Proposal: CHANGE OF USE FROM DWELLING TO HOTEL
Address: 1 LOVE'S HILL CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1980/0443

Proposal: EXTENSION TO EXISTING WORKSHOP

Address: KILLYNEESE, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1995/0018

Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED CAR-PARKING

Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2011/0489/F

Proposal: Retrospective application for change of use from an existing industrial unit to additional office accommodation and a small plant and hand tools store for an existing auction business.

Address: Unit 2, 25 metres North West of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 25.04.2012

Ref ID: H/2005/0293/F

Proposal: Alterations & Additions To Existing Auction Rooms, Tyre Shed & To include Vehicle Wash

Address: 1 Loves Hill, Castledawson, Magherafelt

Decision:

Decision Date: 19.07.2007

Ref ID: H/2011/0494/F

Proposal: Retrospective application for covered seated area to provide safe viewing area for customers, associated with existing auction sales business

Address: 55 metres North West of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 26.04.2012

Ref ID: H/1999/0368

Proposal: REPLACEMENT AUCTION ROOMS & ASSOCIATED CAR PARKING

Address: ADJ. TO 1 LOVE HILL CASTLEDAWSON

Decision:

Decision Date: 24.05.2000

Ref ID: H/1997/0499

Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED CAR PARKING

Address: LAND ADJ TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1998/0438

Proposal: ALTERATIONS AND EXTENSION TO AUCTION ROOM

Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2011/0249/F

Proposal: Erection of boathouse to rear of dwelling

Address: 6 Glenshane Road, Castledawson, BT45 8DP,

Decision:

Decision Date: 01.09.2011

Ref ID: H/1988/0079

Proposal: CHANGE OF USE OF DWELLING AND OUTBUILDING TO HOTEL

Address: 1 LOVESHILL TAMNADEESE CASTLEDAWSON

Decision:

Decision Date:

Summary of Consultee Responses

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

Type: Proposed Plans

Status: Approved

Drawing No. 04

Type: Proposed Plans

Status: Approved

Drawing No. 05

Type: Proposed Plans

Status: Approved

Drawing No. 06

Type: Proposed Plans

Status: Approved

Drawing No. 07

Type: Proposed Plans

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: LA09/2016/0082/F	Target Date: 09.05.2016
Proposal: 627 square metre Daycare building with ancillary offices and staff areas with central external play area and associated car parking, Class B2 light industrial shed with ancillary offices accommodation with a total floor area of 668 square meters and associated car / lorry parking / turning	Location: Lands adjacent to and South East of 54 Brackaville Road Coalisland
Referral Route: Contrary to planning policy	
Recommendation:	Approve
Applicant Name and Address: Mr Sean O'Hanlon 11 Greenagh Bridge Road Coalisland BT71 6EY	Agent Name and Address: Eamonn Cushnahan 4 Glenree Avenue Dungannon BT71 6XG
Planning Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Objection	None Received
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Neighbour Notification Checked: Yes

Characteristics of the Site and Area

Description of proposal

This is a full planning application for 627 square metre Daycare building with ancillary offices and staff areas with central external play area and associated car parking, Class B2 light industrial shed with ancillary offices accommodation with a total floor area of 668 square meters and associated car / lorry parking / turning.

Characteristics of Site and Area

The site is a rectangular roadside frontage plot located between No. 54 Brackaville Road and No. 7 Killowen, Coalisland. The road frontage boundary measures approx. 110m and is defined by a 2m high security wire fence with palisade entrance gates which were padlocked closed at the time of my site visit.

The SE boundary is shared with the rear curtilage boundaries of No.s 7-12 Killowen (defined as 3 sets of 2 storey semi-detached dwellings) and is defined by a mix of fencing types and heights. This boundary measures approx. 60m.

The SW boundary is not clearly defined and is open to rough disused shrub land which falls down hill beyond this boundary.

The NW boundary is shared with the curtilage boundary of No. 54 Brackaville Road (a bungalow), and is defined by a 1 m high hawthorn hedge.

The site is relatively flat, and is used for rough storage of materials including some containers, piping, scaffold, building materials, rubble, drainage pipes, building site fencing, traffic cones and other miscellaneous materials. There is also areas of hardstand and grass.

The site is located just outside the limits of development of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010, on old green belt zoning and a mineral reserve policy area. On the opposite side of Brackaville Road all land is included within Coalisland development limits, and comprises mostly residential development, with other uses including Primate Dixon Primary School and associated playing field and St. Mary's RC Church. There are also some commercial properties located on this stretch of road.

On either side of the site on Brackaville Road, the development limits are drawn to include No. 54 Brackaville Road and Killowen housing development within Coalisland settlement limits.

Land that was previously mined for clay is located west of the site, and this land is defined by disused clay pits.

Planning Assessment of Policy and Other Material Considerations

Environmental Impact Assessment- The proposal falls within Schedule 2 10 (A) The carrying out of development to provide for industrial estate development projects, of the EIA (2015) Regs. An assessment was carried out and while the proposal may be likely to have an environmental impact this is not considered to be significant in terms of its range or complexity, therefore it does not merit an Environmental Statement. The issues arising will be dealt with through the normal decision making process. NIEA, Shared Environmental Services and Environmental Health have not raised any significant environmental impact concerns on this proposal. The EIA consideration report can be viewed on the main file.

Dungannon and South Tyrone Area Plan 2010

The site is located in an area zoned a green belt. Green belt policy has been superseded by SPPS and PPS21 Sustainable development in the countryside. The proposal will be assessed against these policies later in my report.

There is a Mineral Reserve Policy Area zoning on this site. Plan Policy MN2 states that this designation to the western edge of Coalisland is to protect the supply of clay to the brick industry. Surface development within these areas that would prejudice the future exploitation of these reserves will be restricted in accordance with the provisions of prevailing regional planning policy. SPPS and PSRNI Policy MIN5 are the prevailing regional planning policies for Mineral Reserves. To establish if clay mineral reserves exploitation would be prejudiced by this development I consulted Geological Survey for Northern Ireland (GSNI). They responded stating that the proposed site is on the NE limit of the Policy Area and as such, development of the site is unlikely to have a significant impact on any resources contained within.

The site is also located within an Area of Abandoned Mineshafts as identified under the constraints on Uniform. On consultation with GSNI it was highlighted that the two historic mine shafts sit on the site, and to determine the stability of the site further information was required. The applicant/agent provided further site investigation data and GSNI were consulted for comment. GSNI are satisfied that the risk associated with historic mine workings is minimal and therefore should not pose any issue of concern with the proposed development the site. Policy MIN 6- Safety and Amenities of PSRNI is not offended.

Planning History

M/2014/0431/LDE- A certificate of lawfulness was granted on this site on 23rd October 2014 for Class B4 storage use. No restrictions to this certificate was applied, and, the certificate encompasses the entire site area of this subject planning application.

M/2010/0840/F- Erection of Two Storey Commercial Building. Three Retail Units on the Ground Floor and one Office Unit on the First Floor. Associated Parking Spaces to be provided to the rear of the building. Permission was refused for this development on 18.02.2011 for 5 reasons which were;

1. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Coalisland and the surrounding countryside.
2. The proposal is contrary to Policy CTY1 and 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration.
3. The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development, in that: the site lies outside the development limits of Coalisland and no exceptional circumstances have been demonstrated to justify relaxation of the planning controls exercised in this countryside location.
4. The proposal is contrary to the Department's Planning Policy Statement 5, Retailing and Town Centres in that the site lies outside the development limits of Coalisland as designated in the Dungannon and South Tyrone Area Plan 2010 and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
5. The proposal is contrary to policy MN2 (Minerals Reserve Policy Areas) of the Dungannon – South Tyrone Area Plan 2010 in that it has not been demonstrated that the proposal would not prejudice the future exploitation of these reserves.

Assessment of proposal

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.

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

As the site is located within the countryside, Policy PED 2- Economic Development in the Countryside, sets out the circumstances where proposals for economic development use/business use are considered to be acceptable in the countryside. An economic use has been established on this site under an unfettered certificate of lawfulness M/2014/0431/LDE. This proposal involves the redevelopment of the site from a B4 storage use to part B2 use and

part day-care building. The site area will remain the same size. In my view the proposal can be considered under PED4- Redevelopment of an Established Economic Development Use in the Countryside.

PED4 states that proposals for the redevelopment of an established economic development use in the countryside for industrial or business purposes (or a sui generis employment use) will be permitted where it can meet criteria (a) to (d). The policy then goes on to state that the redevelopment of an established storage or distribution site for continuing storage or distribution will also be permitted subject to the above criteria. However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances.

Paragraph 5.18 of the Justification and Amplification of this policy goes on to state that the Department (or Council (my inclusion)) will not normally grant planning permission for the redevelopment of existing industrial or business use in the countryside for storage/distribution use, partly because of the generally greater impact on rural amenity which would result and partly because the employment normally generated by storage/distribution use of a site is relatively less significant than its use for industrial or business purposes.

From this it is clear to me that the impacts associated with Class B4 uses of storage/distribution are generally unwanted in the countryside given the generally greater associated impacts of these uses and lower employment when compared to other industrial or business uses.

Criteria (a)

The scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;

The site area will not increase from what was granted for Class B4 use under the certificate of lawfulness M/2014/0431/LDE.

While the site gates were locked at the time of my site visit, and the site looked to be seldom used, the fact is that the site could open in the morning as a busy outdoor storage and distribution depot with HGVs coming and going all day, and due to the existing certificate of lawfulness, Council would be very limited in their powers to take action against such a use as it is viewed as established in the eyes of the law. Therefore impacts have the potential to be significant, in terms of scale and nature of the development and harm on rural character.

The proposal involves the change of use from class B4 to Class B2 and Day Care centre. The floor area of both buildings, and ancillary offices, are described in the description therefore the scale and nature of the development. Class B2 uses are described as Light Industrial in The Planning (Use Classes) Order (NI) 2015, which are uses for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It is my view that the appearance of the site will be improved by this development, as the ad hoc storage of materials will be removed and will be replaced by the orderly layout of buildings and parking on the site, plus a new safe access point.

Criteria (b)

There would be environmental benefits as a result of the redevelopment;

As all activities will now be brought indoors. Children will play outdoors at certain times of the day, however, hours of operation can be controlled, and the play areas will be away from the rear amenity space of No. 54 Brackaville Road, with the crèche building acting as a barrier. The crèche use will also be complimentary to the nearby school therefore less trips will need to be generated by parents who children will use both the school and the proposed day care facility. The call B2 use will have much less of an impact on the environment than a Class B4 use in terms of potential noise generation.

A proper drainage system (SUDS) will be put in place. This means that potential runoff will not seem into the surrounding land and water courses where risk of pollution can occur. At present

the surface is porous with nothing to prevent harmful runoff seeping into the water table or adjacent watercourses. In my view the proposal will represent betterment. On consultation with NIEA Land, soil and Air and Environmental Health potential land contamination was identified on this site. The applicant/agent carried out a Land Contamination Report and NIEA and Environmental Health replied stating that the site was classified as low risk. They have recommended that permission can be granted subject to the inclusion of contamination conditions should any contaminated land be identified during construction and any remediation be required.

Criteria (c)

The redevelopment scheme deals comprehensively with the full extent of the site or in case of partial redevelopment addresses the implications for the remainder of the site; The scheme comprehensively deals with the entire site. Issues such as site boundaries have been addressed, including landscaping and an acoustic barrier between the B2 building and the rear boundaries of 7-12 Killowen. Landscaping proposal have also been included, as have parking and appropriate drainage for the site. Therefore the entire redevelopment of the site has been appropriately considered. Environmental Health have no concerns over potential noise impacts and conditions can be included to protect adjacent residential amenity.

Criteria (d)

The overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced

This proposal involves new buildings. The context of this area of Brackaville Road is unique, as most of the land falls within the development limits of Coalisland with patches to the west falling inside and outside the limits in order to protect existing minerals to supply the historical brick industry. Overall you get a sense of increasing urbanism, especially to the east of Brackaville Road when travelling towards Coalisland town centre. While no buildings currently exist on site, the site has the potential to be used as outdoor storage. At present the site is un-orderly and unkempt with containers, piping and building materials strewn throughout the site. With the entire site benefiting from an unfettered certificate of lawfulness for Class B4, then the entire site has the potential to be used for unkempt outdoor storage which is unpleasant to look at and has a detrimental impact on visual amenity. While buildings of these size and scale would not normally be granted in the countryside, given the current context and the fact the site benefits from a visually harmful Class B4 use, it is my view in this instance that these proposed buildings will not have detrimental impact on the visual amenity or character of this area and should be allowed for the orderly development of the site.

General Criteria for all Economic Development have to be met in all cases. 13 criteria is listed in policy PED9 that have to be met;

Under this policy account should be taken of factors such as accessibility of all members of the community, connectivity with the transportation system, availability of adequate infrastructure, potential impacts on the natural and built environment, compatibility with nearby land uses including residential and visual amenity, flood risk, boundary treatments and crime deterrent.

The proposal will not have a detrimental impact on the natural or built environment.

Environmental Impacts are covered above and no listed buildings or monuments are located on or close to the site. The site is accessible via public transport links, and can be accessed by all members of the community and provision is made for disabled and children access. There is adequate parking provision and TransportNI recommend that permission be granted subject to conditions. The site is not subject to flooding. The impacts on residential and visual amenity have been explored above and Environmental Health recommend approval subject to conditions.

Environmental Health are not concerned about detrimental impacts of noise on residential amenity from this proposed development. The site will be surrounded by new security fencing which will deter crime. Landscaping is also proposed and is of an acceptable quality, and will soften the impact of the proposal on the landscape. Northern Ireland Water indicate that there is

available mains sewerage capacity to deal with effluent from the site. Rivers Agency have accepted the proposed Drainage Assessment.

In my view, the policy provisions of SPPS and PPS4 have been met.

Other Considerations

No third party planning objections have been received on this proposal. The proposal will not have a detrimental impact on human health, residential or visual amenity. There will be no detrimental impacts of overlooking or overshadowing of neighbouring residential properties due to proposed site levels, distances between properties and proposed boundary treatments.

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

Reason: In the interests of safeguarding human health and protection of environmental receptors to ensure the site is suitable for use.

3. After completing any remediation works under Condition 2 above; and prior to commencement of any use hereby permitted, a verification report needs to be submitted in writing and agreed with Mid Ulster Council (in consultation with NIEA and Environmental Health). This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report shall 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: In the interests of safeguarding human health and protection of environmental receptors to ensure the site is suitable for use.

4. The 3m high acoustic barrier, referred to in the Acoustic Report by Grainger Acoustics date stamped January 2016, shall be completed and permanently retained thereafter as per specifications shown on drawings No. 02 rev4 and 13 rev1 date received 22nd September 2016, prior to the commencement of the Class B2 light industrial use hereby approved.

Reason: To safeguard existing private residential amenity.

5. All wall and fence boundary treatments, except for the acoustic barrier referred to in Condition 4 above, indicated in drawing No 13 rev1 date received 22nd September 2016 shall be constructed and completed as shown prior to the commencement of any use hereby approved, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

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

Reason: To control the size and scale of the Class B2 light industrial use hereby approved and to preserve the amenity of surrounding residents.

7. There shall be no outdoor storage of machinery, equipment or material associated with the Class B2 light industrial works hereby approved.

Reason: In the interest of visual and residential amenity.

8. All works associated with the Class B2 light industrial use shall be undertaken inside the workshop unit hereby approved.

Reason: To safeguard residential and visual amenity.

9. The uses hereby approved shall only be operated during the hours 07.00am - 6.00pm Monday to Friday and 09.00am 4.00pm on Saturday, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To safeguard residential amenity.

10. The development hereby permitted shall be carried out in accordance with levels indicated in drawings No. 05 rev1, 11 and 12 which were date stamp received 18th July 2016, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To safeguard residential and visual amenity.

11. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 Rev 4 bearing the date stamp 22 September 2016, prior to the commencement of any other development hereby permitted.

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

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

12. 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.

13. 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.

14. The existing access indicated on Drawing No 02 Rev 4 bearing the date stamp 22 September 2016 shall be permanently closed and the carriageway footway , verge properly reinstated to Transport NI satisfaction within 1 month of the date of the commencement of the development.

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.

15. The visibility splays of 2.4 meters by 80.0 meters in both directions at the junction of the proposed access with the public road shall be provided in accordance with Drawing No 02 Rev 4 bearing the date stamp 22 September 2016, prior to the commencement of any other works or other development.

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

16. No use hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 Rev 4 bearing date stamp 22 September 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 movement of vehicles.

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

17. The parking facilities detailed in Condition 16 above shall be open for use during all hours of business.

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

18. The buildings hereby permitted shall not open for business until the turning / drop off area shown on Drawing No 02 Rev 4 bearing date stamp 22 September 2016 has been provided and permanently retained thereafter.

Reason: In the interest of road safety.

19. During the first available planting season after the commencement of development on site, all trees and hedges indicated in drawing No 02 rev1 date received 15th July 2015, shall be planted as shown and be permanently retained thereafter at a height not less than 2 metres above ground level at that point, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

20. 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.

Signature(s)

Date:

ANNEX	
Date Valid	25th January 2016
Date First Advertised	8th February 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Kilowen Brackaville Coalisland The Owner/Occupier, 11 Kilowen Brackaville Coalisland The Owner/Occupier, 12 Kilowen Brackaville Coalisland The Owner/Occupier, 35-37 Brackaville Road Brackaville The Owner/Occupier, 40 Brackaville Road, Brackaville, Coalisland, Tyrone, BT71 4NH The Owner/Occupier, 42 Brackaville Road, Brackaville, Coalisland, Tyrone, BT71 4NH The Owner/Occupier, 44 Brackaville Road, Brackaville, Coalisland, Tyrone, BT71 4NH The Owner/Occupier, 45 Brackaville Road, Brackaville, Coalisland, Tyrone, BT71 4NH, The Owner/Occupier, 46 Brackaville Road, Brackaville, Coalisland, Tyrone, BT71 4NH The Owner/Occupier, 47 Brackaville Road Brackaville Coalisland The Owner/Occupier, 54 Brackaville Road Brackaville Coalisland Ciara Toner 7 Kilowen Brackaville Coalisland The Owner/Occupier, 8 Kilowen Brackaville Coalisland The Owner/Occupier, 9 Kilowen Brackaville Coalisland	
Date of Last Neighbour Notification	2nd September 2016
Date of EIA Determination	6th May 2016
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

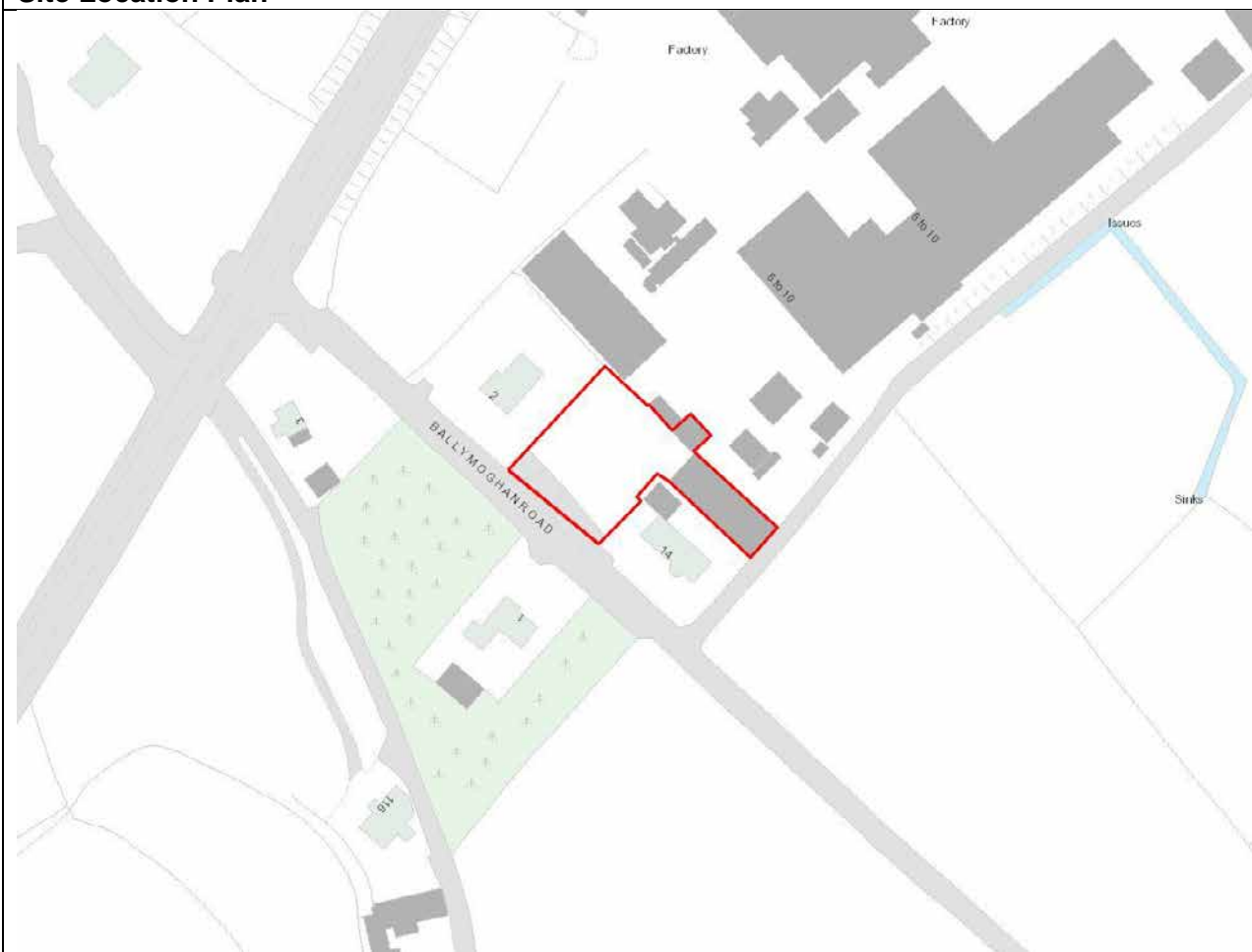
Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0132/F	Target Date:
Proposal: Retrospective change of use from industrial business/storage to display and sale of vehicles	Location: Lands at No 8 Ballymoghgan Road Magherafelt
Referral Route: This application is being presented to Committee as one letter of objection has been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Henry Brothers (Magherafelt) Ltd Moneymore Road Magherafelt BT45 6HJ	Agent Name and Address: Clyde Shanks Ltd 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
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

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

Summary of Issues

1. Representations

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

- Inadequate space for the off-loading of vehicles from articulated transporter:

Transportni have considered the proposal and the site layout. Further to requested amendments TNi have accepted that the proposed development is acceptable and have provided appropriate conditions. These conditions require that a vehicular deliveries shall be made via Henry Brothers yard as detailed on drawing no.02/1 and that no deliveries shall be made by car transporter via Ballymoghgan Road.

- Inadequate space for customer parking

Again this has been assessed by TNi who have not raised any issues regarding the lack of customer car parking. Whilst I was on site at the time of site inspection, I was able to park conveniently within the site as were other customers. The business has signs displayed at the Ballymoghgan entrance that customer parking is inside the site and additional signs are located outside the entrance gates stating 'No Parking'. Therefore I do not accept that this is a problem and is not a sufficient reason for refusal.

- Light pollution

This issue has been considered by Environmental Health who have provided relevant informatives advising that the lighting used should be such that it does not give rise to nuisance conditions at neighbouring property and that any lighting is designed having consideration to the appropriate guidance notes. Therefore in my opinion this matter has been adequately considered and is not an issue.

- Noise and disturbance -

Environmental Health have no raised any issues regarding either noise or disturbance and therefore these are not considered to be problematic issues.

Description of the Proposal

The proposal is for the retrospective change of use from industrial business/storage to display and sale of vehicles. The proposal does not provide for any changes to the external appearance of the buildings.

Characteristics of the site and environs

The site is located approximately 100m south east of the junction of the Moneymore Road and the Ballymoughan Road and is sited within the overall confines of a large industrial/commercial site. The site originally formed part of Henry Bros. site and still has an internal access to the remainder of Henry Bros. site. The main access to this road frontage site is directly off the Ballymoughan Road opposite a small bungalow. The site is self-contained and is enclosed by a 2.5m high security fence with a wide access via a pair of gates. Within the site there is a large shed, formerly used for storage, which is now used as car storage/valeting with an additional and smaller office building. Both buildings are set to the rear of the site. The entire forecourt is given over to the display of cars with around 45 vehicles on display at the time of site inspection. There are a number of signs advertising the car sales on the boundary fence at the entrance with two small signs advising that there is to be 'No Parking' outside the entrance gates. During the time of site inspection I met and discussed the proposal with the applicant and also noted a number of prospective customers calling, all of whom parked within the site curtilage.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

H/2001/0213/F - Factory Extension To Include Storage And Dispatch

Approved 03.07.2001

H/2001/0406/F - Extension to existing factory facilities and construction of a new office block

Approved 19.01.2001

H/2002/1033/F - Factory extension including storage and despatch.

Approved 02.03.2003

H/2002/1172/F - Extension to existing factory facilities and construction of a new paint shop to replace existing.

Approved 24.08.2003

H/2003/0393/F - Erection of a new storage facility and installation of a 7.5 tonne double leg gantry travelling crane.

Approved 09.04.2004

H/2007/0140/F - Erection of shed to house gantry crane.

Refused 22.12.2010

H/2010/0379/F - Retrospective planning application for erection of clad portal frame building for the purposes of storage (timber building materials).

Approved 22.10.2010

Development Plan and key policy considerations

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

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

The use as a car sales is a sui generis use in that it doesn't fall within a prescribed use class. The site lies within the settlement development limit of Magherafelt on existing industrial land identified within the Magherafelt Area Plan 2015.

The overarching criteria for a proposal for a car sales use on land which is zoned as existing industrial land is PPS 4 – Policy PED 7.

Policy PED 7 – Retention of Zoned Land and Economic Development Uses; advises that development which would result in the loss of land or buildings which are zoned for economic use, to another use will not be permitted unless the zoned land has been substantially developed for alternative uses but an exception can be made for a sui generis use subject to the compatibility, scale and nature of the use and provided it will not lead to the diminution of the industrial/employment level. In my view, this use being quasi industrial/retail would be compatible as its scale is reasonable given the adjacent industrial premises. The site is within the ownership of the adjacent industrial premises and will not displace jobs or industrial activity and it will result in additional employment. The remainder of the zoning is still utilised as industrial land, apart from an area along the northern Moneymore Road frontage, which has been vested by Transport NI in connection with the ongoing Magherafelt by-pass.

Policy PED 9 – General criteria for economic development; states that a proposal, in addition to other policy provisions of this PPS, will be required to meet a range of criteria which are addressed below:

As this is a sui generis use located within the settlement limits, the application can be considered on its merits. Although PED 9 does not strictly apply, it does provide a framework against which to assess the merits/impact of the proposal, which has been undertaken below:-

- It is considered to be compatible with the adjacent landuses which are mainly industrial. The site is within an area of existing industry as identified within the Magherafelt Area Plan. There is a single dwelling on the opposite side of the road, the objectors dwelling. Whilst the objector has raised a number of issues, these have all been considered by both TNi and EHD and neither consultee have raised any issues of concern relating to these points. The proposal is therefore not considered to be
- The proposed development will not have any adverse affect on natural or built heritage nor will it be at risk from, nor cause flooding.

The proposed development will not create a noise nuisance.

- The proposed development will not result in the discharge of any emissions or effluent and Environmental Health have not raised any issues of concern.
- Likewise, Transport NI have not raised any concerns regarding the increase of traffic nor the proposed access and parking arrangements.
- The proposal layout and the building design are of an acceptable quality and do promote sustainability by the reuse of existing buildings as opposed to new build.
- The site is secured by existing security fencing. It would be unreasonable to insist that the vehicles parked within the site be totally screened from view as this would require solid fencing within an area which is already used in connection with an existing industrial use.
- In general, the proposal will deter crime and promote personal safety.

The Committee may also wish to note that Transport NI have been consulted and have advised that they have no objections to the proposal and Environmental Health have also advised of appropriate informatives which should be attached to any approval.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

1. This approval is effective from the date of this decision notice which is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. All vehicular deliveries shall be made via Henry Brothers yard as detailed on drawing no 02/1, and no deliveries shall be made by car transporter via Ballymoghna Road.

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

3. The vehicular access, including visibility splays of 2.4m x 90m in both directions, shall be in place, in accordance with Drawing No. 02/1 bearing the date stamp 22nd April 2016, prior to the commencement of any other works or other development hereby permitted.

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

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

retained and kept clear thereafter.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to conditions

Signature(s)

Date:

ANNEX	
Date Valid	4th February 2016
Date First Advertised	15th February 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Ballymoghnan Road, Magherafelt, BT45 6HN Colin Derby 11 Ballymoghnan Road Coolshinnny Magherafelt The Owner/Occupier, 11 Ballymoghnan Road, Coolshinnny, Magherafelt, Londonderry, BT45 6HN, The Owner/Occupier, 14 Ballymoghnan Road, Coolshinnny, Magherafelt, Londonderry, BT45 6HN, The Owner/Occupier, 2 Ballymoghnan Road Coolshinnny Magherafelt	
Date of Last Neighbour Notification	24th February 2016
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/2007/0492/F Proposal: Proposed sunroom extension to side and utility room to rear of existing dwelling Address: 2 Ballymoghnan Road, Magherafelt Decision: Decision Date: 16.10.2007 Ref ID: H/1984/0130 Proposal: BUNGALOW Address: BESIDE 10, BALLYMOGHAN ROAD, MAGHERAFELT Decision: Decision Date: Ref ID: H/1988/0413 Proposal: EXTENSION TO FACTORY BUILDINGS WITH OFFICE BLOCK AND CONCRETE BATCHING PLANT Address: BALLYMOUGHAN ROAD MAGHERAFELT Decision:	

Decision Date:

Ref ID: H/1989/0014

Proposal: ALTS AND ADDS TO FACTORY

Address: BALLYMOGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0414

Proposal: OIL DEPOT

Address: BALLYMOUGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1989/0051

Proposal: ALTS AND ADDS TO BUNGALOW AND NEW GARAGE

Address: 10 BALLYMOGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2007/0140/F

Proposal: Erection of shed to house gantry crane.

Address: Land at Henry Brothers Building and Civil Engineering Contractors, Nos. 108 to 114 Moneymore Road, Magherafelt

Decision:

Decision Date: 30.12.2010

Ref ID: H/2001/0213/F

Proposal: Factory Extension To Include Storage And Dispatch

Address: 4-10 Ballymoughan Road, Magherafelt

Decision:

Decision Date: 08.07.2001

Ref ID: H/2010/0379/F

Proposal: Retrospective planning application for erection of clad portal frame building for the purposes of storage (timber building materials)

Address: Approx 65m East of No.2 Ballymoughan Road, Magherafelt(amended plans)

Decision:

Decision Date: 30.12.2010

Ref ID: H/2002/1033/F

Proposal: Factory extension including storage and despatch.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 05.03.2003

Ref ID: H/2003/0393/F

Proposal: Erection of a new storage facility and installation of a 7.5 tonne double leg gantry travelling crane.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 18.04.2004

Ref ID: H/2001/0406/F

Proposal: Extension to existing factory facilities and construction of a new office block

Address: 108 - 114 Moneymore Road, Magherafelt

Decision:

Decision Date: 20.09.2001

Ref ID: H/1997/0590

Proposal: CHANGE OF USE TO WASTE TRANSFER RECYCLING OPERATION

Address: 6 BALLYMOUGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/0109

Proposal: NEW ROAD ENTRANCE

Address: MONEYMORE ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2002/1172/F

Proposal: Extension to existing factory facilities and construction of a new paint shop to replace existing.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 28.08.2003

Ref ID: H/2007/0645/F

Proposal: Retrospective application for a domestic shed and hard standing.

Address: 16 Ballymoughan Road, Magherafelt

Decision:

Decision Date: 18.06.2008

Ref ID: H/2008/0406/RM

Proposal: Replacement dwelling & garage

Address: 16 Ballymoughan Road, Magherafelt.

Decision:

Decision Date: 12.12.2008

Ref ID: H/2011/0538/F

Proposal: Amended Design to previously approved replacement dwelling (reduced size and height)

Address: 16 Ballymoughan Road, Magherafelt,

Decision:

Decision Date: 23.01.2012

Ref ID: H/2007/0291/O

Proposal: Site of replacement storey and a half dwelling

Address: 16 Ballymoughan Road, Magherafelt

Decision:

Decision Date: 27.11.2007

Ref ID: LA09/2016/0132/F

Proposal: Retrospective change of use from industrial business/storage to display and sale of vehicles

Address: Lands at No 8 Ballymoughan Road, Magherafelt,

Decision:

Decision Date:

Summary of Consultee Responses

All consultees responded positively subject to conditions.

Drawing Numbers and Title

Drawing No. 02/1
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05
Type: Existing Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

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

Drawing No. 03
Type: Existing Site Survey
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: LA09/2016/0457/O	Target Date:
Proposal: Two proposed dwellings to replace one existing dwelling and out buildings	Location: 34 Empire Avenue Dungannon
Referral Route: Objections received	
Recommendation:	Approve
Applicant Name and Address: Mr Stephen Kelly 237 Carnteel Road Aughnacloy BT70 1PJ	Agent Name and Address: Castletown Architecture 133 Carnteel Road Aughnacloy BT69 6EF
Executive Summary: The proposal is for the principle of 2 dwellings on a site in Dungannon. The proposed development will not have any significant impacts on residential amenity. Design, access, parking, levels and appearance of the proposed dwellings are subject to final approval by the Council.	
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

Representations:

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

Summary of Issues

2 letters of objection have been received that have concerns if the proposed development will have dwellings facing towards properties in Milltown. A concept plan has been provided showing the dwellings fronting towards Empire Avenue which will limit an impact on residential amenity of the dwellings in Milltown.

Characteristics of the Site and Area

The site contains a detached one and a half storey hipped roof dwelling with a yard, single storey outbuildings and garden at the rear. The site is relatively flat with ground levels to the east rising above the site and falling towards 2 storey terraced properties in Milltown to the west. Empire Avenue is a one way street that links Ranfurly Road and Milltown, with the traffic restricted to travelling downhill only.

Empire is a mix of detached and semi detached dwellings with the majority 2 storey semi detached that fill their sites, particularly on the south side of the road.

Planning Assessment of Policy and Other Material Considerations

Members are being asked to consider the principle of 2 dwellings on this site in place of the existing dwelling.

The site is within the settlement limit for Dungannon as defined in the Dungannon & South Tyrone Area Plan and just outside the town centre boundary. SETT 1 of the Plan is supportive of development provided it meets with other published policies.

Members are advised the main policy considerations are Planning Policy Statement 7- Quality Residential Environments (PPS7), Planning Policy Statement 7 Addendum - Safeguarding the Character of Established Residential Areas (PPS7 Addendum), Planning Policy Statement 3 - Access Movement and Parking (PPS3) and Planning Policy Statement 12 - Housing in Settlements. The policies within towns are generally supportive of increased housing provided it does not result in town cramming.

TNI have considered the proposal and are generally content with the access, from a road safety perspective, provided visibility splays of 2.0m x 33.0m are achieved. These details can be considered further at Reserved Matters stage.

A concept plan has been submitted that indicates a pair of semi-detached dwellings fronting onto Empire Avenue, it also shows 70sqm of private amenity space at the rear of the dwellings which is similar to other properties in the locality and more that the properties in Milltown to the immediate west. I consider, taking account of the dwellings immediately adjoining the site, this proposed development will not result in a significant increase in density and it will respect the pattern of development. A pair of 2 storey semi-detached dwellings on this site, will be similar to other dwellings close by and the Department allowed a similar scheme to replace the dwelling at no 30 with a pair of semi-detached dwellings, though this has not been carried out yet. The 2 storey dwelling to the north has a ground floor window on the gable facing this site, however due to its small size, the driveway between the properties and the difference in levels I do not consider a modest 2 storey dwelling will have a significant impact on the light into that room. The properties to the west are at a considerably lower level that the proposed site and the rear of them is approx. 23 m from the boundary of the application site. I consider this is a reasonable separation distance from the backs of these houses. An objection was received from the owner of these properties, in relation to the impacts these would have, however this was before the concept plan clarified that the dwellings are facing Empire Avenue and not into the backs of Milltown. The orientation of windows can be dealt with at Reserved Matters stage to ensure there are no significant issues of overlooking from primary rooms. The rear amenity space for the proposed development was used as private amenity space for the existing dwelling, as this is not

changing I do not consider this will have any additional impact on the residential amenity of the dwellings in Milltown.

In principle I consider the proposed development is acceptable and the details of the design, access and landscaping are all matters that can be addressed at Reserved matters stage.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, the existing and proposed levels within and adjoining the site, 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.

2. 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.

3. Prior the commencement of any development hereby approved the vehicular access, including visibility splays of 2.0m x 33.0m and any forward sight line 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 and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels 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.

Signature(s)

Date:

ANNEX	
Date Valid	5th April 2016
Date First Advertised	21st April 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Empire Avenue Drumcoo Dungannon The Owner/Occupier, 19 Empire Avenue Drumcoo Dungannon The Owner/Occupier, 21 Empire Avenue Drumcoo Dungannon The Owner/Occupier, 22a Brooke Street,Drumcoo,Dungannon,Tyrone,BT71 7AN, The Owner/Occupier, 22b Brooke Street,Drumcoo,Dungannon,Tyrone,BT71 7AN, The Owner/Occupier, 22c Brooke Street,Drumcoo,Dungannon,Tyrone,BT71 7AN, The Owner/Occupier, 22d Brooke Street,Drumcoo,Dungannon,Tyrone,BT71 7AN, The Owner/Occupier, 23 Empire Avenue Drumcoo Dungannon The Owner/Occupier, 24 Brooke Street Drumcoo Dungannon The Owner/Occupier, 25 Empire Avenue Drumcoo Dungannon The Owner/Occupier, 26 Brooke Street Drumcoo Dungannon The Owner/Occupier, 28 Brooke Street Drumcoo Dungannon Jeremy M Thompson 30 Brooke Street Drumcoo Dungannon John Philip Thompson 32 Brooke Street Drumcoo Dungannon The Owner/Occupier, 32 Empire Avenue Drumcoo Dungannon The Owner/Occupier, 34 Brooke Street Drumcoo Dungannon The Owner/Occupier, 36 Brooke Street Drumcoo Dungannon	
Date of Last Neighbour Notification	28th April 2016
Date of EIA Determination	

ES Requested	No
Planning History Ref ID: M/2006/2012/O Proposal: Demolition of existing dwelling and construction of 2 no. semi - detached dwellings (amended description). Address: 34 Empire Avenue, Dungannon Decision: Decision Date: 26.03.2008 Ref ID: M/2003/0399/F Proposal: Alterations and extension to provide 4 No. Flats Address: 22 Brooke Street, Dungannon Decision: Decision Date: 03.12.2003 Ref ID: LA09/2016/0457/O Proposal: Two proposed dwellings to replace one existing dwelling and out buildings Address: 34 Empire Avenue, Dungannon, Decision: Decision Date:	
Summary of Consultee Responses TNI – access to be in accordance with RS1 form	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0788/F	Target Date:
Proposal: Proposed stables and midden	Location: At lands approx. 160m S.E of 41 Knockanroe Road Dungannon
Referral Route: Contrary to policy.	
Recommendation:	Refuse
Applicant Name and Address: Mrs Lisa Reid 41 Knockanroe Road Stewartstown BT71 5LX	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
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	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

2 objections received.

One representation from the a resident of number 57 Knockanroe Road has stated that the proposal is contrary to PPS21 - Policy CTY 1, CTY 12, CTY 13 and CTY 14.

Issues raised included;

No overriding reason why the proposal cannot be located within the settlement limit.

The proposal does not qualify as an agricultural building.

The proposal would be prominent, lacks long established boundaries and would not integrate.

Does not visually link with the existing property.

Detrimental change to the rural character.

They also state that it is contrary to the Addendum to PPS 7.

Issues raised

Outside of curtilage

siting fails to integrate

Detrimental change to rural character.

Inappropriate to rural landscape.

A second objection from the residents of number 53 Knockanroe Road states concerns regarding;

stables has been labelled as a proposed shed, Trojan

horse. Overall size too great for a domestic stables.

Proposal may be used as part of nearby engineering business.

Characteristics of the Site and Area

The red line of the site consists of a long narrow rectangular shaped plot including the detached one and three quarter storey dwelling located at no.41 Knockanroe Road, Cookstown, its adjoining curtilage, stoned area to the rear and a portion of an agricultural field.

The site is served by two entrances, one is a sloping tarmac driveway directly from the Knockanroe Rd at the most W point of the site to access the integral garage to the rear of the dwelling, and the second is at the N of the site and swings across the front of the dwelling.

The area to the rear of the dwelling is defined by a tarmac yard, patio area and a large area of grass/landscaping. The S boundary of the site is defined by a 1.5m high close board fence while the N boundary is mostly defined by a large retaining wall due to a significant change in levels. Immediately to the rear of the yard there is a gravel area, with a cleared portion which has involved cutting out a level area within the land to the North and at time of site visit was being used to store silage bales. Then to the rear of that where the proposed shed is to be located is an agricultural field.

The surrounding area is rural in character. There is limited development pressure in the area and along this minor road, however existing development in the area is typified by single dwellings with associated ancillary features and farm groups with agricultural outbuildings (especially in lands to the SW of the site).

The proposal seeks planning permission for midden and stables.

Planning Assessment of Policy and Other Material Considerations

This application has been assessed under the following policy documents:

- Regional Development Strategy
- Cookstown Area Plan

- A Planning Strategy for Rural Northern Ireland
- PPS 1 - General Principles
- PPS 7 (Addendum) - Residential extensions and alterations.
- PPS 21 - Sustainable Development in the Countryside

PPS 21: Policy CTY 1 - Development in the Countryside

This policy states - Planning Permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

There are a range of other types of non-residential development which may be acceptable, eg certain utilities or telecommunications development. These proposals will continue to be considered in accordance with existing published planning policies.

The proposal does not fall within the definition of any of the above criteria. CTY 1 at the outset acknowledges that there may be other forms of development, however, these will only be permitted where there are overriding reasons why that development is essential. Fundamental here is that the agent has confirmed that the applicant presently has no horses. This questions how there is an essential need for the shed. Whilst there is an 'intention' by the applicant to acquire horses this itself does not in my view demonstrate that there is presently a need for the building.

Consequently this application fails the test of Policy CTY 1 of PPS21.

PPS 7 - (Addendum) - Residential extensions and alterations.

As the applicant has stated that the proposed stables and midden are for domestic personal use only, Policy EXT 1 of PPS7 is applicable.

Paragraph A11 - Garages and other associated outbuildings states that:

'Buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views.'

Paragraph A13 - 'In the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings'

In this case the 'building' is outside the curtilage of the existing dwelling, it would not be subordinate in scale nor similar in design to the existing dwelling and would not read as part of the overall layout nor result in an integrated rural group of buildings.

Contrary to PPS 7 - EXT1.

PPS 21 Policy CTY 13 - Integration and Design of Buildings in the Countryside

This policy states that planning permission will be granted for a building when it can be visually integrated into the surrounding landscape and is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Integration: The proposed stable block building (even the amended sketch received by email) would be contrary to points (a and b) in that it would represent a prominent feature in the landscape given its overall size and the clear views from the roadside and the lack of any natural screening or enclosure for the building to integrate into the landscape and would result in a build-up of development.

Design: The original proposed building measures 25.2m x 9m and has a ridge height of 6.25m. The building has a linear form and has smooth concrete walls, corrugated sheet cladding at the upper level and a corrugated steel roof. There will be one large sliding door on the west gable of the stables, and an open end to the Midden. The amended sketch reduced the length by 6.5m and the width by 1.5m, however, It is my opinion that the building would still be inappropriate for the site and its locality.

Contrary CTY 13

PPS 21 Policy CTY 14 - Rural Character

This policy looks at the issue of the impact of the new dwelling on the surrounding area and its rural character. Existing and approved development must be taken into account. Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- a) it is unduly prominent in the landscape; or
- b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- c) it does not respect the traditional pattern of settlement exhibited in that area; or
- d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The proposed development does not meet the requirements of this policy in that the proposed building will add to the existing development leading to an increased build up of development to the detriment of the rural area.

Contrary to PPS 14

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

The principle of stable for personal use may be acceptable within this site; however, I have concerns regarding the scale of the proposal as the size of the stables seems excessive for recreational use for 3 no. horses (it must also be added that the applicant does not own any horses at present but intends to do so if this approval is passed); The lack of integration and inappropriate design of the proposed building when viewed from the Lisboy Rd; And the siting of the proposal outside of the existing curtilage. This could possibly be overcome by reducing the scale of the building and breaking it up and/or relocating it within the site. At the very least the applicant should have provided some kind of justification regarding the scale of the building.

RECOMMENDATION: Refusal (in its current form)

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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in an increased build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks the natural boundaries to provide a suitable degree of enclosure and the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

Signature(s)**Date:**

ANNEX	
Date Valid	2nd June 2016
Date First Advertised	16th June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 40 Knockanroe Road,Dufless,Dungannon,Tyrone,BT71 5LX, The Owner/Occupier, 41 Knockanroe Road,Glebe (Artrea),Dungannon,Tyrone,BT71 5LX, The Owner/Occupier, 42 Knockanroe Road Dufless Dungannon G Fowley 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Julie Reid 57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0788/F Proposal: Proposed stables and midden Address: At lands approx. 160m S.E of 41 Knockanroe Road, Dungannon, Decision: Decision Date: Ref ID: I/1996/0119B Proposal: Dwelling and Garage Address: REAR OF 41 KNOCKANROE ROAD COOKSTOWN Decision: Decision Date: Ref ID: I/1996/0119 Proposal: Dwelling and Garage Address: REAR OF 41 KNOCKANROE ROAD COOKSTOWN Decision: Decision Date: Ref ID: I/2011/0076/F	

Proposal: Two storey extension to rear of dwelling with living space and covered area below

Address: 41, Knockanroe Road, Cookstown,

Decision:

Decision Date: 09.05.2011

Ref ID: I/2008/0494/F

Proposal: Proposed two storey extension to side of dwelling incorporating carport at ground floor level

Address: 41 Knockinroe Road, Cookstown

Decision:

Decision Date: 12.02.2009

Ref ID: I/2001/0844/O

Proposal: One and half storey dwelling and garage

Address: 40m East of 41 Knockanroe Road, Ardtrea, Stewartstown

Decision:

Decision Date: 15.08.2002

Summary of Consultee Responses

- Environmental Health Department - no objections - suggested conditions and informatives.
- Roads Service - no objections - suggested conditions and informatives

Drawing Numbers and Title

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Block/Site Survey 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: LA09/2016/0911/A	Target Date:
Proposal: Fence mounted sign	Location: 62 Church Street Magherafelt
Referral Route: Request by the Panning Manager	
Recommendation: Approval	
Applicant Name and Address: Mr B Hughes 62 Church Street Magherafelt	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

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: Visual amenity, cumulative effect and clutter

Characteristics of the Site and Area

The site is located within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The site is located at No 62 Church Street, Magherafelt on a corner

plot, adjacent to a mini round about at the Station Road/Castledawson Road/Church Street junction. The site consists of a flooring business called 'Floors for Living Ltd', an attached garage/service station, 'including canopy, pumps and forecourt and a carwash located to the rear. The carwash sits at slightly lower level and access is taken from Station Road. The rear (northern) boundary is defined by a 2.4m close boarded fence.

Planning Assessment of Policy and Other Material Considerations

Detail of the proposal:

Non-Illuminated Fence Mounted Sign - 2.38m x 2.38m

Relevant Planning History

H/2014/0029/A - Advertising hoarding. Approved 23rd October 2014

H/2014/0030/A - Free standing stand. Refused 27th October 2014, Appeal Upheld 1st September 2015

LA09/2015/0079/CA - Signage for car wash. Enforcement Case Closed (sign removed following court action)

LA09/2016/0021/F - Retrospective timber fence to rear boundary. Approved 30th March 2016

Representations:

No neighbours notified under an advertisement application

No letter of representation have been received

Development Plan, Legislation and Key Policy Consideration

The site (existing commercial unit) is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The site is within designation MT 36 Town Centre - Development proposals within the town centre will be processed in accordance with prevailing regional planning policy and relevant policies within the plan.

Legislation:

Section 130 of The Planning Act (Northern Ireland) 2011 refers to the Planning (Control of Outdoor Advertisements) Regulations (Northern Ireland) 2015

Policy

The primary policy context is provided by Policy AD 1 of Planning Policy Statement 17: Control of Outdoor Advertisement (PPS 17). Policy AD 1 of PPS 17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and it does not prejudice public safety. Paragraph 4.7m of Policy AD 1 list the matters to be taken into account in assessing the impact of an advertisement on amenity including criterion (c) namely the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter. The guidance set out in Annex A of PPS17 will be taken into account in assessing proposals.

Amenity

The area is defined by a mix of residential, educational, religious and commercial properties and apart from this property the area is relatively free from signs. The proposed sign will be located on the existing closed boarded fence located along the northern boundary of the site. The proposed sign will be set back 5m from the edge of public road and will be read against the backdrop of the buff brick apartment block located immediate north of the site.

When travelling in a south-westerly direction just before passing over the mini roundabout, the proposed sign will clearly be read with the two large hoarding signs on the wall between the filling station and the car wash as well as the fascia sign on two sides of the filling station canopy and somewhat with the free standing sign located in the south-west corner of the site. The introduction of another sign will lead to a cumulative effect when read with existing signs within the site curtilage and if the Committee were minded it could be refused on visual amenity.

However the Committee should also take into account the visual dominance of the sign at the opposite end of the forecourt which was allowed at appeal (H/2014/0030/A). Whilst the Commissioner did not take into account this sign it's clear that the Commissioner didn't feel that the sign was intrusive although some concern over visual clutter was recognised. It is my view the sign would not be as visually dominant as the sign allowed at appeal and is of a size proportionate to the fence. On balance I therefore recommend approval.

Public Safety

I am satisfied that the proposal is adequately sited to avoid a significant adverse impact on public safety. Transport NI have been consulted with regards to public safety and have raised no issues.

Neighbour Notification Checked

N/A

Summary of Recommendation: That consent be granted subject to compliance with Standard Conditions imposed by Regulations 2 (1), 4 and schedule 1 of Planning (Control of Advertisements) Regulations (Northern Ireland).

Signature(s)

Date:

ANNEX	
Date Valid	29th June 2016
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/0911/A Proposal: Fence mounted sign Address: 62 Church Street, Magherafelt, Decision: Decision Date: Ref ID: H/2014/0029/A Proposal: Advertising hoarding Address: 62 Church Street, Magherafelt, Decision: CG Decision Date: 31.10.2014 Ref ID: H/1996/0613 Proposal: EXTENSION TO EXISTING GUESTHOUSE Address: LAUREL VILLA GUEST HOUSE 60 CHURCH STREET MAGHERAFELT Decision: Decision Date: Ref ID: H/2002/0662/Q Proposal: Extension to Guest House Address: 60 Church Street, Town Parks Of M'Felt, Magherafelt, Northern Ireland, BT45 6AW Decision:	

Decision Date:

Ref ID: H/1978/0107

Proposal: EXTENSION TO GUEST HOUSE TO FORM SMALL FAMILY HOTEL

Address: 60 CHURCH STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1974/0162

Proposal: LOADING CANOPY

Address: STATION ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1986/0489

Proposal: ALTERATIONS AND ADDITIONS TO FACTORY AND OFFICES

Address: 4 STATION ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1999/0173

Proposal: 9 NO TERRACED TOWNHOUSES

Address: 4 STATION ROAD,MAGHERAFELT

Decision:

Decision Date: 18.04.2000

Ref ID: H/1995/6050

Proposal: MOBILE FOR FACTORY SHOP THE MENSWEAR CO STATION ROAD
MAGHERAFELT

Address: THE MENSWEAR CO

Decision:

Decision Date:

Ref ID: H/1975/0088

Proposal: FLAT AND EXTENSION TO CAR SHOWROOM

Address: CHURCH STREET, MAGHERAFELT

Decision:

Decision Date:

Ref ID: LA09/2016/0021/F

Proposal: Retrospective timber fence to rear boundary

Address: Rear yard of 62 Church Street, Magherafelt,

Decision: PG

Decision Date: 06.04.2016

Ref ID: H/2014/0030/A
 Proposal: Free standing stand
 Address: 62 Church Street, Magherafelt,
 Decision: CR
 Decision Date: 03.11.2014

Ref ID: H/1996/6001
 Proposal: EXTENSION TO GUEST HOUSE 60 CHURCH STREET MAGHERAFELT
 Address: 60 CHURCH STREET
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
 Type:
 Status: Submitted

Drawing No.
 Type:
 Status: Submitted

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:



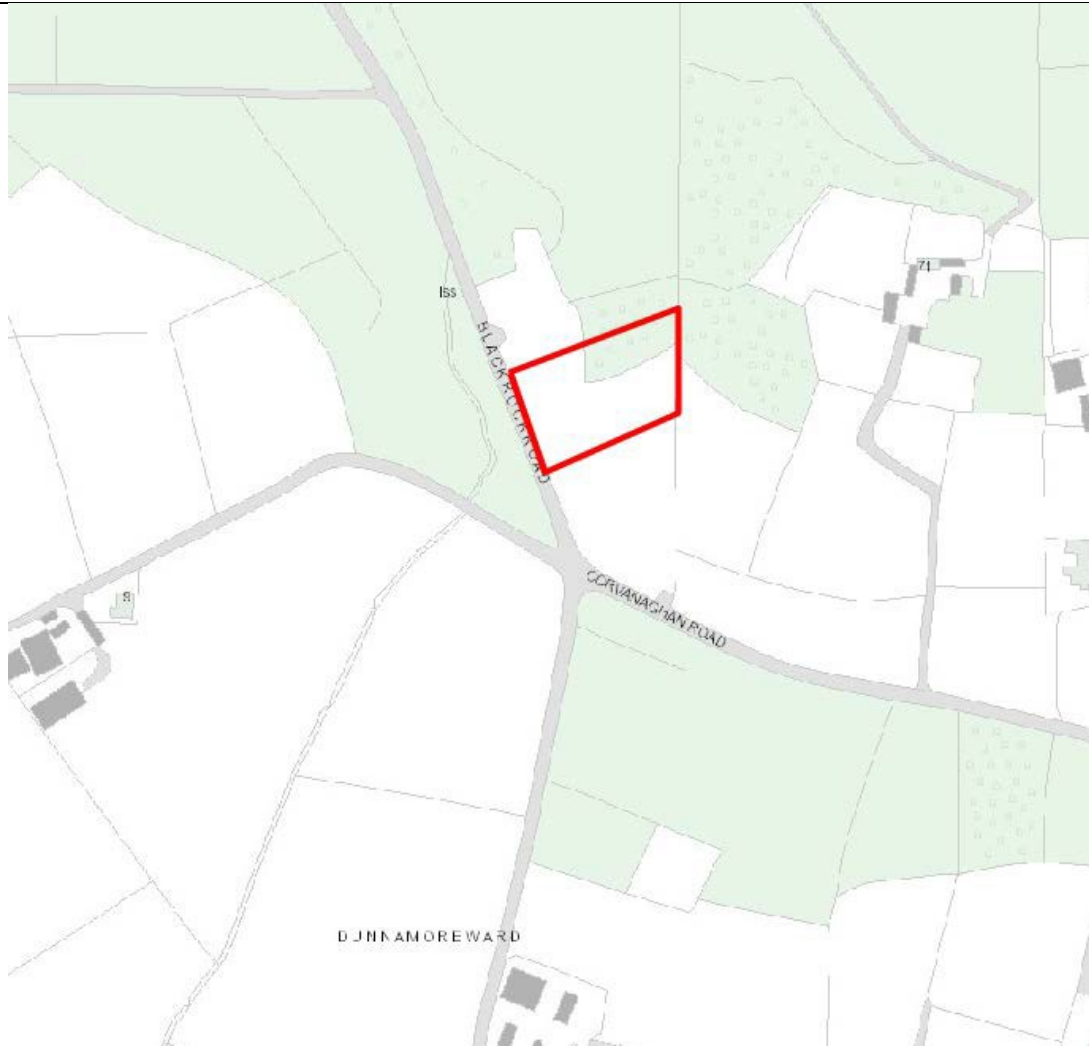
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0918/F	Target Date: 12.10.2016
Proposal: Proposed single storey dwelling and garage	Location: 50m North of the junction of Blackrock Road and Corvanaghan Road Dunamore
Referral Route: Recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Des Keenan 306 Drum Road Cookstown	Agent Name and Address: Mrs Carol Gourley MRPTI Unit 7 Cookstown Enterprise Centre Derryloran Industrial Estate Sandholes Road Cookstown BT80 9LU
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Objection	None Received
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Description of proposal

This is a full planning application for a single dwelling and garage in the countryside.

Characteristics of Site and Area

The site is located approx. 50m north of the crossroads of Blackrock Road and Corvanaghan Road. The site has been excavated out of surrounding land and is set into the side of a hill. Foundations were visible at the time of my site visit along with an access track from the public road. The roadside boundary is defined by a roadside verge with some shrub and tree planting along the site frontage.

The area is defined by rough grazing agricultural land. The site is surrounded by whin/gorse shrubbery and rush land. The site is located within an AONB and development is defined by dispersed single dwellings and farm holdings.

Planning Assessment of Policy and Other Material Considerations

Area Plan

The site is located within an Area of Outstanding Natural Beauty as defined in the Cookstown Area Plan 2010. The proposal is for a dwelling in the countryside and the provisions of SPPS and PPS21 apply.

Relevant Planning History

I/2004/0627/O- Outline permission was granted on this site on 02.12.2004 for a dwelling and garage.

I/2006/1158/RM- Reserved matters permission was granted 4th June 2007 for a dwelling and garage.

I/2008/0468/F- full permission was granted for a change of house type to that approved under I/2006/1158/RM. A time commencement condition was attached for 2.12.2009.

LA09/2015/1302/LDE- a certificate of lawfulness existing was submitted, along with evidence from the applicant, to persuade Council that the development had lawfully commenced on site prior to 2nd December 2009. Council could clearly ascertain, through use of existing orthophotos, that development had not commenced on site by the dates claimed by the applicant/agent, and the certificate of lawfulness was declined.

Assessment

The proposal is for a dwelling in the countryside. The Strategic Planning Policy Statement for Northern Ireland states that the policy provisions contained with PPS21 are still applicable. Planning Policy Statement 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable in the countryside. This proposal does not seem to fit any of these policies.

The applicant has provided a statement of case to support his application, which is of a sensitive nature, but clearly sets out the personal reason why the development was not commenced on time.

On a quick history check of other development proposal that the applicant has submitted in the past and which were granted approval include (may not be an exhaustive list);

I/2006/1056/RM- single dwelling

I/2006/0847/RM- single dwelling

I/2003/0610/F- 6 no. dwellings

I feel that it is fair to conclude that the applicant is someone who has previously developed a number of sites and is therefore aware of the steps required to lawfully implement a planning permission. I am sympathetic to the applicants personal circumstances, but am of the opinion that measures could equally have been put in place by the applicant to ensure that his permission did not lapse. With this in mind, it is difficult to attach much weight to the personal circumstances offered in this instance.

Building Control were contacted by the Planning Authority to provide details of any building control inspections on this site. A building control application was submitted on 27.07.2015, and, was approved 12.08.15. Building Control approval was not sought by the applicant for over 5 years after development should have commenced on site.

From our records, the access to the site was put in place between 7.3.2010 and 24.3.2011. The foundations were then laid between 24.03.2011 and 6.6.13. (see orthophotos).

The applicant may wish to request speaking rights which should be held in closed session, due to the sensitive nature of the personal statement of case.

This is a full planning application for a single storey 5.5m ridge dwelling with attic conversion. In my view the proposed design of the dwelling is acceptable for the site and locality. The dwelling is simple in its form, with good solid to void ratio between window opening and wall coverage, the chimney stacks are placed centrally on the ridge, and there is a symmetrical roof pitch. The design meets design principles for countryside areas contained within 'Building on Tradition' design guide.

The proposal will have a backdrop of land and is cut into a hill side. In my view the proposed dwelling will integrate into the landscape and will not offend policy CTY13 of PPS21.

There are no nearby dwellings so this proposal will not contribute to build-up or ribbon development and will not have a detrimental impact on the rural character and landscape quality of this AONB. Policies CTY8 or CTY14 of PPS21 are not offended.

Other considerations

No 3rd party objection has been received.

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

Neighbouring land use will not be detrimentally impacted by this development.

Neighbour Notification Checked: Yes

Summary of Recommendation:

That planning permission be refused for the following reason.

Refusal Reason

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

Signature(s)

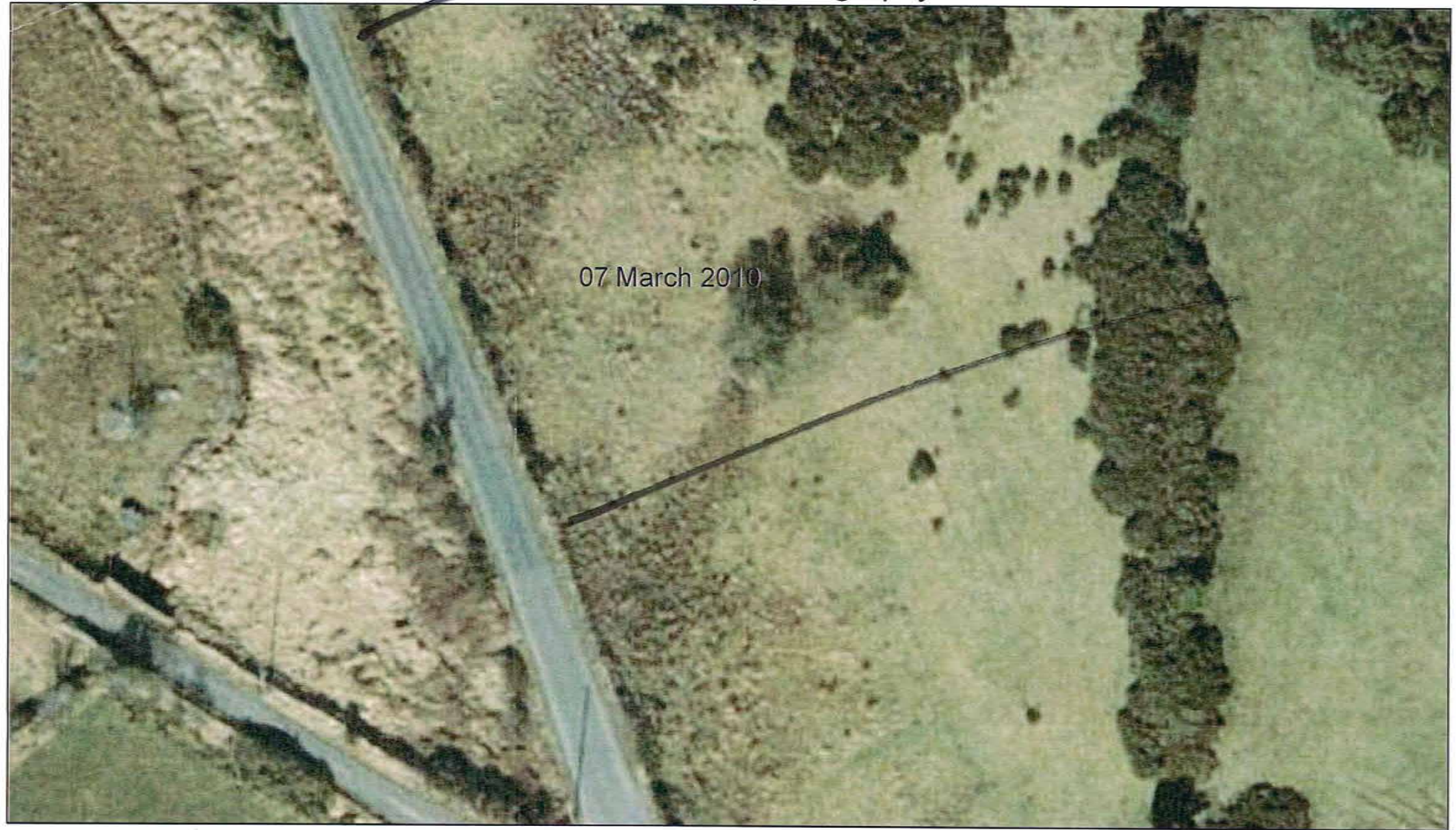
Date:

ANNEX	
Date Valid	29th June 2016
Date First Advertised	14th July 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) N/A	

7/3/10

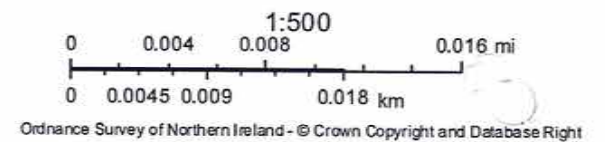
Mid Ulster Orthophotography

07 March 2010



September 15, 2016

- Red: Band_1
- Green: Band_2
- Blue: Band_3



24/3/11

Mid Ulster Orthophotography



24 March 2011

6/6/13

Mid Ulster Orthophotography



6 June 2013



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0935/F	Target Date:
Proposal: Proposed Dwelling	Location: Approx 180m North of 5 Doon Avenue Aughamullan Dungannon
Referral Route: Recommendation to refuse.	
Recommendation:	Refuse
Applicant Name and Address: Martin McCaliskey 27 Ballybeg Road Dungannon	Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Objection	None Received
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Description of proposal

This is a full planning application for a dwelling in the countryside.

Characteristics of Site and Area

The site is adjacent and south to 71A Ballybeg Road, Ballybeg, Coalisland. Within the site outlined red is a green modular building to the east of the site, and a, existing light industrial building to the SW corner of the site. Access is gained via Ballybeg Road. There is a tree covered boundary located to the south, the remainder of the site is open from the public road, is low lying with indistinct boundaries.

The mobile is constructed of painted green wooden panels and tarred felt roof, and measures approx. 8m by 6m. The mobile is accessed via a paired stone laneway that also services a shed to the west and a modular building to the north.

There is a large shed to the west of the site which received approval for light industrial use (there is current enforcement for the unauthorised extension to this building which is on going).

Part of the site may be subject to flooding. Land in the area is flat and below road level. The area is defined by dispersed single dwellings, farm holdings and agricultural land.

Planning Assessment of Policy and Other Material Considerations

Area plan

Dungannon and South Tyrone Area Plan 2010- the site accesses onto a National Cycle Route. The remainder of the site is not zoned and the policy provisions of SPPS and PPS21 apply.

Relevant Planning History

M/2004/0295/F- permission was granted in 2006 for a light industrial shed. There is current enforcement action being pursued for an unauthorised extension to this shed and unauthorised hard-core (LA09/2016/0051/CA).

LA09/2015/1274/LDE- a certificate of lawfulness was submitted to retain the green mobile structure on site for use as a dwelling. While the building was assessed as being immune from enforcement, its use as a dwelling was not. 7th April 2016.

M/2012/0081/F- retention of mobile home at No. 71a Ballybeg Road. This application was withdrawn. (Site adjacent and north to subject application)

M/2012/0276/LDE- a certificate of lawfulness was submitted for the retention of the modular dwelling at no. 71a Ballybeg Road. This certificate of lawfulness was refused as there was insufficient information provided to show that the operations were substantially completed for more than five years up to and including the date of application and are not therefore immune from enforcement action. This decision was made 03.09.2012. On discussion with our Enforcement Team (21.11.16) it was clarified that DOE Planning Service did not pursue any further enforcement action on this site and enforcement case was closed (M/2011/0078/CA). It is likely that the building and use is now lawful and our Enforcement Team is not pursuing any further enforcement action against the mobile home being used as a dwelling at No. 71a Ballybeg Road.

An existing unauthorised mobile home has been recently removed from this site, and enforcement action is being pursued. (M/2014/0020/CA)

Key Policy Consideration:

Strategic Planning Policy Statement- SPPS advises that the policy provisions of PPS21 Sustainable Development in the Countryside are retained.

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant has provided a case that the site represents a gap site within an existing built up frontage therefore will be assessed against policy CTY 8 Ribbon Development.

In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

There are 3 lawful buildings in the vicinity of this site, the authorised light industrial building granted approval under I/2004/0295/F, the green modular building (LA09/2015/1274/LDE), and No. 71a Ballybeg Road. These buildings all share a common frontage, Ballybeg Road, but the industrial shed is sited to the rear of the existing modular building, and therefore these buildings do not form a line of 3 buildings. In this respect the proposal is contrary to policy CTY8 of PPS21 and in my view a dwelling on this site would create ribbon development.

Development in the countryside is also required to integrate under the provisions of policy CTY13. The proposed site is relatively low lying and is set within an existing group of lawful development in the area. The dwelling is a proposed modest single storey dwelling with 5.6m ridge dwelling. An existing access will be used, which was put in place to access No. 71a and industrial shed. In my view the design of the dwelling is acceptable for the site and locality and the size and scale of the buildings will integrate into this landscape.

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

Other Policy and Material Considerations

Transport NI have no objections to this proposal subject to 2.4m by 90m sight splays in both directions. (Response dated 5.8.16)

Environmental Health require additional information from the applicant/agent to address land contamination issues. (Response dated 27.07.2016)

Drawing No. 02 supplied with the application indicates flooding in the area. I consulted Rivers Agency for comment and they require a flood risk assessment to determine the full extent of the Q100 flood plain (Response dated 8th August 2016).

Due to the size, scale, siting and design, am satisfied that there will not be any significant impact on the amenities of adjacent dwellings, should permission be granted.

Due to the proximity of Lough Neagh I consulted with NIEA and Shared Environmental Services. They both have no objections to this proposal subject to a planning condition for a 10m buffer to be maintained between locations for refuelling, storage of oil/fuel/machinery/spoil, concrete mixing, washing areas and all watercourses, so as to protect European designated sites.

Neighbour Notification Checked: Yes

Summary of Recommendation:

That planning permission be refused for the following reasons.

Refusal Reasons

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along Ballybeg Road and would therefore adversely affect the visual amenity and character of the countryside, and does not represent a gap site.

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

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

-the building would, if permitted create or add to a ribbon of development;

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

4.The proposal is contrary to policy FLD 1 of PPS15 in that there is insufficient information to determine if the site is located within an existing flood plain, and, the proposal does not meet any of the exceptions to this policy.

5.The proposal is contrary to Strategic Planning Policy Statement paragraph 3.8 in that there is insufficient information to determine if a detailed Land Contamination Assessment is required to be undertaken, and therefore it is not known if the proposed development will cause demonstrable harm to interests of acknowledged importance.

Signature(s)

Date:

ANNEX	
Date Valid	1st July 2016
Date First Advertised	21st July 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 71 Ballybeg Road,Aughamullan,Dungannon,Tyrone,BT71 5DX The Owner/Occupier, 71a Ballybeg Road,Aughamullan,Dungannon,Tyrone,BT71 5DX The Owner/Occupier, 71b Ballybeg Road,Aughamullan,Dungannon,Tyrone,BT71 5DX The Owner/Occupier, 71c Ballybeg Road,Aughamullan,Dungannon,Tyrone,BT71 5DX	
Date of Last Neighbour Notification	2nd August 2016



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6th December 2016	Item Number:
Application ID: LA09/2016/0955/F	Target Date:
Proposal: The proposal includes the provision of new 2 storey Headquarters Office Building for CDE Global Ltd associated landscaping and vehicular parking	Location: Site at the corner of Kilcronagh Business Park and the Sandholes Road Cookstown
Referral Route: Major application	
Recommendation: APPROVAL	
Applicant Name and Address: CDE Global Ballyreagh Industrial Estate Cookstown BT80 9DG	Agent Name and Address: Teague and Sally Ltd Loy Building 18 Loy Street Cookstown BT80 8PE
Executive Summary: Policy has been met and no objections received. Approval recommended.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	NIEA	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
<p><u>Characteristics of the Site and Area</u></p> <p>The site is located within the settlement limits of Cookstown, within Industry/Mixed Business Use in Cookstown Area Plan 2010. The surrounding area is mainly Industrial in nature. However there is a single dwelling in the adjacent field with an agricultural access between them, and a pair of semi-detached dwellings further along Sandholes Road, and a disused residential unit on the opposite side of the road.</p> <p>The site is approx 1.93 hectares and its current use is agricultural. The site takes up the front half of a larger agricultural field. It is located on the western side of Sandholes Road, with Ballyreagh Business Park to the north. Along the SE, roadside boundary, there is a footpath and low wooden fence, along SW boundary are high mature trees and the access to Kilcronagh Business Estate is along here, the NE boundary is part defined by mature trees, with an agricultural access running along it, and the rear, NW boundary is currently undefined.</p> <p>The site sits on lower ground than Sandholes Road, and the site itself is relatively flat.</p>	
<p><u>Planning Assessment of Policy and Other Material Considerations</u></p> <p>The application fell under the major threshold and was subject to a pre-application notification (PAN). CDE placed a advert in Tyrone Courier on 31 May 2016 outlining the scheme, its location and when it could be viewed. The public consultation was held on 8 June 2016 at Cookstown enterprise centre where no members of the public attended.</p> <p>Policy Considerations -----</p> <p>The site is located within the settlement limits of Cookstown, within Industry/Mixed Business Use in Cookstown Area Plan 2010.</p> <p>The relevant policy in the Plan is Plan Policy IND1 - Industry and Mixed Use. Within the areas identified for this use, such as the site, permission will normally be granted for industry, storage, and distribution and other appropriate business uses where the development meets the key site requirements contained in Part 3 of the Plan.</p> <p>This application is for the provision of a new 2 storey Headquarters Building for CDE Global, a company which has established premises within Ballyreagh Industrial Estate. The type of use proposed would fall under the 'other appropriate business uses'. We are directed to Part 3 of the Development Plan, and the site is identified as within I 1 - land west of Sandholes road, adjacent to Derryloran Industrial Estate and its key site requirements;</p> <ul style="list-style-type: none"> - Adequate sewerage should be provided. This may include pumping or foul sewage to the gravity sewer on Sandholes Road or alternatively, a link serving Derryloran Industrial Estate; - an extension to the main water supply of 320m is required to serve the site; 	

Nlwater _ NIEA Water management Unit have no objections. They state there is available capacity at the site.

- extensive landscaping and buffer planting of indigenous trees and shrubs should be provided to road frontages and the western and northern site boundaries;

An extensive landscaping plan has been submitted. It is acceptable in terms of the requirements of the plan and will provide a number of trees within the site to soften the proposed hardstanding area of parking. The existing planter buffer will be retained to the front and sides of the proposed building, which will aid in lessening the visual impact on the main views of the site.

- a cycle way should be provided to link with an existing scheme on Sandholes Road;

- a pedestrian/cycle link with Derryloran Industrial estate should be provided.

An existing cycle link exists and a pedestrian link to this, and the proposal does not affect this.

CDE is the world's largest campus dedicated to the wet processing of materials in the sand & aggregates. Mining, C&D waste recycling, industrial sands and environmental sectors. This proposal will provide a large 2 storey Headquarters building, which would be a mixed business use for an established Industrial company. It will provide employment for this local business.

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 the Dev Plan 2010 are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area. During the transitional period planning authorities will apply the existing policy contained within identified policy documents together with the SPSS. Paragraph 1.12 of SPPS states that any conflict between the SPPS and any retained policy must be resolved in favour of the provisions of the SPPS.

Policy PED9 of PPS4 - Planning and Economic Development, is also relevant in terms of general criteria for economic development.

All following criteria laid out in this policy has been met.

- 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.

Layout & Design

The proposal is for a 2 storey office building, which is 10m at its highest point. The scale and size of the development will not be out of keeping in this location. Walls will be finished in flat lock tiles in metal cladding and blue brick plinth, windows will be grey curtain walling casement system. The metal louvres and flashing will be dark grey and roof is sedum green. This type of design and finishes are acceptable in this location for the type of use proposed.

The front road facing elevation on Sandholes Road will go over two floors, with the first floor consisting of a mainly glass elevation to accommodate a boardroom. This looks on to Sandholes Road and there will no impact in terms of overlooking.

On the first floor there will be two circular offices at the ends of each office block, giving the design a contemporary feel.

Overall the design scheme and layout is acceptable, and the Landscaping scheme is sufficient to provide screening and integration to soften the impact for a building of this scale and associated car parking in this industrial location.

The nearest dwelling is located adjacent to the proposed car parking area on the other side of an existing laneway. They have been notified and have no objections. There will no detrimental impact on this dwelling (15a Kilcronagh Road).

Following the submission of amended plans, TNI have no objections to the proposal. Approval is recommended with conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Policy considerations have been met and no objections have been received.
Approval is recommended with conditions.

Conditions

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

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

2. The vehicular access, including visibility splays of 4.5m x 90m (East) and 4.5 x 120m (West) and any forward sight distance, shall be provided in accordance with Drawing No. 02/01 bearing the date stamp 19/10/2016, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to

provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. The existing natural screenings of the site, as shown on approved drawing 02/01 date stamped received 19 October 2016 shall be retained and 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. The planting proposed on the same drawing shall be planted out during the first available planting season after the occupation of the building.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Signature(s)

Date:

ANNEX	
Date Valid	5th July 2016
Date First Advertised	21st July 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Kilcronagh Business Park Ballyreagh Cookstown The Owner/Occupier, 15a Sandholes Road,Ballyreagh,Derryloran Industrial Estate,Cookstown,Tyrone,BT80 9AR, The Owner/Occupier, 16 Sandholes Road Ballyreagh Derryloran Industrial Estate The Owner/Occupier, 18 Sandholes Road Ballyreagh Derryloran Industrial Estate The Owner/Occupier, 2 Kilcronagh Business Park Ballyreagh Cookstown The Owner/Occupier, 3 Kilcronagh Business Park Ballyreagh Cookstown The Owner/Occupier, 9 Kilcronagh Road Ballyreagh Cookstown The Owner/Occupier, Copeland, Ballyreigh Business Park, Sandholes Road, Cookstown , BT80 9DG The Owner/Occupier, Trade Mouldings Ltd, Ballyreigh Business Park, Sandholes Road, Cookstown , BT80 9AR	
Date of Last Neighbour Notification	19th July 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/0955/F Proposal: The proposal includes the provision of new 2 storey Headquarters Office Building for CDE Global Ltd associated landscaping and vehicular parking Address: Site at the corner of Kilcronagh Business Park and the Sandholes Road, Cookstown, Decision: Decision Date: Ref ID: I/2004/1242/F	

Proposal: Modifications to existing road layout to provide right turn access
Address: Adjacent to and 100m South of Copelands Factory, Sandholes, Cookstown
Decision:
Decision Date: 15.12.2004

Ref ID: I/2004/1101/O
Proposal: Development of land for industrial use.
Address: Agricultural land bounded by Sandholes Road, Kilcronagh Road and Fairy Burn river
Decision:
Decision Date: 29.06.2005

Ref ID: I/2004/1190/F
Proposal: New access (service road) and earthworks and land levelling to facilitate the development of industrial land (amended plans)
Address: Agricultural land bounded by Sandholes Road, Kilcronagh Road, and Fairy Burn river.
Decision:
Decision Date: 29.06.2005

Ref ID: I/2003/1169/Q
Proposal: Development for Industrial Complex
Address: Sandholes Road, Cookstown
Decision:
Decision Date:

Ref ID: I/1997/4005
Proposal: Proposed piggeries
Address: TO REAR OF 15A SANDHOLES ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1992/0160
Proposal: 11 KV O/H Line
Address: STRIFEHILL AND TULLYWIGGAN COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2006/1227/RM
Proposal: Proposed 1830 sq/m Industrial unit to be sub-divided into 5 no. units and 2 no. Storage Units to be sub-divided into 8 units with carparking and associated siteworks, including carparking.
Address: Kilcronagh Business Park @ Sandholes Road, Kilcronagh Road & Fairy Burn River. Site approx 100m North West of 9 Kilcronagh Road, Cookstown
Decision:

Decision Date: 28.08.2007

Ref ID: I/1989/0381

Proposal: Bungalow

Address: SANDHOLES ROAD BALLYREAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2016/0425/PAN

Proposal: The proposal includes the provision of new 2 storey Headquarters Office Building for CDE Global Ltd. including associated landscaping and vehicular parking

Address: Site at the corner of Kilcronagh Business Park and the Sandholes Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2009/0207/F

Proposal: Proposed amendments to road layout from turning circle, as approved under previous application ref no I/2004/1190/F, to round-a-bout with junctions off

Address: Kilcronagh Business Park @Sandholes Road, Kilcronagh Road, & Fairy Burn River, BT80 9HG

Decision:

Decision Date: 22.09.2009

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No.
Type:
Status: Submitted

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

Drawing No. 06
Type: Proposed Elevations
Status: Submitted

Drawing No. 03
Type: Proposed Floor Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Proposed Elevations

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: 6th December 2016	Item Number:
Application ID: LA09/2016/0960/O	Target Date:
Proposal: Single dwelling house and associated garage	Location: Land 50m south of 24A Lisgallon Road Dungannon
Referral Route: Recommendation for refusal.	
Recommendation:	Refuse
Applicant Name and Address: Milo Skeffington 27 Lisgallon Road Dungannon	Agent Name and Address: Ryan Hughes Unit C Arena Design Centre 71 Ashfield Road London N4 1FF
Executive Summary: I recommend that planning permission is refused on the grounds that the proposal is contrary to Policy CTY2a of Planning Policy Statement 21. The proposed dwelling is not located within an existing cluster of development, is not associated with a focal point and is not bounded on at least two sides by existing development.	
Signature(s):	

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

No representations received.

Characteristics of the Site and Area

This application site is located approximately 7Km south-west of Dungannon and 5Km north-west of Eglis. It measures 0.1HA and is in an area which is largely characterised by agricultural land, dispersed rural settlement and farm holdings. There are a number of single storey dwellings along the Lisgallon Road.

The site is accessed via an existing and is significantly lower than the Lisgallon Road. The north and western site boundaries are marked by existing hedgerows augmented by trees. The site is located in the north eastern corner of a larger agricultural field, thus the south and eastern site boundaries are presently undefined.

Description of Proposal

Single dwelling house and associated garage.

Relevant Site History

While there is no planning history on this site, permission for a dwelling was granted across the laneway under M/2008/0312/RM & M/2004/1617/O on land owned by the applicant. This permission expired on 15.10.2010 however there are foundations laid on site.

Planning Assessment of Policy and Other Material Considerations

- SPPS
- Dungannon and South Tyrone Area Plan
- PPS3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside

The site is located in the open countryside in accordance with the Dungannon and South Tyrone Area Plan 2010. There are no other designations on the site.

The Strategic Planning Policy Statement published in September 2015 retains PPS 21 which is the relevant policy for this application. There are a range of types of development which in principle are considered to be acceptable in the countryside. These developments can be found in policy CTY 1 of PPS 21. No farming, business or personal circumstances have been presented with this application. However, the submission suggests that the applicant wishes the proposal to be considered as an existing cluster of buildings under the provisions of policy CTY 2a of PPS 21.

Policy CTY 2a states that planning permission will be granted for such a proposal subject to the cluster lying outside of a farm and consists of four or more buildings of which at least three are dwellings. The cluster must also be associated with a focal point (such as a community building or is located at a crossroads) and appear as a visual entity in the landscape. I consider the existing development, which is made up of four single dwellings located to the north of the Lisgallon road to be a ribbon of development as opposed to a cluster. In addition there is no focal point associated with the site.

Under CTY 2a, a site must provide a suitable degree of enclosure, be bounded on at least two sides with other development and the development of the site can be absorbed into the existing cluster through rounding off and consolidation. The site is set back from the Lisgallon Road and while hedgerows to the north and west provide a degree of enclosure, the site is not bounded on any side by existing development. There are agricultural fields to the north, south and west. To the east is a piece of land under the ownership of the applicant on which there are foundations for a dwelling. I do not consider that the proposal could not be viewed as rounding off an existing cluster, therefore failing these policy tests.

In terms of other key planning considerations, I am satisfied that the site benefits from a satisfactory degree of enclosure and meets the integration tests of policy CTY 13. I am also content that the proposal for this outline permission for a dwelling and garage would not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Consultations

TransportNI were consulted and are content with the proposal subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend that planning permission is refused on the grounds that the proposal is contrary to Policy CTY2a of Planning Policy Statement 21. The proposed site is not located within an

existing cluster of development, is not associated with a focal point and is not bounded on at least two sides by existing development.

Reasons for Refusal:

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

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within an existing cluster of development, is not associated with a focal point and is not bounded on at least two sides by existing development.

Signature(s)

Date:

ANNEX	
Date Valid	6th July 2016
Date First Advertised	21st July 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 24A Lisgallon Road Lisgallon Dungannon The Owner/Occupier, 26A Lisgallon Road Lisgallon Dungannon The Owner/Occupier, 26B Lisgallon Road Lisgallon Dungannon	
Date of Last Neighbour Notification	10th November 2016
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: M/2005/0052/O

Proposal: Dwelling, detached garage and new access

Address: Site 100m South of 24 Lisgallon Road, Reaskmore, Dungannon

Decision:

Decision Date: 30.04.2005

Ref ID: LA09/2016/0960/O

Proposal: Single dwelling house and associated garage

Address: Land 50m south of 24A Lisgallon Road, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

TransportNI – No objections subject to conditions.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date: 04/10/2016	Item Number:
Application ID: LA09/2016/0993/F	Target Date: 28/10/2016
Proposal: Proposed erection of 2no. dwellings and domestic garages	Location: Land immediately N.W of 60 Crievelough Road Dungannon
Referral Route: Objection received	
Recommendation: Approve	
Applicant Name and Address: Mr John Carey 69a Crievelough Road Brantry Dungannon	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary: Proposal complies with CTY 13 of PPS 21. Objection considered and does not merit refusal of this application.	
Signature(s):	

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	2 (same objection. One received by email and one letter)
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

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

2 objections have been received from the occupants of number 54 Crievelough Road. The issues raised are summarised as follows:

1. The current application doesn't follow the scheme layout developed in the outline approval.
2. Increased size and orientation of the dwellings will result in overlooking into number 54.
3. Impact on the privacy of number 54.
4. Size and design of dwellings is out of character in this rural area.
5. Concern with the scale, mass and form of proposed dwellings.
6. Creation of build-up and ribbon development.

The above issues have been fully considered and I would make the following comments: The outline approvals for both dwellings only approved the principle of a dwelling on each of these plots and no concept or scheme layout was stamped approved. The layout is a matter reserved. Conditions were attached to both approvals. Neither approval included a siting condition. Following submission of amended plans I am satisfied that an acceptable layout has been arrived at. The increase in ridge height condition from 5.5m to 7m was accepted by the PAC, following an appeal lodged by the applicant. Given the separation distance between both dwellings and number 54, as well as the retention of the NW boundary, overlooking and loss of privacy is not considered to

be significant enough to impact on residential amenity. Design, scale and massing are considered to be acceptable and in compliance with policy and design guidance. As the principle of two dwellings on this site has been considered as acceptable under the outline applications both of which remain live, refusal on the basis of build up and ribboning cannot be afforded weight. I would therefore advise members that this representation raises no issues which would merit the refusal of this application.

Characteristics of the Site and Area

The application site is a 0.45 hectare triangular agricultural field located to the immediate NW of a derelict roadside dwelling at number 60 Crievelough Road, Brantry. It is outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). A high leylandii hedge extends around the curtilage of number 60. There are mature trees and hedgerows along the NW and NE boundaries of the host field, extending up to 10m in height. A 1.5m hedge defines the entire frontage of the public road.

This area is rural in character with a low and dispersed settlement pattern. There is a detached dwelling to the NW of the site, 2 derelict detached dwellings to the SE of the site and some vacant factory type buildings to the South.

Planning Assessment of Policy and Other Material Considerations

- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 3 – Access, Movement and Parking
- PPS 21 – Sustainable Development in the Countryside
- ☐ Dungannon and South Tyrone Area Plan 2010

This application is a full application for 2 detached dwellings, each with a ridge height of 7.2m, gable depth of 9.4m and length of 12.9m (not including sun room). Each dwelling has 2 external chimneys and a 2 storey centralised front projection. Windows have a vertical emphasis and there are 2 1st floor windows on the front elevation which extend from the wall plate. Outline approval was granted for these dwellings under M/2010/0621/O and M/2010/0658/O on the 24th January 2012. This full application has been submitted outside the timeframe for Reserved Matters but within the 5 years of the outline approval.

Following the granting of the outline approval the applicant appealed the 5.5m ridge height condition under 2012/A0064 and 2012/A0062. This condition was varied on both approvals to 7m above existing ground level. Condition 4, which related to a 0.45m under build was also replaced by a landscaping condition.

Given that there are 2 live outline approvals on this site the principle of a dwelling on each plot has already be accepted. There has been no change in relevant policy since the granting of these approvals therefore the primary policy considerations in assessing this application is CTY 8 and CTY 13 of PPS21.

CTY 8 – Ribbon Development

This policy has an exception whereby it allows for the development of a small gap site (sufficient to accommodate a maximum of 2 dwellings) along a substantial and built up road frontage. On its own merits I would accept this site as a gap site along a substantial and built up road frontage as there is one dwelling to the West of the site and two to the South East of the site, all sharing a common frontage along the Crievelough Road. The gap can accommodate 2 dwellings however I would recommend attaching a condition that allows only 2 dwellings to be erected within the site boundary.

CTY 13 – Design and Integration

- (a) The host site sits at a similar level as the public road. There are no long term views into the site. Any views are short term due to the bend in the road and the existing boundary treatment. On this basis I am content that the proposed dwellings will not be overly prominent in this rural landscape.
- (b) The site benefits from established boundary treatment along the NW and NE and to a lesser extent along the road frontage. I am satisfied that these boundaries will provide a suitable degree of enclosure and will integrate both dwellings into the local landscape.
- (c) New planting is proposed between both dwellings but is not the primary means of integration.
- (d) Both detached garages sit to the rear of the dwellings and are well integrated. There is only one access point onto the public road which is a requirement of Transport NI. It is not overly obtrusive in the landscape.
- (e) Dwelling design is acceptable in terms of form, scale, massing and finishes. This house design is typical of designs located throughout the district. The building line along the road has been respected and the layout is reflective of a gap site.
- (f) Both dwellings will benefit from backdrops of mature vegetation
- (g) Not applicable

On the basis of this assessment I am satisfied that the proposal complies with CTY 8 and 13 of PPS 21. Transport NI are the only consultee and have no objections to the proposal subject to 2m x 45m (NW) and 2m x 33m (S) visibility splays. On this basis I am content that there are no issues regarding road safety and therefore the proposal complies with PPS 3.

Neighbour Notification Checked Yes

Summary of Recommendation: Approve. Proposed dwellings are in compliance with CTY 8 and 13 of PPS 21 and PPS 3.

Conditions/Reasons for Refusal:

Conditions

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

Reason: Time Limit.

2. The 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.

3. 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.

4. The vehicular access, including visibility splays of 2.0m x 45m (North West) and 2.0m x 33m (South) and any forward sight line, shall be provided in accordance with drawing no 03 bearing the date stamp 15/07/2016, 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.

Signature(s)

Date:

ANNEX	
Date Valid	15th July 2016
Date First Advertised	28th July 2016
Date Last Advertised	28 TH July 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 54 Creevelough Road Creevelough Dungannon RJD and EO Troughton 54 Creevelough Road, Dungannon, Tyrone, Northern Ireland, BT70 1LL R.J Desmond Troughton and E.O Troughton 54 Creevelough Road, Dungannon, Tyrone, Northern Ireland, BT70 1LL The Owner/Occupier, 60 Creevelough Road Creevelough Dungannon The Owner/Occupier, 62 Creevelough Road,Creevelough,Dungannon,Tyrone,BT70 1LL,	
Date of Last Neighbour Notification	29th July 2016
Date of EIA Determination	Not applicable
ES Requested	No
Planning History Ref ID: M/2001/0923/F Proposal: Extension & Alterations to Existing Dwelling Address: 54 Crievelough Road, Dungannon Decision: Decision Date: 19.11.2001 Ref ID: M/1976/0217 Proposal: EXTENSION TO DWELLING HOUSE Address: 53 CRIEVELOUGH ROAD, BRANTRY, DUNGANNON Decision: Decision Date: Ref ID: M/1991/0316 Proposal: Change of use from chicken house to store for concrete products Address: 60 CREEVELOUGH ROAD DUNGANNON Decision: Decision Date:	

Ref ID: M/2006/0258/F

Proposal: Dwelling.

Address: Immediately northwest of 60 Creevelough Road, Dungannon

Decision:

Decision Date: 18.01.2008

Ref ID: M/2010/0658/O

Proposal: Proposed Dwelling & Garage

Address: 60m North West of 60 Creevelough Road, Brantry, Dungannon

Decision:

Decision Date: 24.01.2012

Ref ID: M/2010/0621/O

Proposal: Proposed Dwelling and Garage

Address: Immediately North West of 60 Creevelough Road, Dungannon

Decision:

Decision Date: 24.01.2012

Ref ID: LA09/2016/0993/F

Proposal: Proposed erection of 2no. dwellings and domestic garages

Address: Land immediately N.W of 60 Creevelough Road, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

Transport NI are the only consultee and have no objections to the proposal subject to 2m x 45m (NW) and 2m x 33m (S) visibility splays.

Drawing Numbers and Title

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

Drawing No. 02
Type: Proposed Elevations
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: 6th December 2016	Item Number:
Application ID: LA09/2016/1183/F	Target Date:
Proposal: Proposed single storey gable extension to provide disabled facilities grant extension	Location: 270 Newtownsaville Road Augher
Referral Route: Applicant is a relative of an Elected Member.	
Recommendation: Approval	
Applicant Name and Address: Mark and Wendy Robinson 270 Newtownsaville Road Augher	Agent Name and Address: Neill Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary: Small extension to dwelling to provide a shower facility on the ground floor with disabled access provision.	
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

Extension to dwelling which raises no adverse issues.

Characteristics of the Site and Area

The application site is located at an isolated location and is occupied by a detached bungalow at a crossroads with no immediate neighbours. The house is at an elevated position above the road and is a red brick structure with a tiled roof.

Planning Assessment of Policy and Other Material Considerations

Proposal

The applicant seeks consent to extend the dwelling on the side elevation (5.0m x 3.8) with a gabled roof to a height of 4.3m. The extension would be finished in brick to match the existing structure and would provide a shower room to facilitate a disabled person.

Summary of Issues

The proposal is for extensions to this dwelling and as such is judged against policy EXT 1, the addendum to PPS7. In terms of scale and massing what is proposed at the side is not excessive and raises no issues of concern. There is no issues of amenity with no immediate neighbours and the design is acceptable. There is sufficient parking space within the curtilage of the dwelling and there would be no impact on any landscape features. Generally what is proposed is policy compliant when tested against the tests of EXT1.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Consent recommended.

Conditions/Reasons for Refusal:

Conditions

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

Reason: Time limit.

Informatives

1. This notice relates to teh submitted drawings numbered 01, 02 and 03.

Signature(s)

Date:

ANNEX	
Date Valid	25th August 2016
Date First Advertised	8th September 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
N/A	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History	
N/A	
Summary of Consultee Responses	
N/A	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Layout or Block Plan Status: Submitted	
Drawing No. 03 Type: Existing and Proposed Elevations Status: Submitted	
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6th December 2016	Item Number:
Application ID: LA09/2016/1437/F	Target Date:
Proposal: Provision of a 33kv electricity sub-station with entrance via existing laneway onto Shantavny Road	Location: Site located 740m NE of 18 Shantavny Road Shantavny Scotch Ballygawley
Referral Route: Called to committee by Cllr Cuthbertson	
Recommendation:	APPROVE
Applicant Name and Address: Tyrone Wind Energy 1st Floor McKendrick Place Pearse Road Letterkenny Co Donegal	Agent Name and Address: JUNO Planning & Environmental Ltd 409 Lisburn Road Belfast BT8 7EW
Executive Summary: Application for a sub-station to serve Shantavny Wind Farm where an extant permission exists at the site.	
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

Application for a sub-station to serve Shantavny Wind Farm where an extant permission exists at the site.

Characteristics of the Site and Area

The application site is located off a private lane from Shantavny Road. The lane includes an unoccupied dwelling and some farm buildings. The actual site is part of an agricultural field which slopes gently and has strong hedgelines. There are also a number of mature trees in close proximity to the site. There are a number of wind turbines within the immediate vicinity approved under application M/2007/1407/F.

Planning Assessment of Policy and Other Material Considerations

Proposal

This is the second application at the site for a 33kv electricity sub-station to serve the Shantavny Wind Farm. The first application (LA09/2016/0599/F) was for the following development;

“The applicant seeks consent to construct a 33kv sub-station to serve the nearby permitted windfarm. The building would have a footprint measuring 24.0m x 6.0m and a ridge level of 5.3m. The building would be finished in render with a tiled roof and housed behind a palisade fence. Access would be from the private lane. The building would run perpendicular to the lane and close to the abandoned dwelling”.

This application differs only in that the building would be relocated and would now be situated 20.0m further west of the abandoned dwelling. The compound layout would also be slightly altered.

Summary of Issues

The proposed development is to construct a sub-station to serve the nearby Shantavny Wind Farm. The policy context is provided by PPS19, Policy RE1 which addresses renewable energy developments and associated buildings. An Environmental Statement had been submitted as part of the original submission for the wind farm addressing issues with regards to impact on the landscape etc. An extant permission exists and therefore the principle has been agreed for a sub-station at this location.

Policy RE1

The first requirement of the policy is that the proposal would have no impact on public health, human safety or residential amenity. With no immediate neighbours for some distance around the site this aspect of the policy is suitably addressed and any serious effects is not envisaged.

It is also required that the proposal will not result in adverse impacts on visual amenity or landscape character. Whilst the proposed building will have some impact visually it is a necessary development and the site is as good as exists locally. A good screen of trees and hedges exists in the immediate area and the site is located along a private lane. Like the previous application this screen of trees be of value from an integration perspective. As the screening of worth is not in the applicant's ownership a condition to secure its retention is not necessary but a group of trees in particular, to the south east of the site will be of great value in screening this proposal. Given the local undulating landscape the building would not be clearly visible from most distance views. With the cluster of buildings immediately adjoining the site, the new building could have the appearance on an ancillary outbuilding. The palisade fencing is an unfortunate feature of this development but again it would not be clearly visible from long views and would appear as an ancillary building to the existing group. Given the necessity of the development it can be justified and the SPPS has a presumption in favour of renewable energy projects and this sub-station will facilitate additional electricity reaching the national grid via renewables.

In terms of impact on biodiversity an Ecological Appraisal has been submitted and this concludes that the proposal will have minimal impact on the biodiversity of the area. Given the small scale nature of the scheme, which will effectively result in building on a small section of an agricultural field, I see no reason to dispute this conclusion. No conditions are suggested. There are also no Hydrological or Geological issues of concern. The proposal will not impact on the public access to the countryside. Consent is therefore recommended.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Consent recommended.	
Conditions/Reasons for Refusal:	
<p>Conditions</p> <p>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.</p> <p>Reason: Time Limit.</p> <p>2. Only one sub-station structure as permitted shall be constructed on site.</p> <p>Reason: This scheme is only acceptable as a substitute for application LA09/2016/0599/F.</p> <p>Informatives</p> <p>1. This notice relates to the submitted drawings numbered 01, 02, 03, 04, 05, 06.</p>	
Signature(s)	
Date:	

ANNEX	
Date Valid	10th October 2016
Date First Advertised	27th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 39, Erganagh Road, Omagh, Tyrone, Northern Ireland, BT79 7SX	
Date of Last Neighbour Notification	20th October 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0557/DC Proposal: Compliance with Condition No 21 of Planning Approval M/2007/1407/F Address: Shantavny Scotch, Omagh Road, Ballygawley, Decision: AL Decision Date: Ref ID: LA09/2016/0814/DC Proposal: Discharge of planning condition No.8 of Planning Ref. M/2007/1407/F Address: Shantavny Scotch, Omagh Road, Ballygawley, Decision: AL Decision Date: Ref ID: LA09/2016/0279/DC Proposal: Discharge of Conditions 3 and 11 of Planning Approval M/2007/1407/F Address: Shantavny Scotch, Omagh Road, Ballygawley, Decision: AL Decision Date: Ref ID: LA09/2016/1442/DC Proposal: Discharge of Planning Condition No 18 of Planning Approval M/2007/1407/F Address: Shantavny Scotch, Omagh Road, Ballygawley, Decision: Decision Date:	

Ref ID: LA09/2016/0167/DC

Proposal: Discharge of Condition No 20 of Planning Approval M/2007/1407/F

Address: Shantavny Scotch, Omagh Road, Ballygawley,

Decision: AL

Decision Date:

Ref ID: LA09/2016/1157/F

Proposal: Permission sought to vary condition No. 18 of M/2007/1407/F

Address: Shantavny Scotch, Omagh Road, Ballygawley,

Decision: AL

Decision Date:

Ref ID: LA09/2016/0599/F

Proposal: Provision of a 33kv electricity substation with entrance via existing lane onto Shantavny Road

Address: Site located approximately 750m North West of 18 Shantavny Road, Shantavney Scotch, Ballygawley,

Decision: PG

Decision Date:

Ref ID: LA09/2016/1171/NMC

Proposal: Relocation of the permitted building approximately 8.8m to the West and the reorientation of the building on site

Address: Site located approximately 750m North West of 18 Shantavny Road, Shantavny, Scotch,

Decision:

Decision Date:

Ref ID: LA09/2016/1437/F

Proposal: Provision of a 33kv electricity sub-station with entrance via existing laneway onto Shantavny Road

Address: Site located 740m NE of 18 Shantavny Road, Shantavny Scotch, Ballygawley,

Decision:

Decision Date:

Ref ID: K/2007/0821/F

Proposal: Application under Article 28 of the Planning Order to remove Conditions 6 and 7 and modify Condition 11 of Planning Approval K/2005/0597/F

Address: Slieve Divena Hill (In the townlands of Altamooskan)

Decision:

Decision Date: 16.10.2007

Ref ID: M/2007/1407/F

Proposal: Proposed Wind Farm comprising of 7 No. turbines with hub height of 64metres, blade diameter of 71metres, blade to tip length of 35.5metres and overall height of 99.5metres with a power output of 2.0MW, new access tracks, site entrances, sub station, control room, electrical cabling, temporary site compound, permanent met mast.

Address: Shantavny Scotch, Omagh Road, Ballygawley Co. Tyrone

Decision:

Decision Date: 24.02.2012

Ref ID: M/2006/1221/E

Proposal: Proposed Windfarm Development

Address: Shantavny Scotch, Ballygawley, Co Tyrone.

Decision:

Decision Date:

Ref ID: LA09/2016/0354/F

Proposal: Vary condition No.18 of previous application M/2007/1407/F

Address: Shantavny Scotch Wind Farm, Omagh Road, Ballygawley,

Decision: PG

Decision Date: 18.05.2016

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Site Layout or Block Plan
Status: Submitted

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

Drawing No. 02
Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 06

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1474/F	Target Date:
Proposal: Public art piece as part of the Magherafelt Public Realm and town improvement scheme	Location: 3 Spires Roundabout Magherafelt Derry
Referral Route: Council Application	
Recommendation: Approval	
Applicant Name and Address: Mid Ulster District Council Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address: Mid Ulster District Council Head of Technical Services Burn Road Cookstown
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NI Water - Strategic Applications	Considered - No Comment Necessary

Representations:

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

Summary of Issues – Visual Impact, road safety and archaeological impact	
<p>Characteristics of the Site and Area</p> <p>The site outline in red is an existing roundabout located with the development limits of Magherafelt In accordance with the Magherafelt Area Plan 2016. The roundabout is commonly known as the Three Spires Roundabout and is located in the heart of Magherafelt. The roundabout connects Broad St, Market St, Moneymore Rd and Rainey St. The area is defined by a mix of retail, commercial and some residential properties.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Detail of the proposal:</p> <p>The application proposes a public art piece as part of the Magherafelt Public Realm and town improvement scheme.</p> <p>The proposal is 8.403m high and is 6.5m geographical cross and is made up of 4 No. 6.7m x 1.7m detailed panels and one large sphere on top. The main body of the proposal is finished in galvanised steel and the sphere on top is finished in copper.</p> <p>Relevant Planning History</p> <p>LA09/2015/0636/F - Public realm improvements comprising: re-surfacing of existing footways with natural stone; granite kerbs; landscape proposals comprising semi-mature planting, raised planters and shrub planting; new street furniture - seating, litter bins and cycle racks, new feature lighting columns; plinth for future artwork; formalisation of existing on-street parking arrangements and surface treatment to carriageways. Approved 20th November 2015</p> <p>Representations:</p> <p>12 neighbour's notification letters were sent to the occupiers of Nos 2, 2A, 4 & 4A Broad Street, Nos 1, Flat 1, Flat 2 & Flat 3 & 5A Market Street and 1, 1A & 3 Rainey Street, Magherafelt. 6 letter were returned with 'no such address' sticker and included No 2a Broad St, No 1 Market Street, Flats 1, 2 & 3 Market Street and No 3 Rainey Street.</p> <p>No letter of representation have been received.</p> <p>Development Plan, Legislation and Key Policy Consideration</p> <p>The site is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The site is within designation MT 36 Town Centre - Development proposals within the town centre will be processed in accordance with prevailing regional planning policy and relevant policies within the plan. The site is adjacent to the A31 which is also a protected route</p> <p>The key policy for determining a piece of public art is DES 2 Planning Strategy for Rural Northern Ireland which facilitates development which would make a positive contribution to the townscape. Whilst any art piece may not be to everyone's liking the key test relates to its sensitivity to its surrounding. At 8.4m the art piece will be fairly dominant, however it will not breach the skyline of the surrounding properties and will act as focal piece at the roundabout.</p> <p>Before permission can be issued conformation from Transport NI will be need to be obtained that this does not prejudiced road safety and Technical Approval will be required.</p> <p>Historic Environment Division have requested a programme of works to ensure adequate archaeological investigation and protection. To a large extend this has been done in connection with the Public Realm improvement scheme and can be dealt with adequately through conditions if necessary.</p>	
Neighbour Notification Checked	Yes

Summary of Recommendation: That planning permission be approved subject to clearance from Transport NI.
Condition: To be applied at the discretion of the Planning Manager upon resolution of road safety and highway matters
Signature(s) Date:

ANNEX	
Date Valid	17th October 2016
Date First Advertised	3rd November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, 1 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DA, The Owner/Occupier, 1A Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DA, The Owner/Occupier, 2 Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 2A Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 3 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DA, The Owner/Occupier, 4 Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 4A Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 5A Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, Flat 1, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, Flat 2, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, Flat 3, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE,	
Date of Last Neighbour Notification	2nd November 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1474/F Proposal: Public art piece as part of the Magherafelt Public Realm and town improvement scheme Address: 3 Spires Roundabout, Magherafelt, Derry, Decision: Decision Date:	

Ref ID: H/1995/0297

Proposal: ENVIRONMENTAL IMPROVEMENT SCHEME AND IMPROVEMENTS TO
ROUNDAABOUT

Address: BROAD STREET/THE DIAMOND MAGHERAFELT

Decision:

Decision Date: 10.04.1996

Ref ID: H/2000/0049/F

Proposal: 5 no. CCTV Cameras For Town Security Positioned As Shown On Location
Map And Fixed To Standards At A Height Of 7.5 Metres

Address: Diamond, Queens Street, Rainey Street, Broad Street/Church Street And
Meeting Street, Magherafelt

Decision:

Decision Date: 11.09.2000

Ref ID: LA09/2015/0636/F

Proposal: Public realm improvements comprising: re-surfacing of existing footways with
natural stone; granite kerbs; landscape proposals comprising semi-mature planting,
raised planters and shrub planting; new street furniture - seating, litter bins and cycle
racks, new feature lighting columns; plinth for future artwork; formalisation of existing on-
street parking arrangements and surface treatment to carriageways.

Address: Lands adjacent to Broad Street, Market Street, The Diamond, Queen Street
and Rainey Street, Magherafelt,

Decision: PG

Decision Date: 03.12.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 03
Type: Proposed Elevations
Status: Submitted

Drawing No. 02
Type: Block/Site Survey 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: LA09/2016/1474/F	Target Date:
Proposal: Public art piece as part of the Magherafelt Public Realm and town improvement scheme	Location: 3 Spires Roundabout Magherafelt Derry

Referral Route:	
Recommendation:	
Applicant Name and Address: Mid Ulster District Council Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address: Mid Ulster District Council Head of Technical Services Burn Road Cookstown
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
<div style="border: 1px solid black; height: 250px; width: 100%;"></div>		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NI Water - Strategic Applications	Considered - No Comment Necessary
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		
<p>Characteristics of the Site and Area</p> <p>The site outline in red is an existing roundabout located with the development limits of Magherafelt In accordance with the Magherafelt Area Plan 2016. The roundabout is commonly known as the Three Spires Roundabout and is located in the heart of Magherafelt. The roundabout connects Broad St, Market St, Moneymore Rd and Rainey St. The area is defined by a mix of retail, commercial and some residential properties.</p>		
Planning Assessment of Policy and Other Material Considerations		

Detail of the proposal:

The application proposes a public art piece as part of the Magherafelt Public Realm and town improvement scheme.

The proposal is 8.403m high and is 6.5m geographical cross and is made up of 4 No. 6.7m x 1.7m detailed panels and one large sphere on top. The main body of the proposal is finished in galvanised steel and the sphere on top is finished in copper.

Relevant Planning History

LA09/2015/0636/F - Public realm improvements comprising: re-surfacing of existing footways with natural stone; granite kerbs; landscape proposals comprising semi-mature planting, raised planters and shrub planting; new street furniture - seating, litter bins and cycle racks, new feature lighting columns; plinth for future artwork; formalisation of existing on-street parking arrangements and surface treatment to carriageways. Approved 20th November 2015

Representations:

12 neighbour's notification letters were sent to the occupiers of Nos 2, 2A, 4 & 4A Broad Street, Nos 1, Flat 1, Flat 2 & Flat 3 & 5A Market Street and 1, 1A & 3 Rainey Street, Magherafelt. 6 letter were returned with 'no such address' sticker and included No 2a Broad St, 1 Market Street, Flats 1, 2 & 3 Market Street and No 3 Rainey Street.

No letter of representation have been received.

Development Plan, Legislation and Key Policy Consideration

The site is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The site is within designation MT 36 Town Centre - Development proposals within the town centre will be processed in accordance with prevailing regional planning policy and relevant policies within the plan.

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.

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.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. – The site is adjacent to the A31 which is also a protected route. Transport NI (TNI) have been consulted and at the time of writing this report have yet to responded to their consultation, however prior to submitting the application the PPTO for TNI advised Council Officials that TAS (Technical Approval for highway Structure) and be able to demonstrate the proposal will have no impact on forward visibility. This information remains outstanding and approval will be subject to TNI clearance.

PPS 6 BH 4 Policy BH 4 Archaeological Mitigation: ensures that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development. – The site is located within three archaeological sites and monuments zoning. HED Historic Monument have been consulted and are content that the proposal satisfies PPS 6 policy requirement, subject to a programme of archaeological work has been implement. However under a previous application, LA09/2016/0636/F for a public realm improvements scheme a programme of archaeological work has been submitted which included this site, therefore for fresh programme of works may not be required. At the time of writing this report I have been unable to establish if the previous programme of works is adequate. If it turns out it is not adequate the fall-back position will be to attach the conditions provided by Historic Monuments in the consultation response dated 18th November 2016.

DES 2 Planning Strategy for Rural Northern Ireland: Requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. – The introduction of an 8.4m high Public Art Piece in a prominent location may not to everyone liking. However when considered against the wider context of area the proposal is considered subordinate to the three storey building located around the diamond.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Conditions/Reasons for Refusal:

Conditions

Informatives

Signature(s)

Date:

ANNEX	
Date Valid	17th October 2016
Date First Advertised	3rd November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, 1 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DA, The Owner/Occupier, 1A Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DA, The Owner/Occupier, 2 Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 2A Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 3 Rainey Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DA, The Owner/Occupier, 4 Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 4A Broad Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EA, The Owner/Occupier, 5A Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, Flat 1, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, Flat 2, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE, The Owner/Occupier, Flat 3, 1 Market Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6EE,	
Date of Last Neighbour Notification	2nd November 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1474/F Proposal: Public art piece as part of the Magherafelt Public Realm and town improvement scheme Address: 3 Spires Roundabout, Magherafelt, Derry, Decision: Decision Date:	

Ref ID: H/1995/0297

Proposal: ENVIRONMENTAL IMPROVEMENT SCHEME AND IMPROVEMENTS TO
ROUNDAABOUT

Address: BROAD STREET/THE DIAMOND MAGHERAFELT

Decision:

Decision Date: 10.04.1996

Ref ID: H/2000/0049/F

Proposal: 5 no. CCTV Cameras For Town Security Positioned As Shown On Location
Map And Fixed To Standards At A Height Of 7.5 Metres

Address: Diamond, Queens Street, Rainey Street, Broad Street/Church Street And
Meeting Street, Magherafelt

Decision:

Decision Date: 11.09.2000

Ref ID: LA09/2015/0636/F

Proposal: Public realm improvements comprising: re-surfacing of existing footways with
natural stone; granite kerbs; landscape proposals comprising semi-mature planting,
raised planters and shrub planting; new street furniture - seating, litter bins and cycle
racks, new feature lighting columns; plinth for future artwork; formalisation of existing on-
street parking arrangements and surface treatment to carriageways.

Address: Lands adjacent to Broad Street, Market Street, The Diamond, Queen Street
and Rainey Street, Magherafelt,

Decision: PG

Decision Date: 03.12.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 03
Type: Proposed Elevations
Status: Submitted

Drawing No. 02
Type: Block/Site Survey 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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1506/LBC	Target Date:
Proposal: Provision of timbered and painted sliding sash windows at rear of property	Location: 9 Loy Street Cookstown
Referral Route: Require Planning Committee agreement to approve contrary to Historic Environment Division's recommendation, in line with section 89 of Planning (NI) Act 2011.	
Recommendation: APPROVAL	
Applicant Name and Address: Wellwood Adami Ltd High Cross Road Cookstown BT80 8UZ	Agent Name and Address:
Executive Summary: The applicant has requested in writing that the existing 4No sliding sash windows, constructed of uPVC steel and toughened glass be retained in the property. There were previous refusals issued on the site for the replica windows, however following re-assessment the Council would be minded to make a recommendation for consent to DFI.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	
Statutory	Historic Environment Division (HED)	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

Characteristics of the Site and Area

This is a terraced three-storey rendered house, No.9 Loy Street, built c.1870. The building is rectangular in plan. There is a three-storey return and a further attached two-storey return to the rear. There are several single-storey outbuildings to the rear. The building is part of three matching terraced buildings (HB09/14/007), located within a long row of mixed terrace buildings along Loy Street. Walling is rendered masonry. The roof is pitched and slated, having a brick chimney with profiled capping to the South. External walls are painted render. There is a carved dentilled course to the eaves. The front (West) elevation is set back from the street, with a small garden to the front. It has a square-headed doorway to the right, and a two-storey canted bay to the left. The doorway is set within an elliptical-headed surround. It has a replacement glazed and panelled timber door and an overhead light. The canted bay contains 1/1 timber sliding sash windows. Each floor is surmounted by a projecting carved stone cornice. The windows to the first floor are square-headed 2/2 timber sliding sash windows. The second floor has 2/1 sliding sash windows, as previous. All windows have cut-stone sills. There are carved stone sills to the canted bay. Classical proportions reduce to upper levels. The side (North) elevation is gable-ended. There is a polychromatic brick chimney to the apex of the gable. There is a low rendered wall to the left

with painted railings. The rear elevation has an assortment of 6/6 and 3/6 timber sliding sash windows. Returns: The three-storey return has an assortment of 6/6 and 1/1 timber sash frames. The two-storey return has 1/1 timber sash frames. Roofs are artificial slate.

Setting: The building is set within a mixed terrace, to the western side of Loy Street at the southern edge of the commercial centre of Cookstown. It is set back from the pavement to provide a small garden. The mixed terrace comprises mainly of two and three-storey Victorian buildings ranging in age from early to late nineteenth century.

The site is located within the development limits of Cookstown and is within an area of townscape character as defined in Cookstown Area Plan 2010.
The building has been listed as Grade B2.

History and background to the site

This application has been submitted as the 'provision of timber and painted sliding sash windows at rear of property'.

The applicant, Mr Beckett, has however written a letter to MUDC, dated 15 November 2016 (see annex) requesting that the application be assessed as the retention of existing 4No replica sliding sash windows to rear.

This letter was submitted by the applicant to prevent any further enforcement action on the building as the PVC units have been installed in the property. The proposal will need to be amended to reflect an accurate description and be re-advertised.

Historical applications on the site include;

I/2014/073/LBC related to 9 Loy Street and to the installation of 4 replica sliding sash windows (for security and health safety reasons). This proposal was recommended as refusal by the DOE as being contrary to BH8 but was withdrawn by the applicant in May 2015 before any decision issued.

LA09/2015/0197/LBC was submitted in relation to 9a Loy Street for the installation of one replica sliding sash window at rear.

LA09/2015/0224/LBC was submitted in relation to 9b Loy Street for the installation of one replica sliding sash window

LA09/2015/0223/LBC was submitted in relation to 9c Loy Street for the installation of two replica sliding sash window and retention of dumb waiter system.

The three 2015 applications above were presented to MUDC Committee in June 2016 as refusals. Committee accepted the refusals and decisions were issued for these in June 2016 for the following reasons;

1. The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (NI) 2011 and the alterations would, if permitted, detract from its appearance and result in a loss of its architectural integrity by reason of the use of unsympathetic design and materials which are out of keeping with those found on the building.

2. The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a group of buildings listed under section 80 of the Planning Act (NI) 2011 by reason of the use of unsympathetic design and materials which are out of keeping with those found on the listed building.

All three applications currently have appeals lodged against them by the applicant.

Post these decisions, the Planning Manager, Dr.Chris Boomer has been in discussions with the applicant. Mr Beckett, and agreed to put his written request to the Planning Committee.

Re- Assessment of Policy and Other Material Considerations

The site is located within the development limits of Cookstown and is within an area of townscape character as defined in Cookstown Area Plan 2010 and the building is a Grade 2 listed building, so the relevant policies include PPS1 and BH15 of PPS6.

The applicant has advised the original window were old iron framed casement units. PVC units have since been installed in the property.

HED: Historic Buildings Section considers the proposal of PVC windows fails to satisfy Policy BH8 and BH11 as they would have an adverse impact on the listed building and adjacent listed buildings.

There are 4 categories of listed buildings and this property has been listed as the lowest grade of these 4. It is a Grade B2 listed building, which is one of some local importance or a good examples of some period of style. Some degree of alteration or imperfection may be acceptable.

The visual impact of the windows in this case are limited due to the fact that two windows relating to No. 9c are located behind an existing wall. The window at 9b serves as a fire escape, and at 9a there are no public views of the window on the rear elevation, which overlooks a car parking area. There are examples of listed buildings throughout the province which have had more significant work carried out and which have much greater public interest than No.9 Loy Street.

It should be noted that in October 2016, Committee members had sympathy for the applicant of LA09/2016/1115/LBC in Dungannon, where it was proposed that all windows in the Listed building would be replaced as PVC.

This particular application is also before Committee recommended as an approval this month. If it was the case that Committee were minded to approve it, in the interest of administrative fairness the current proposal should be also approved.

In conclusion, due to the lack of public interest of the windows in this Grade B2 building, Council would be sympathetic to the applicants case and recommends approval (with PVC windows retained) as requested by the applicant. In line with Section 89 of the Planning (NI) Act 2011 if agreed it should be referred to DFI to make a final decision.

Neighbour Notification Checked

N/A

Summary of Recommendation:

A recommendation that consent be granted, as requested by the applicant, should be presented to DFI. If DFI do not call in the application, the planning manager should issue an approval for retention of the existing windows.

Signature(s)

Date:

ANNEX	
Date Valid	18th October 2016
Date First Advertised	10th November 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0742/O Proposal: Housing Development consisting of 4 no 1 Bedroom Apartments with associated siteworks and carparking (renewal of I/2012/0450/O) Address: Site to Rear of 5, 7, 9 Loy Street, Cookstown, Decision: PG Decision Date: 05.09.2016 Ref ID: LA09/2016/1506/LBC Proposal: Provision of timbered and painted sliding sash windows at rear of property Address: 9 Loy Street, Cookstown, Decision: Decision Date: Ref ID: I/2013/0387/LBC Proposal: Removal of existing hedge between 7 & 9 Loy Street and front wall to no. 9 Loy Street and construction of new rendered blockwork party wall. Reduction in height of existing wall at laneway (inc. concrete copings) and installation of 4 no. PVCu windows for security purposes. Address: 9 Loy Street, Cookstown, Decision: WITHDR Decision Date: 23.05.2014 Ref ID: I/2014/0175/LBC	

Proposal: Reduction in height of 3.6 meter section of existing wall at laneway for health and safety reasons

Address: 9 Lot Street, Cookstown, BT80 8PZ,

Decision: CG

Decision Date: 01.10.2014

Ref ID: I/2014/0176/LBC

Proposal: Removal of hedge between 7 & 9 Loy Street

Address: 9 Loy Street, Cookstown, BT80 8PZ,

Decision: CG

Decision Date: 01.10.2014

Ref ID: I/2014/0172/LBC

Proposal: Construction of new rendered blockwork party wall between 7 & 9 Loy street to act as gas diversion/ fire wall (as required by gas safety rules)

Address: 9 Loy Street, Cookstown BT80 8PZ,

Decision: CG

Decision Date: 30.09.2014

Ref ID: I/2014/0174/LBC

Proposal: Removal of 2.4 meters of front boundary wall (as required by gas safety rules)

Address: 9 Loy Street, Cookstown, BT80 8PZ,

Decision: CG

Decision Date: 05.06.2015

Ref ID: I/2014/0256/LBC

Proposal: Erection of small electrical cabinet (as per NIE specification) in rear return yard

Address: 9, Loy Street, Cookstown,

Decision: CG

Decision Date: 11.06.2015

Ref ID: I/2011/0235/LBC

Proposal: External render repairs

Internal alterations and conversion of coach house

To create self contained living accomodation

Address: 9 Loy Street Cookstown BT80 8PZ,

Decision:

Decision Date: 16.01.2012

Ref ID: I/2014/0173/LBC

Proposal: Installation of four replica sliding sash windows (composite and u PVC construction) for security/ health and safety reasons

Address: 9 Loy Street, Cookstown, BT80 8PZ,
Decision: WITHDR
Decision Date: 05.05.2015

Ref ID: I/2011/0241/F

Proposal: Proposed conversion of existing dwelling house and detached coach house into 4 no self contained apartments and associated siteworks.

Address: 9 Loy Street Cookstown,
Decision:
Decision Date: 16.01.2012

Ref ID: LA09/2015/0197/LBC

Proposal: Installation of one replica sliding sash window (contemporary construction) for security and fire escape purposes at property rear, with hidden position

Address: 9a Loy Street, Cookstown,
Decision: CR
Decision Date:

Ref ID: I/2012/0450/O

Proposal: Proposed housing development consisting of 4 No. 1 bedroom apartments, with associated siteworks and car parking

Address: Site to the rear of 5, 7, 9 Loy Street, Cookstown,
Decision: PG
Decision Date: 15.10.2013

Ref ID: I/2013/0072/LBC

Proposal: General repairs to roof and chimney stack, replacement rain water goods, general marking good

Address: 7 Loy Street, Cookstown,
Decision: CG
Decision Date: 03.07.2013

Ref ID: LA09/2015/0223/LBC

Proposal: Retention of fully restored and working "Edwardian Dumb Waiter" system and shaft rail structure between the ground floor and first floor rooms. Installation of 2 replica sliding windows (contemporary construction) for security and fire escape purposes (both in hidden positions behind front property wall

Address: 9c Loy Street, Cookstown,
Decision: CR
Decision Date:

Ref ID: LA09/2015/0224/LBC

Proposal: Installation of one replica sliding sash window (contemporary construction) for health and safety and fire escape purposes

Address: 9b Loy Street, Cookstown, BT80 8PZ,

Decision: CR
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02
Type: Proposed Elevations
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

C



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2015/0762/F	Target Date:
Proposal: Proposed storage shed	Location: 80m NE of 16 Drumanee Road Bellaghy BT45 8LE with a new laneway accessing the shed opposite 59A Ballydermott Road Bellaghy.
Applicant Name and Address: Mr Brian Scullion 23 Birchwood Bellaghy BT45 8JY	Agent name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
Summary of Issues: Previous recommendation to Committee to refuse on the grounds that the farm business was not active and established.	

**Characteristics of the Site and Area:**

The proposal site is located off the Drumanee road, Bellaghy with it being accessed via an existing access off the Ballydermot Road, Bellaghy. The site is a large agricultural field which has strong boundaries, located to the west of the site is a detached dwelling unconnected with the applicant/site, the remainder of the boundaries are flanked by further agricultural land.

Deferred Consideration:

This application has been re-assessed following the previous recommendation to the Planning Committee to refuse permission based on the grounds that the farm business supporting the proposal was not active and established for the required 6 year period.

Since the deferral, the Council has received from the agent and verified by DARD, the details from whom the farm lands were purchased by the applicant. This does show that these lands were actively farmed under a registered business belonging to a Mr Kennedy.

Whilst the applicant has only in 2015 applied for a farm business for the lands in question I am of the view that on the basis that the lands have been purchased as an active and established farm business that determining weight be given to this fact.

The shed will represent the first farm building on the applicant's lands and the applicant has made a valid animal welfare case for the building on the holding to which I would have some sympathy. Satisfactory evidence is on file that the applicant has livestock and there have been no visual or amenity concerns identified by the case officer.

Subject to a condition restricting the use of the building for Agricultural purposes I now recommend approval of this application on the basis of the Policy support offered to the development within Policy CTY12 of PPS21.

Conditions/Reasons for Refusal:

Conditions:

- 1. The building hereby approved shall be used only for the purposes of agriculture.**
- 2. Visibility splays measuring 2.4 x 60m in both directions to be in place prior to the commencement of any development.**

Signature(s): M.Bowman

Date 16/11/16



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2016/0828/F	Target Date:
Proposal: Proposed single storey extension to existing dwelling (for granny flat) (amended proposal)	Location: 111 Back Lower Road Killycolpy Dungannon
Applicant Name and Address: Emmett Hurrell / Terri Ryan 111 Back Lower road Killycolpy Stewartstown	Agent name and Address: Michael Herron Architects 2nd Floor, Corner House 64-66A Main Street Coalisland BT71 4NB
<p><u>Summary of Consultee Responses:</u></p> <p>No objections</p> <p>Location map</p>	



Characteristics of the Site and Area:

The site is located on unzoned land in the open countryside as defined in the Cookstown Area Plan and is located approx 7.3km NE of Coalisland. The site incorporates the entire curtilage boundary of No. 111 Back Lower Road, Killycolpy, a single storey detached dwelling with lawn area to the east and north. To the west of the site there are a set of single storey semi-detached bungalows. The site is surrounded by agricultural land, is rural in character and is defined by dispersed single dwellings and farm holdings. The area is relatively flat.

Deferred Consideration:

Following discussions with the principle planner the proposal has been amended to 'extension to the existing dwelling to provide a granny annex'. Amended P1 and drawings were submitted on 17 October 2016. Neighbours were re-notified and no objections raised.

The relevant policy is Addendum to PPS7 - Residential extensions and alterations. Policy EXT1 sets out the relevant criteria which must be met for this type of development.

(a) The scale, massing, design and external materials of the proposal are sympathetic with existing dwelling and it will not detract from the appearance and character of the surrounding area.

(b) The proposal will be approx 1m closer to the common boundary with No.113. There is a strong boundary between them and No.113 is located over 30m from the boundary, so the proposal will not unduly affect their privacy or amenity. There will be 5 small additional windows on the side elevation at single storey level. However due to the distance from the neighbouring property there will be no issues of overlooking.

(c) The proposal will not cause the unacceptable loss or damage to trees or other landscape, which contribute to local environmental quality.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes for parking and maneuvering of vehicles.

In relation to ancillary accommodation, it must remain subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such accommodation should normally be attached and will be internally accessible from it. In this case the overall floor extension will be 75sqm and it will remain lower ridge height than the existing dwelling. There is a linking door between the extension and existing property, however there will be a separate doorway access, which is permitted in EXT1 policy.

Approval is recommended.

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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2016/1114/F	Target Date: <add date>
Proposal: Refurbishment of existing listed building to include demolition of existing 2 storey rear return and construction of new 2 storey extension to rear and 1 new single storey extension to rear	Location: Strathmullan House 56 Killymeal Road Dungannon
Applicant Name and Address: Stephen And Kiera Boyle 11 Hillcroft Dungannon	Agent name and Address: David Maxwell 12 Ballyblaugh Road Newry BT43 1RR
Summary of Issues: This is an application for planning permission that accompanies an application for Listed Building Consent. Historic Environment Division have objections to the use of UPVC windows and doors.	
Summary of Consultee Responses: HED – objections to the use of UPVC windows and doors and effect on the listed building	



Characteristics of the Site and Area:

The application site is a 0.66 hectare plot of land which takes in Strathmullan House, a two storey Grade 2 Listed derelict dwelling and its extensive domestic curtilage. The dwelling is included on the Built Heritage At Risk NI (BHARNI) Register. It is located to the immediate North of numbers 3, 5 and 10 Strathmullan, a low density residential development within the development limits of Dungannon Town. The site is elevated above the level of the existing dwellings in Strathmullan and is accessed via a sweeping hard core driveway which runs along the side and rear of number 3 Strathmullan. The dwelling itself has a slate roof with 2 chimneys finished in red brick. The external lower walls are finished in sandstone and the upper walls are finished in red clay brickwork. Rain water pipes and gutters are finished in cast iron. The front elevation has a two storey centralised projection and ground floor bay windows. The dwelling also has two storey rear return. The majority of windows are boarded up.

The immediate area is residential in character, with Strathmullan to the South, Viewfort to the North East and Dunavon Heights to the North. To the North West of the site is a zoned community woodland (DCW01) Dunlea Vale.

Deferred Consideration:

Members are advised this application was before them last month and is the planning application that accompanies the Listed Building Consent application LA09/2016/1115/LBC. The principle of the extension is acceptable and the main issue to be resolved is the use of UPVC windows and doors in the listed building.

Members should note any decision on this application is dependent on the outcome of the Listed Building Consent. If the Listed Building Consent is issued as an approval by the Council, members may resolve to allow the Planning Manager to issue a decision approving this application.

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.

Signature(s):**Date**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2016/1115/LBC	Target Date: <add date>
Proposal: Refurbishment of existing listed building to include demolition of existing 2 storey rear return and construction of new 2 storey extension to rear and 1 new single storey extension to rear	Location: Strathmullan House 56 Killymeal Road Dungannon
Applicant Name and Address: Stephen and Kiera Boyle 11 Hillcroft Dungannon	Agent name and Address: David Maxwell 12 Ballyblaugh Road Newry BT34 1RR
Summary of Issues: Historic Environment Division have objections to the use of UPVC windows. The Council must notify the Department for Infrastructure before it issues any Listed Building Consents.	
Summary of Consultee Responses: HED have objections to the use of UPVC windows and doors in this listed building.	



Characteristics of the Site and Area:

The application site is a 0.66 hectare plot of land which takes in Strathmullan House, a two storey Grade 2 Listed derelict dwelling and its extensive domestic curtilage. The dwelling is included on the Built Heritage At Risk NI (BHARNI) Register. It is located to the immediate North of numbers 3, 5 and 10 Strathmullan, a low density residential development within the development limits of Dungannon Town. The site is elevated above the level of the existing dwellings in Strathmullan and is accessed via a sweeping hard core driveway which runs along the side and rear of number 3 Strathmullan. The dwelling itself has a slate roof with 2 chimneys finished in red brick. The external lower walls are finished in sandstone and the upper walls are finished in red clay brickwork. Rain water pipes and gutters are finished in cast iron. The front elevation has a two storey centralised projection and ground floor bay windows. The dwelling also has two storey rear return. The majority of windows are boarded up.

The immediate area is residential in character, with Strathmullan to the South, Viewfort to the North East and Dunavon Heights to the North. To the North West of the site is a zoned community woodland (DCW01) Dunlea Vale.

Deferred Consideration:

Members are advised this application was before them last month and a sample of the UPVC windows was made available to allow comparisons of the appearance of the UPVC windows against the wooden painted finish.

This is a building on the Built Heritage at Risk NI (BHARNI) Register, it is located within its own grounds away from the public view and has been the subject to vandalism, possibly due to its isolated and unsupervised location. The applicant provided information at the last committee meeting that the building is continually at risk from further vandalism and they fear this could result in the building being significantly damaged or completely destroyed.

Historic Environment Division (HED) have advised they would like to see the building being brought back into use and welcome its use as a family dwelling but are opposed to the UPVC windows being proposed, they recommend the application is refused as contrary to policy BH8 of Planning Policy Statement 6. HED have also raised some concerns about detailing of some other finishes which the architect is willing to revise and agree to.

Members are advised Strathmullen House is a Grade B2 Listed Building and the Criteria for Listing advises these may have a degree of imperfection or alteration. It is clear not all existing features are expected to be in place and from the details submitted the existing windows are a mix of casements and sliding sash and it is unlikely these are the original windows. The advice from HED is unduly harsh given that the Department regularly allowed major changes to important Listed Buildings, which have significant public importance, resulting in little more than the front façade being retained.

The main issue of contention is the use of UPVC windows and doors that are proposed. HED have not raised any concerns about the design of the windows and doors and these are within the existing openings. The applicant has advised the cost of providing the wooden windows is £40,000 more than the cost of providing the 'wood effect UPVC'. Members should note a grant scheme was opened on 14th September 2016 and closed on 10th October 2016 and HED have not been able to advise the amount of grant funding that was available through this scheme. The applicant did apply for a grant to assist them, however this has been rejected. HED do not envisage any further grant aid being available until spring 2017 and it is not expecting the budget to be significant. It is clear, in the foreseeable future, there will not be any public money being put forward to assist the applicants in their endeavours to reuse this building. It is also apparent that the building, if not brought back into use, will fall into further disrepair and the entire building could be lost.

I would like members to note the Historic Buildings Grant Aid Scheme Guidance Notes which advocates the four principles of conservation contained within the Burra Charter, these principles are:

Minimum Intervention - only undertaking that intervention which is essential to preserve a structure or building i.e the minimum change to a historic building or structure in order to retain, wherever possible, the original fabric and character

Maximum Retention - the retention of the maximum amount of historic fabric

Clarity - it should be possible to distinguish any new work from historic work

Reversibility - ensuring that any intervention to a historic structure can be undone in the future.

There is a fifth principle, Sustainability - the principle that any change proposed to a building, supports a sustainable future for the structure, or at least does not preclude such a future.

It is clear the existing windows and doors require replacement and whether this is historically accurate or UPVC it will still result in the same amount of work to replace them. The plans provided for this development show the existing windows and doors and the proposed windows and doors, which are broadly similar in appearance and in the most part they can be provided without bastardisation of the existing openings. It will be apparent the UPVC windows and doors are not historically accurate and are distinguishable from the historic. The windows and doors are elements of the building that relatively easily and speedily be removed and replaced without any significant structural alterations, as such if a suitable funding package becomes available, then it is possible these can be changed to historically accurate replicas. By allowing the use of UPVC windows, the applicant has indicated they are ready to bring this property back into use as a family dwelling and therefore securing the future of the building.

Based on this report and discussions at the last committee meeting, members may resolve for this application to be presented with an opinion to approve, with conditions, to the Department for Infrastructure as required by Section 89 of the Planning Act (NI) 2015. If the application is not called in, under Section 88 of the Act, the Planning Manager is therefore instructed to issue this consent.

Conditions:

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. All works shall be carried out strictly in accordance with the approved details, any changes to these details shall be agreed in writing with Historic Environment Division prior to the work commencing.

Reason: To ensure the inclusion of architectural details which are in keeping with those found on the listed building.

Signature(s):

Date

D

Subject:	Approval of planning permission I/2011/0460/F (Erection of a single wind turbine, rated 225kW, for the supply of electricity to Broughderg Community Centre and excess to electricity grid. Hub height 50m, blade length 14m, rotor diameter 29m. Total height c. 64m).
Date of Meeting:	6 th December 2016
Reporting Officer:	Melvin Bowman
Contact Officer:	Dr Chris Boomer

1	Purpose of Report
1.1	This report was requested by Cllr Mallaghan in relation to concerns expressed by the Broughderg Area Development Association that Planning permission was granted for a wind turbine to serve the Broughderg Community Centre. The Development Association have informed the Council that it had entered into no such agreement with the turbine operator and have requested that the Council seek action to address the matter.

2	Background
2.1	On the 25 th Sept 2012 the DOE granted full planning permission for this application. The decision notice describes the proposal as 'Erection of a single wind turbine, rated 225kW, for the supply of electricity to Broughderg Community Centre and excess to electricity grid. Hub height 50m, blade length 14m, rotor diameter 29m. Total height c. 64m' . No local objections were received to the application.
2.2	On the 6 th Sept 2016, Under a Non-material Change (LA09/2016/0681/NMC) the Council approved an amended turbine type with a reduced hub height and lower overall height. Whilst the location of the turbine makes specific reference to being on 'lands approx. 450m west of Broughderg Community Centre', I can find no reference within this NMC case that the turbine was to provide electricity to the Community Centre.
2.3	Having met with representatives of the Community Association in September 2016 to hear their concerns, the Council on the 29 th Sept 2016 wrote to RBF Wind Energy (agent for the application) seeking their comments on the central allegation made to the Council that there was never any agreement between the group and the applicant to supply power to the Community Centre. RBF Energy were given until the 14 th Oct 2016 to respond but as of the date of this report have not provided any response.

	<p>The Community Association have raised other concerns in relation to how the application was advertised, the reliance on references relating to the Community Centre within the location used, the absence of neighbour notification letters, and the application being passed in an area identified as having high sensitivity in terms of the AONB, when similar applications in this area have been refused. It is also claimed that there are insufficient sight lines on the public road at the proposed access to the turbine. The Association have requested that the Council take action to address what they feel has been the use of fraudulent information to gain this planning permission.</p>
2.4	<p>Previous correspondence from the Council issued to the Broughderg Community Association has addressed the above administrative concerns. I also note that the decision notice for I/2011/0460/F contains no conditions requiring the provision of visibility onto the public road. This is in keeping with the Council's present stance that vehicular access improvements for single wind turbine applications are not necessary.</p>
2.5	<p>DOE Planning Service at the time of its decision would have been aware the application was to 'supply electricity to Broughderg Community centre' as per the description on P1 form. I acknowledge that the community association are now stating that this was never to be the case, it is not implicit however when examining the case officers report that this was a material consideration which was given determining weight in favour of approval of the turbine and as such I cannot ascertain what, if any, support this intention to supply the local community building had in the DOE reaching a decision to approve the turbine.</p>
2.6	<p>One course of action available to the Council is to consider Revoking the permission. The ability for the Council to do this exists in Legislation under Part 68 of the Planning (NI) Act 2011.</p> <p>This allows the Council, if it appears expedient, and whilst having regard to the local development plan and to any other material considerations, to revoke or modify any permission to develop land.</p> <p>Subsection (2) of Part 68 states that this power may only be exercised where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed</p>
2.7	<p>The Council must consider carefully whether seeking a revocation of this planning permission is in the public interest. There is risk for the Council in exercising its powers under Part 68 of the Planning Act, particularly given the difficulty in establishing that the socio-economic benefits were material in reaching a decision to approve the application.</p> <p>Consequently it would be difficult for the Council to resist any claims for compensation from the turbine operator should these arise.</p>
2.8	<p>Having sought legal opinion on the above from the Councils Solicitor, this would reinforce the risks which the Council may face should a decision to seek the revocation of the permission be agreed.</p>

3	Recommendations
3.1	That given the above that the Council take no further action

E

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0664/F	One and half storey extension to the rear of dwelling	88 Mountjoy Road Aughrimderg Coalisland	03/10/2016	Leonard Gillespie 88 Mountjoy Road Aughrimderg Coalisland	Harrington Building Design 26 Lisnastrane Park Coalisland BT71 4PW
LA09/2016/0741/F	Proposed two storey dwelling and detached single storey garage	Between 17 and 17a Loy Street Cookstown	03/10/2016	Ferson Bros 20 Drumnamalta Road Cookstown BT80 9LS	Rodney Henry 2 Lischole Cookstown BT80 8RG
LA09/2016/0907/F	Proposed replacement dwelling with garage and relocation of existing entrance	10 Corvanaghan Road Cookstown	03/10/2016	Philip Lennon 75 Tulnacross Road Cookstown	Terry Murphy 12A Corvanaghan Road Cookstown BT80 9TN
LA09/2016/1249/NI	Re-orientation of approved dwelling's position on site	11 Curragh Road Maghera	03/10/2016	Ruth McFarland 15 Curragh Road Maghera BT46 5ER	Diamond Architecture 77 Main Street Maghera BT46 5AB

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0357/F	Extension to existing outbuilding to create a work from home office (Class D1)	11a Drumard Lane Draperstown	04/10/2016	Mr and Mrs McCloskey 11a Drumard Lane Draperstown BT45 7LF	NIPlanningPermission.co.uk 31 Grange Park Dunmurry BT170AN
LA09/2016/0653/F	Proposed alterations and extension to provide granny annex	51 Brough Road Castledawson Magherafelt	05/10/2016	Mr and Mrs P McGovern 51 Brough Road Castledawson Magherafelt BT45 8ER	DM Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2015/0725/F	Dwelling and shed (shed to be used for domestic and agricultural purposes)	400m east of 54 Tamnamore Road Dungannon	06/10/2016	Robert Blair 56 Derrygally Road Moy Dungannon	Seamus Donnelly 80a Mountjoy Road Aughrimderg Coalisland BT71 5EF
LA09/2016/0410/F	Construction of a new 33/11KV substation including a switch house, transformer and open mesh	Adjacent to 38 Aghnagar Road Ballygawley BT70 2HP	06/10/2016	Kyle McMullan NIE Networks Fortwilliam House Edgewater Road Belfast BT3 9JQ	
LA09/2016/0844/RI	Proposed dwelling with attached covered way and domestic garage on an active farm	Land opposite 4 Lisnawery Road Augher Co Tyrone	06/10/2016	Kathryn and Barry McGirr 6 Lisnawery Road Augher	Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0958/F	Dwelling and attached garage	Approx. 100m N.W. of 174 Trewmount Road Dungannon	06/10/2016	Ray Wilson 174 Trewmount Road Dungannon	Simon Black 92 Mullarlelish Road Richill BT61 9LT
LA09/2016/1041/F	Single Storey Extension to Existing Dwelling, Including Minor Alterations within Existing Dwelling	Clogher Rectory Augher Road Clogher	06/10/2016	The Select Vestry of Clogher Cathedral C/O Rev. Canon M. Armstrong The Rectory Clabby Fivemiletown	Leighton Jonston Associates 39 Main Street Moria BT67 0LQ
LA09/2016/1024/F	Proposed 11kv Overhead line to facilitate wind turbine at 28 Keerin Road	28 Keerin Road Cookstown	07/10/2016	Ayr Power 28 Keerin Road Cookstown BT80 9PD	NIE Networks Carn Industrial Estate Portadown Craigavon BT63 5QJ
LA09/2015/0890/F	Dwelling and domestic garage	Approximately 40m South East of 88 Thornhill Road Rock	10/10/2016	Gary McLean 7 Tulnagall Road Donaghmore	Building Design Solutions 76 Main Street Pomeroy Bt70 2QP

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0603/F	Retention of existing mobile office unit and WC facilities associated with adjacent warehouse and provision of additional parking/ lorry turning area	72m NE of 11 Derryvale Park Derry Road Coalisland	10/10/2016	Mr Pat O'Neill 43 Summerisland Road Clonmain Armagh BT61 8LG	CMI Planners Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AJ
LA09/2016/0843/F	2no Free Range Poultry Sheds with 2no Feed Bins and a Standby Generator Building (each poultry shed to contain 6,000 free range egg laying hens giving a total site capacity of 12,000 free range egg laying hens)	Land approx. 85m NE of 117 Aghnagar Road Galbally	10/10/2016	Mr Dominic Rafferty 21 Killyliss Road Dungannon BT70 1RP	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
LA09/2016/0890/A	15non illuminated fascia signs 2x internally illuminated totem signs, 1x externally illuminated totem sign, 5x promotional banners ,8x non illuminated pole signs	TESCO 76-78 Burn Road Cookstown	10/10/2016	Bernard Owens TESCO Kestrel Way Welwyn Garden City AL7 1GA	S+SA Architects 37 Victoria Avenue Harrogate HG1 5PX
LA09/2016/0909/O	Proposed gap site for dwelling and garage	17m SE of 40 Brookend Road Ardboe	10/10/2016	Luke Quinn 40 Brookend Road Ardboe	
LA09/2016/0544/O	Proposed dwelling and garage	29m South of 6 Annaghmore Road Cookstown BT80 0JQ	11/10/2016	Sean Quinn 6 Annaghmore Road Cookstown BT80 0JQ	CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0393/F	Residential development of 15 no dwellings, comprising 5 no detached and 10 no semi-detached with associated road, site works and landscaping (reduction in density from that previously approved under M/ 2005/0513/F	Lands adjacent to and North of 14 16 and 18 Bush Road Dungannon	12/10/2016	Lanpro Investments Ltd c/o Agent 29 Linenhall Street Belfast BT2 8AB	TSA Planning Ltd 29 Linenhall Street Belfast BT2 8AB
LA09/2015/1287/F	Partial demolition to include replacement front walls with renovation and rear extension to create 2 no terraced dwellings	50 and 52 Moore Street Aughnacloy	12/10/2016	Martina O'Hanlon 11 O'Duffy Terrace Ballybay	ACA Architecture Cottage Studios Gortrush Omagh BT78 5EJ
LA09/2016/0366/O	Erection of detached farm dwelling with associated site works	Lands approx. 60m NW of 8 Liskittle Road Stewartstown Dungannon	12/10/2016	Mr Anderson 8 Liskittle Road Stewartstown Dungannon BT71 5PT	Patrick O'Neill 31 Grange Park Dunmurry BT17 0AN
LA09/2016/0435/F	Proposed 2 storey replacement dwelling and domestic garage	Previously 93 Ballagh Road Ranely Fivemiletown BT75 0LD	12/10/2016	Gary and Linda Beacom 97 Ballagh Road Fivemiletown BT75 0LD	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2016/0487/F	Retrospective Application for Temporary living accommodation above existing Domestic Garage	33 MullyBrannon Road Dungannon BT71 7ER	12/10/2016	Kennith Reid 33 Mullybrannon Road Dungannon BT71 7ER	Sam Smyth Architecture Unit 45 D 2 Coalisland Road Dungannon BT71 6JT

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0608/F	Extension to existing industrial warehouse building	FSL Electronics Ltd Sandholes Road Cookstown	12/10/2016	Trustees of City Private Pension - Meenan FSL Electronics Property-MHPP1036 12 Sandholes Road Cookstown	OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
LA09/2016/0669/F	Replacement dwelling with detached garage	90 Dungannon Road Ballygawley	12/10/2016	Mrs Edith Rooney 12 Lettery Road Ballygawley BT70 2AR	McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE
LA09/2016/0803/F	Proposed additional raw materials store	81 Gortgonis Road Coalisland	12/10/2016	Terramac Ltd Granville Ind. Estate Granville Dungannon	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/1062/F	Change of house design and re-positioning of house from that previously approved I/2011/0246/F	Lands East of 30 Limehill Road Pomeroy	12/10/2016	Mr Stephen McNally 29 Crancussy Road Cookstown	Building Design Solutions 76 Main Street Pomeroy BT70 2QP

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1092/F	Proposed development of 500kW on farm anaerobic digestion (AD) plant. Combined heat and power plant (CHP) access, passing bays and ancillary site works	Lands 104m West of 20 Ballyloughan Road Moneymore Magherafelt	12/10/2016	Mr Harold Hessin 20 Ballyloughan Road Moneymore Magherafelt	Clyde Shanks 5 Oxford Street Belfast BT1 3LA
LA09/2015/0718/O	Proposed dwelling and domestic garage on a farm	Land adjacent to and NE of 61C Dungannon Road Ballygawley	13/10/2016	Mr Lee Galloway 9a Millix Road Ballygawley	Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
LA09/2015/0763/F	Proposed car wash area to include new garage/store and wash bay.	83 Sixtowns Road Straw Draperstown	13/10/2016	Pat McNamee 83 Sixtowns Road Straw Draperstown BT45 7BB	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2016/0598/O	Off site replacement dwelling south west of 73 Derryvale Road, Coalisland	Adjacent to 73 Derryvale Road Coalisland	13/10/2016	Dominic Halligan 73 Derryvale Road Coalisland Dungannon	Mrs Carol Gourley MRPTI Unit 7 Cookstown Enterprise Centre Derryloran Industrial Estate Sandholes Road Cookstown BT80 9LU
LA09/2016/0770/F	Proposed dwelling and detached domestic garage with new independent access to main street	76 - 78 Main Street Augher	13/10/2016	T and B Gallen 16 Main Street Augher BT77 0BD	Marcus Kerr Design 111 Gillygooley Road Omagh BT78 4SU

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0882/F	Proposed new detached double garage	110 Coleraine Road Maghera	13/10/2016	Mr Benny O'Kane 110 Coleraine Road Maghera	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0883/F	Proposed dwelling and garage	Site adjacent to 110 Coleraine Road Maghera	13/10/2016	Paul Wilson 4 Hawthorne Crescent Maghera	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0884/A	Freestanding nameplate sign	Castledawson Presbyterian Church Main Street Castledawson	13/10/2016	Castledawson Presbyterian Church 59 - 63 Main Street Castledawson	Thomas Hueston 15 Bellshill Road Castledawson BT45 8HG
LA09/2016/0933/F	Single storey rear extension to allow for kitchen, utility room, bedroom and bathroom and front single storey extension to allow for a porch	25 Gulladuff Road Maghera	13/10/2016	Morris Hutchinson 25 Gulladuff Road Maghera BT46 5EL	T J Fullerton 12 Rainey Court Magherafelt BT45 5BX
LA09/2016/0964/F	Proposed dwelling and garage change of house type from that approved under H/2007/0658/RM	140m South West of 20 Carnamoney Lane Draperstown	13/10/2016	Declan and Louise O'Doherty 8 Clarkes Court Gulladuff	Diamond Architecture 77 Main Street Maghera BT46 5AB

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0977/F	Alterations to previously approved dwelling to include full 2 storey rear elevation and alterations to window openings	39 Killyliss Road Dungannon	13/10/2016	Noel Smith 39 Killyliss Road Dungannon	Clarman & Co Architects Unit 1 33 Dungannon Road Coalisland BT71 4HP
LA09/2016/1014/F	Proposed change of use of redundant shop to provide living accommodation including disabled facilities grant provision of bedroom & WC/Shower room	46 Main Street Augher	13/10/2016	Mr. Frank Campbell 46 Main Street Augher	Mr. Francis Campbell 5 Lakeview Augher BT77 0AY
LA09/2016/0969/O	Dwelling and Garage	Adjacent to 48 and 36m SE of 56 Derrytresk Road Coalisland BT71 4QL	14/10/2016	Peter O'Hanlon 52 Derrytresk Road Derrytresk Coalisland BT71 4QL	Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
LA09/2016/1264/LI	Construction of car parking to front of Cookstown Courthouse in accordance with Planning Approvals I/2007/0674/F and I/2012/0253/F	2-4 Church Street Cookstown	14/10/2016	Mr Patrick Donnelly 67 Lissan Road Cookstown BT80 8EW	Carol Gourley (C McIlvar Ltd) Unit 7 Cookstown Enterprise Centre Derryloran Ind Est Sandholes Road Cookstown BT80 9LU

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0994/F	Proposed replacement dwelling and garage	Approx 30m East of 10 Drumnacanon Road Upperlands Maghera	17/10/2016	Mr and Mrs S Speers 19 Drumnacanon Road Upperlands Maghera	D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
LA09/2016/0615/F	New dwelling and garage	Adjacent and West of 31 Slaughtneill Road Maghera	17/10/2016	Seamus McGuiggan 31 Slaughtneill Road Maghera	Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
LA09/2016/0705/RI	Dwelling and Garage	45m NE of 57 Ballygruby Road Moneymore	17/10/2016	Majella McCusker 12 Derg Lane Ballymulligan Road Magherafelt BT45 6NY	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0722/O	Proposed dwelling house	Between 84 - 88 Derryfubble Road Dungannon	17/10/2016	Mr Patrick O'Neill 102 Derryfubble Road Mossmore Dungannon BT71 7PW	J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0791/O	Site of Infill Dwelling and Garage for Residential Purposes	30m NW of 38 Deerpark Road Bellaghy	17/10/2016	Mr Brendan Quinn 38a Deerpark Road Bellaghy	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2016/0813/F	Proposed off site replacement dwelling and garage to supersede dwelling and garage approved under LA09/2015/1012/O	opposite no.61 Ballynakilly road Dungannon	17/10/2016	Terry McCann 63 Ballynakilly Road Coalisland Dungannon	Mrs Carol Gourley MRPTI Unit 7 Cookstown Enterprise Centre Derryloran Industrial Estate Sandholes Road Cookstown BT80 9LU
LA09/2016/0858/RI	Proposed Replacement of existing dwelling	140 Old Eglis Road Dungannon	17/10/2016	Mr Alan Hall 7 Dunseark Road Dungannon	Sam Smyth Architecture Unit 45d DGN Enterprise Centre 2 Coalisland Road Dungannon BT71 7JT
LA09/2016/0945/F	11000 volt overhead line to provide electrical connection to said wind turbine	83 Tullyodonnell Road Dungannon	17/10/2016	John McAuley 70 Tullyodonnell Road Dungannon	N>I>E Networks Carn Ind. Estate Portadown BT63 5QT
LA09/2016/0980/F	Proposed Change of House Types (No.7 9 Gort Manor)	Gort Manor (Lands opposite no 67) Gortgonis Road Coalisland. Proposed house numbers 9 and 11	17/10/2016	Peter O'Neill 80 Moor Road Coalisland	Mckeown and Sheilds 1 Annagher Road Coalisland BT71 4NE

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0994/F	Proposed First Floor Extension over existing garage to provide new bedroom and ensuite with other refurbishment works to existing dwelling	7 Fern Drive Magherafelt	17/10/2016	Mr James O'Brien 50 Mullaghboy Glen Magherafelt	AD Design 35 Ballygrooby Road MoneyMore BT45 7XF
LA09/2016/0996/F	Change of house design to that approved under I/2010/0307/F	84 Lurganeden Road Killey Pomeroy	17/10/2016	Mr Noel Boyd 12 Station Road Pomeroy	Taggart Design 133A Coolreaghs road Cookstown BT80 9QD
LA09/2016/1064/A	Various site signage to include 1no. height restrictor, 6no. freestanding signs, 2no. banner units and 1no. side by side directional (7no. retained and 3no. existing relocated signs)	McDonald's Restaurants Ltd Sweep Road Cookstown	17/10/2016	McDonalds Restaurants Ltd 11 - 59 High Road East Finchley London N28AW	Miss Donna Smyth The Granary 37 Walnut Tree Lane Sudbury Suffolk CO101BD
LA09/2016/1066/F	Installation of 30.4 sqm extension and 'folded roof' element, minor changes to the site layout and elevations (inclusive of new kerbs to drive thru lane) and reconfiguration of patio furniture layout. Existing height restrictor and COD canopies (Customer Order Displays) to be retained	McDonald's Restaurants Ltd Sweep Road Cookstown	17/10/2016	McDonalds Restaurants Ltd 11 - 59 High Road East Finchley London N28AW	Miss Donna Smyth The Granary 37 Walnut Tree Lane Sudbury Suffolk CO101BD

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1067/A	8 no fascia signs: relocation of 2no. 'Golden Arches' and 2 no. McDonalds text signs and installation of 3no. new 'Golden Arches' and 1no. new McDonalds text sign	McDonald's Restaurants Ltd Sweep Road Cookstown	17/10/2016	McDonalds Restaurants Ltd 11 - 59 High Road East Finchley London N28AW	Miss Donna Smyth The Granary 37 Walnut Tree Lane Sudbury Suffolk CO101BD
LA09/2016/1159/O	Proposed replacement dwelling and garage	Approx 270m N.W. of Fallaghloon Community Hall Glen Road Maghera	17/10/2016	Mr and Mrs J O'Kane 22 Falgortrevy Road Maghera	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2016/0802/O	Proposed Dwelling and garage	Adjacent to 10 Drumlee Road Dungannon	18/10/2016	William Henry 19 Oakfield Gardens Moy	Prestige Homes 1 Lismore road Ballygawley BT70 2ND
LA09/2016/0892/LI	Shed for the manufacture of Commercial and Mobility Vehicle Parts	15 Cullenfad Road Dungannon	18/10/2016	Mr Ivan McKeown 15 Cullenfad Road Castlecaulfield Dungannon	Henry Marshall Brown Architectural Partners 10 Union Street Cookstown BT80 8NN
LA09/2016/0537/F	Agricultural shed for cattle testing facility	Lands between 4 and 4A Gortinure Road Maghera	19/10/2016	Seamus McGuiggan 31 Slaughtneill Road Maghera	Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0583/R	Proposed two storey farm dwelling and garage	35m S.W. of 46 Tirgan Road Moneymore Magherafelt	19/10/2016	Kevin Vallely 30 Hawthorne Road Maghera BT46 5FP	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0663/F	Proposed off site replacement dwelling and garage	7 Cranny Lane Moneymore Magherafelt	19/10/2016	Mr S Connery 25 Tirgan Road Moneymore Magherafelt	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2016/0893/A	Advertisement Fixed Hoarding	107 Ballyronan Road Magherafelt	19/10/2016	Eugene O'Kane 107 Ballyronan Road Magherafelt	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/1016/F	Proposed alterations and extension to existing dwelling	49 Mullaghboy Road Bellaghy Magherafelt	19/10/2016	Mark Scullion 16 Tamlaghtduff Road Bellaghy Magherafelt BT45 8JQ	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0179/F	Dwelling and garage - retention of foundations - repositioning of dwelling on approved site and creation of a new access.	45m South of 75 Lisnamuck Road Maghera	20/10/2016	M Convery Esq c/o 75 Lisnamuck Road Maghera BT46 5LA	Russell Finlay Building Design Consultant 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0379/F	Proposed dwelling and integral garage	Approx 50m South West of 5 Hillside Crescent Augher	20/10/2016	Colin and Ciara Moran 275 Favour Royal Road Augher BT77 0EG	ACA Architecture Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
LA09/2016/0816/O	Proposed infill / gap site for dwelling (ridge height 7.6m) and domestic garage based on policy 8	30mts south/ south east of no.68 Moneyhaw road- Drummullan Moneymore	20/10/2016	Mr Daniel McCloy 68 MoneyShawRoad Drummullan Moneymore	CMI Planners Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
LA09/2016/0835/F	Proposed two storey farm dwelling and garage	Approximately 300m North of 18 Drapersfield Road Cookstown	20/10/2016	Mr Jonathan Doyle 306 Drum Road Cookstown	McCarter Hamil Architects 44 Circular Road Dungannon BT71 6BE
LA09/2016/0917/F	11000 Volt over head line to be constructed as per maps to facilitate wind turbine	307m NW of 55 Mullyneill Road Caledon	20/10/2016	Air Core Ltd 307m N W of 55 Mullyneill Road Caledon	NIE Networks Carn Ind Estate Portadown BT63 5QJ
LA09/2016/0957/F	Proposed alterations and extension to existing dwelling to provide additional living and sleeping accommodation	62 Moneygran Road Kilrea Coleraine BT51 5SL	20/10/2016	Tony & Cathy Boreland 62 Moneygran Road Kilrea BT51 5SL	D M Kearney Design 2a Coleraine Road Maghera BT46 8BN

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1000/F	Removal of single storey side element of dwelling to allow 2 storey side extension with single storey rear extension	39 Davison Villas Castledawson	20/10/2016	Mr & Mrs K Gilmour 39 Davison Villas Castledawson	Robert Logan Architects 19 Main Street Doagh Ballyclare BT39 0QL
LA09/2016/1021/F	Proposed 2 storey front extension to provide feature entrance and alterations to existing dwelling	9 Crew Road Maghera	20/10/2016	GDC Home Ltd Riverside House 372 Ballyquin Road Dungiven BT47 4NQ	Bell Architects Ltd 65 Main Street Ballymoney BT53 6AN
LA09/2016/1030/F	Single storey sunroom extension to side of existing dwelling	40a Dreenan Road Maghera	20/10/2016	Damien Trainor 40a Dreenan Road Maghera BT46 5TZ	Terry McGlinchey Architect 5 - 7 Conway Street Belfast BT13 2DE
LA09/2016/1045/A	1 No. Fascia sign internally illuminated Built up text and logo 1 No. Fascia sign internally illuminated, Built up logo 1 No. Projecting sign, internally illuminated, double sided	Unit 5 Rainey Street Park Magherafelt	20/10/2016	Dominos Pizza Group Ltd 1 Thornbury West Ashlands Milton Keynes	G Gray Studio 2/1 8 Garrioch Drive Glasgow G20 8RP
LA09/2016/1048/NI	Amendment of elevations to replace one large single front window/2 side windows to lounge with two number corner windows including relocation of chimney	14 Rossmore Rd Dungannon	20/10/2016	Barry McKenna 14 Rossmore Rd Dungannon	J. Aidan Kelly 50 Tullycullion Rd Dungannon BT70 3LY

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1084/F	Single storey extension to rear of dwelling	58 Cullenrammer Road Dungannon	20/10/2016	Mr Roy Nicholl 58 Cullenrammer Road Dungannon	Don Sonner 26A St Jeans Cottages Cookstown BT80 8DQ
LA09/2016/1088/A	Proposed advertising board	Lands 70m North East of Loves Hill Castledawson	20/10/2016	Noel and Marie Lennon 1 Loves Hill Castledawson	Newline Architects 48 Main Street Castledawson BT45 8AB
LA09/2016/1116/F	Alterations and Rear Extension	6 Inishkeen Dungannon	20/10/2016	Mr and Mrs Hughes 6 Inishkeen Dungannon BT71 7DL	K Hagan - Architect Featherbed House Shanless Coalisland BT71 4PF
LA09/2016/1196/F	2 Storey side extension to dwelling	24 Killicavan Court Killyman	20/10/2016	Simon Burke 24 Killicavan Court Killyman BT71 6XP	Scott Montgomery 163 Brackville Road Coalisland BT71 4NL
LA09/2016/1197/RI	1 Bungalow with rooms in roofspace	35m North East of 14 Ballyronan Road Derrygarve Toome	20/10/2016	Gareth Ewart 11 Killyfaddy Road Magherafelt	T J Fullerton 12 Rainey Court Magherafelt BT45 5BX

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Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1199/F	Extension to kitchen ,new sun room extension and dormer window all to the rear of the property	2 Lower Parkslands Dungannon	20/10/2016	Mrs Marie Gormley 21 Old Caulfield Road Dungannon	Mr Gerald O Connor 35 Ormiston Crescent Belfast BT4 3JQ
LA09/2016/1398/NI	Replacement Dwelling and Garage	22 Tamlaghtduff Road Bellaghy Magherafelt	20/10/2016	Mr Brendan Scullion 22 Tamlaghtduff Road Bellaghy Magherafelt BT45 8JQ	CMI Planners Ltd 80-82 Rainey Street Magherafelt BT45 4AJ
LA09/2016/0561/F	Dwelling (change of house type and access from previous approval H/2014/0370/F)	Adjacent and North of 259 Hillhead Road Knockloughrim	24/10/2016	Albert Speer 259 Hillhead Road Knockloughrim	Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
LA09/2016/1020/F	Replacement dwelling and domestic garage	105a Kilmasally Road Lurgyroo Dungannon	24/10/2016	Mr and Mrs Raymond McGuckin 105a Kilmasally Road Lurgyroo Dungannon BT71 5BL	Trevor Hutton T/A T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW

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Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1026/A	Replacement shop signage. New shop signage to be aluminium and internally illuminated.	Specsavers Optical Superstore 18 - 22 James Street Cookstown	24/10/2016	Specsavers Optical Superstores 18 - 22 James Street Cookstown BT80 8LW	Hamilton Architects 3 Joy Street Belfast BT2 8LE
LA09/2016/0490/F	Renewal of Previous Planning Approval I/2009/0582/F	Lands 80m East of 101 Tamlaghtmore Road Killymenagh Stewartstown	25/10/2016	Mr Pdraig O'Brien 'Lyndhurst' Jacksmere Lane Scarisbrick Nr Ormstrich Lancashire L40 9R	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0819/A	3 x non-illuminated fascias, signs A, B and D. 1 X illuminated fascias logo only sign C. 2 X internally illuminated logos, signs E AND F. 1 X internally illuminated projector sign G. 8 X non illuminated wall mounted aluminium panels, signs H 1 H2 I J1 j2 K1 K2 L	10 Dungannon street Moy	25/10/2016	Food Programme Delivery Orchid group 1 Angel square Manchester	Futurama Middleton grove Lockwood court Leeds LS11 5TY

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0821/A	1x internally illuminated logo , sign A 1.4x1.32x0.075m ,1x non illuminated acrylic letters, sign B 0.322x4.92x0.005, 1x non illuminated wall mounted aluminium panel, signs D1, D2,D3,E,F,I,j.0.6x0.6x0.003m. 1x internally illuminated logo ,sign G 0.8x0.755x0.075m, 1x internally illuminated projector sign H, 0.852x0.727x0.115m	Ballyburgan House Main Street Fivemiletown	25/10/2016	Food Programme Delivery Orchid Group 1 Angel Square Manchester	Futurama Middleton Grove Lockwood Court Leeds LS11 5TY
LA09/2016/1059/RI	Dwelling	Immediately West of 68 Gortlenaghan Road Cabragh Dungannon	25/10/2016	Mr Kevin Reilly 10 Ackinaduff Park Cabragh Dungannon	McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/1099/O	Proposed additional dwelling on established farm under policy CTY10 of PPS21	Lands at 10 Moghan Road Dungannon	25/10/2016	Alan Jameson 10 Moghan Road Dungannon	AMD Architectural Design 8 Canvy Manor Drumnacanvy Portadown BT63 5LP
LA09/2016/1140/F	Proposed amended dwelling and garage design to previously approved LA09/2015/0182 removal of gable projection, inclusion of sheltered area and domestic double garage with loft storage	Adjacent to 123 Sherrigrim Road Cookstown	26/10/2016	David Craig 2 Bracken Ridge Newmills Dungannon	Neil Irvine Ltd Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW

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Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1251/NI	Minor amendments to elevations to include some stone finish to the dwelling and garage	20m East of 29 Creevagh Road Dungannon	26/10/2016	Mr and Mrs Justin Stringer 19 Ranfurley Crescent Dungannon BT71 6PH	Damien Teague 18 Fortwilliam Demesne Belfast BT15 4FD
LA09/2016/0469/F	Erection of dwelling and domestic garage on a farm	Approx 75m SE of 54 Dreenan Road Curdian Maghera	27/10/2016	Mr K Ruddy 1 Rowan Glynn Maghera BT46 5FG	E C Birt 72 Main Street Toomebridge BT41 3NJ
LA09/2016/0885/F	Erection of farm dwelling complying with CTY10 detached garage and associated site works	Lands fronting the South side of Derrygally Way 250m from junction with Trewmount Road	27/10/2016	Mr and Mrs James Eakin 21 Ballylum Meadows Portadown	CT Lindsay Chartered Architect 66 Marlacoo Road Richhill BT60 1JW
LA09/2016/0902/F	Proposed relocation of existing approval LA09/2015/0489/RM	Lands to the rear of 34 Moor Road Annaghmore Coalisland	27/10/2016	Mr Shane O'Hagan C/o. 34 Moor Road Annaghmore Coalisland	CMI Planners Ltd Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
LA09/2016/1043/F	Proposed Change of House type from 2no. Detached Dwellings to 1no. set of Semi-Detached Dwellings(Previously approved Planning Reference LA09/2015/1129/F) and Domestic Garages	Opposite No. 33-37 Church Street Maghera	27/10/2016	Mr. Barry Young 19 Mullagh Road Maghera	Diamond Architecture 77 Main Street Maghera BT46 5AB

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Decision Issued From: 01/10/2016 To: 31/10/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0787/A	Hotel Signage	Adjacent to the junction of Tullylagan Road and A29	28/10/2016	Mr A Martin 40b Tullylagan Road Cookstown BT80 8UP	Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
LA09/2016/0998/F	Proposed Replacement Dwelling	no.6 Quarry Road Desertmartin Magherafelt	31/10/2016	Mr & Mrs. T. McElwee 6 Quarry Road Desertmartin Magherafelt	Paul moran Architects 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
LA09/2016/1061/F	11,000 Volt Overhead Line to provide electrical connection to Wind Turbine	710m North of 31 Gortinure Road Maghera	31/10/2016	Mr James Bradley 31 Gortinure Road Maghera BT46 5PA	NIE Networks Carn Industrial Estate Portadown BT63 5QT
LA09/2016/1106/F	Retrospective application to retain garage as built	18D Ballymaguigan Road Magherafelt	31/10/2016	Jonathan McPeake 18D Ballymaguigan Road Ballymaguigan Magherafelt	Newline Architects 48 Main Street Castledawson BT45 8AB
LA09/2016/1110/F	Proposed 2 storey extension to rear of existing dwelling to allow new kitchen and bedroom above	4 Chichester Avenue Castledawson	31/10/2016	Michelle McErlean 4 Chichester Avenue Castledawson	Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA