

A

Minutes of Meeting of Planning Committee (Development Plan and Enforcement) of Mid Ulster District Council held on Tuesday 15 September 2015 in Council Offices, Burn Road, Cookstown

Members Present

Councillor Kearney, Chair

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

Officers in Attendance

Dr Boomer, Planning Manager (7.17 pm)
Ms Gildernew, Senior Planning Officer
Ms McEvoy, Head of Development Plan and Enforcement
Mr McGibbon, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Miss Thompson, Committee Services/Senior Admin Officer

Others in Attendance

Mr McRandall, DOE Historic Buildings Unit

The meeting commenced at 7.01 pm.

P97/15 Apologies

Councillors Glasgow and Reid.

P98/15 Declarations of Interest

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

P99/15 Minutes of the Planning Committee Meeting held on Tuesday 28 July 2015

Councillor Bell referred to item P88/15 – DOE Decisions on ‘Out of Town’ Retail and asked that his comment be amended to reflect.. “That the Council needed to be conscious of not being progressive **enough** in its thinking when considering proposals for ‘out of town’ retail, especially in circumstances where town centres do not have the capacity to accommodate such **services**.”

Councillor Clarke referred to item P94/15 – Environmental Assets and asked that his comment be amended to reflect.. “That **the unique archaeological and geological features of the Sperrins within Mid Ulster District council area** should be considered for World Heritage Site status.”

Proposed by Councillor Bateson
Seconded by Councillor McPeake and

Resolved That the minutes of the Planning Committee (Development Plan and Enforcement) held on Tuesday 28 July 2015 (P83/15 – P94/15 and P96/15) were considered and subject to the foregoing, were signed as accurate and correct.

Matters for Decision

P100/15 Landscape Assessment Paper

Mr McGibbon (SPO) presented the Landscape Assessment paper as previously circulated which highlighted to Members the areas within the Council area that are vulnerable to change.

Councillor Gildernew referred to map three within the report and asked what the potential is for future development within the areas highlighted as being vulnerable.

The Head of Development Plan and Enforcement advised that this Landscape Assessment paper should be read in conjunction with the Development Pressure Analysis paper which is next to be discussed on agenda. The identification of vulnerable areas does not mean there will be no further development in that area but that the type of development will have to be considered and controlled more carefully in those areas.

In response to Councillor Clarke's question as to how "High Sperrins" is defined within the report the Head of Development Plan and Enforcement advised that this refers to the summits and steep upper slopes.

Councillor Clarke also referred to the fact that mineral extraction within the Sperrins is subject to planning permission however forestry activities do not fall under such permissions. The Councillor felt that the effect of such forestry activities can be dramatic and can totally change the landscape in addition to local water quality and the damage to local roads. The Councillor commented that such activities are of a commercial nature with no local benefit.

The Planning Manager entered the meeting at 7.17 pm

Councillor Bell voiced concern with regard to the potential restriction of development in vulnerable areas and how future targets can then be met.

The Planning Manager advised that in all matters officers are the advisors but Members are the decision makers and that what this Landscape Assessment paper is essentially saying is that in the main, existing policy is more than adequately protecting the countryside from excessive development pressure, however there may be a case in particular areas, such as the edge of Lough Neagh, to consider introducing additional protection.

Councillor Clarke commented that due to application/agent costs the public in general will not seek planning permission for something that is not likely to be approved, however, that is not to say there is no need.

Councillor McPeake referred to maps within report and apparent stringent boundary around Moyola floodplain.

Mr McGibbon explained that the areas recognised as being vulnerable were transposed onto the Mid Ulster map for the purposes of being a visual aid, the lines on the map are not a firm indication.

Councillor J Shiels asked if development within the areas highlighted on the map will not be allowed in future.

The Planning Manager advised that the next paper on the agenda – Development Pressure Analysis – will look at the possible restrictions to the types of development within vulnerable areas.

Councillor Mullen left the meeting at 7.35 pm

P101/15 Development Pressure Analysis Paper

Mr McGibbon (SPO) presented the Development Pressure Analysis paper as previously circulated which advised Members on the areas where significant development pressure has occurred and/or where local rural character is under threat.

It was noted that broadly speaking the development pressure analysis shows little evidence of significant adverse pressure across the district thus suggesting that both PPS18 and PPS21 have been generally effective, with some exceptions, in maintaining rural character. Exceptions include the Lough Neagh Fringes where it is recommended that an area of protection is introduced to conserve the lough shore. In addition, it was recommended that an area of protection from high structures be introduced to conserve the character of the High Sperrins and Clogher Valley Escarpments.

Proposed by Councillor Cuthbertson
Seconded by Councillor McAleer and

Resolved That Council agree with the content of the Landscape Assessment Paper.

Proposed by Councillor J Shiels
Seconded by Councillor Robinson and

Resolved That Council agree with the content of the Development Pressure Analysis Paper.

P102/15 Open Space, Recreation and Leisure Position Paper

The Head of Development Plan and Enforcement presented the above paper as previously circulated which provided Members with an overview on the provision of open space, recreation and leisure within the council area now and options for addressing the future needs of the district up to 2030.

The Planning Manager advised that the term “surplus pitches” contained within the report should not be misunderstood in that there is not space to give away.

Councillor McAleer commented that Knockmany Forest is not included on the list of open spaces and advised that this is a well used area that is not recognised and has no facilities ie. Toilets, play areas.

Councillor Clarke also commented that Davagh Forest and Lough Fea is not mentioned within the paper.

The Planning Manager advised that there is no difficulty advocating rural amenities however the paper before Members has focused on an urban needs analysis which has set parameters, a rural needs analysis would be more difficult to assess as there are no parameters set against this. The Planning Manager felt that it would be appropriate to include a comment within the paper in relation rural amenities that are outside of Council control.

Councillor Mallaghan referred to the need to give greater thought to the location of play areas in the future.

Councillor J Shiels referred to the pitch at Upperlands which is unusable at the moment due to changes within the club and asked if any protection can be given to pitches.

The Planning Manager advised that if the pitch was within an urban area an element of protection could be given, however this was not necessarily the case for a pitch in a rural location.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That Council agree with the content of the Open Space, Recreation and Leisure paper with additional comment to be included in relation to rural amenities outside of Council control.

P103/15 Tourism Position Paper

The Head of Development Plan and Enforcement presented the Tourism paper as previously circulated which provided Members with an overview of tourism within Northern Ireland and Mid Ulster including an outline of the Tourism Strategy for Mid Ulster.

Councillor Robinson advised that there is also a golf club in Aughnacloy and Fivemiletown which could be included in paper.

Councillor Bell commended officers on the excellent paper and the need to develop Mid Ulster to its full potential as a tourist destination.

The Planning Manager commented that having a range of activities in place is a selling point in any area and suggested that the final policy needs to recognise the value of activity based tourism.

Councillor Clarke commented that tourists are visiting the area but are not staying due to lack of accommodation and expressed the need for a range of accommodation facilities to be put in place. Employment in the area would also receive a boost as a result.

Proposed by Councillor McAleer
Seconded by Councillor J Shiels and

Resolved That Council agree with the content of the Tourism paper with recognition to be given to activity based tourism.

P104/15 Proposed Pre-Application Community Consultation on Gas to the West Project

The Head of Development Plan and Enforcement presented previously circulated paper regarding the proposed pre-application community consultation on the Gas to the West project.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That Council note the content of the report by RPS on the pre-application community consultation strategy in respect of the Gas to the West project.

CONFIDENTIAL BUSINESS

Proposed by Councillor Mallaghan
Seconded by Councillor McAleer and

Resolved That items P105/15 to P109/15 be taken as confidential business.

P110/15 Duration of Meeting

The meeting was called for 7.00pm and ended at 10.55 pm.

Chair _____

Date _____

B

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 October 2015 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Kearney, Chair

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

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McNally, Solicitor
Miss Thompson, Committee Services/ Senior Admin Officer

Others in Attendance

Councillors Gillespie, B McGuigan, McLean, Molloy, Monteith, J O'Neill and M Quinn

Applicant Speakers

| | |
|------------------|--------------|
| M/2013/0430/F | Ms Patterson |
| | Ms Muldoon |
| M/2015/0126/F | Mr Currie |
| M/2015/0145/F | Mr Kelly |
| M/2015/0165/O | Mr Kelly |
| LA09/2015/0087/O | Ms Jobling |
| H/2014/0356/F | Mr Cassidy |
| H/2014/0438/O | Ms Jobling |

The meeting commenced at 7.05 pm.

P111/15 Apologies

Councillor Reid.

P112/15 Declarations of Interest

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

Councillor Cuthbertson declared an interest in application M/2013/0430/F.

Councillors Clarke and Mallaghan declared an interest in application I/2015/0111/F.

Councillor McPeake declared an interest in application H/2014/0356/F.

P113/15 Receive and Confirm Minutes of the Planning Committee Meeting held on Tuesday 1 September 2015

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 1 September 2015, (P97/15 – P105/15 & P107/15), were considered and signed as accurate and correct.

Councillor McAleer requested that, due to the lengthy nature of this meeting, a comfort break be taken at 9.00 pm.

Proposed by Councillor McAleer
Seconded by Councillor Mallaghan and

Resolved That the meeting recess for a comfort break at 9.00 pm.

Matters for Decision

P114/15 Planning Applications for Determination

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

M/2013/0430/F Change of use from existing dwelling to 4 apartments at 10 and 10a Circular Road, Dungannon for Mr Robert Carson

Mr Marrion (SPO) presented a report on planning application M/2013/0430/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 Ms Patterson in the first instance to address the committee.

Ms Patterson stated that concerned residents of Circular Road were happy with the officers recommendation to refuse this application. It was felt that if the proposed development were to go ahead it would change the character of the area and would be of significant detriment particularly in relation to additional traffic movements which, due to the nature of the road, would be dangerous. Ms Patterson also commented that local residents feel that this property was not, and never had been two dwellings.

Ms Muldoon advised that this application was previously brought before Dungannon & South Tyrone Borough Council once as a refusal and then as an approval but was subsequently withdrawn due to number of objections raised. In reference to parking issues, Ms Muldoon felt there is no intensification of use as the proposal provides four car parking spaces, which is within the remit as there are two dwellings.

The Planning Manager queried why the proposal stated change of use from existing dwelling as a singular and not two dwellings as claimed to be. He advised that there was no official planning status that there are two dwellings and claimed that sufficient time had passed to submit a certificate of lawful development. He also advised that regardless of whether there was one or two dwellings the change to four was an intensification.

The Planning Manager advised that as Roads Service had raised concern regarding intensification, increased traffic movements and road safety on Circular Road, and that as there was insufficient contrary evidence, in his view the Council should take on board the comments of Roads Service.

Councillor Glasgow asked if improvements were made to access and visibility splays if this would help the proposal move to approval.

Mr Marrion (SPO) advised that this had been investigated and that to get the adequate visibility splays would require use of gardens of houses on either side of proposed property and this was not a feasible option.

Proposed by Councillor Mallaghan
Seconded by Councillor Mullen and

Resolved That planning application M/2013/0430/F be refused on grounds stated in the officer's report.

**M/2015/0126/F Conversion from shops/offices to 3 flats at 9, 10 and 11
Feeney's Lane (Thomas Street car park), Dungannon for
Mervyn Gregg**

Mr Marrion (SPO) presented a report on planning application M/2015/0126/F advising that it is recommended for refusal.

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

Mr Currie advised that the building under proposal was last occupied 3-4 years ago and that the surrounding area has a high commercial vacancy rate. In relation to open space, Mr Currie advised that the proposed development is close to open space areas, and that with regard to parking, there is spare capacity in nearby car parks, the proposed development will also be close to the town centre and transport links.

The Planning Manager advised that description of proposal should be amended from flats to townhouses.

Mr Currie was in agreement with this.

Councillor Cuthbertson felt that the applicant in this case is finding difficulty in getting a commercial use for the properties under proposal and that as there are other flats

and townhouses in the area he requested a deferral to take another look at the issues relating to this application.

The Planning Manager stated that he would be unable to change the situation relating to this application and to defer the application would not assist. However based on the arguments presented by Mr Currie and Councillor Cuthbertson it would be reasonable for Members to take a different view from the officer and he did not foresee any prejudice on Members making a decision on the application before them.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved That planning application M/2015/0126/F be approved with appropriate conditions applied.

Councillor Mallaghan felt that consideration needs to be given to the lack of amenity when setting conditions for this approval.

Members voted on Councillor Cuthbertson's proposal –

For 14

The Chair declared Councillor Cuthbertson's proposal carried.

**M/2015/0145/F Agricultural building and improved agricultural access
100m SE of 11 Dungorman Road, Bernagh, Dungannon for
Joseph Kelly**

Mr Marrion (SPO) presented a report on planning application M/2015/0145/F advising that it is recommended for refusal.

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

Mr Kelly requested an office meeting to further discuss the application.

The Planning Manager reviewed the application with Mr Kelly and asked if he would consider moving the location of the proposed shed.

Mr Kelly stated he would be reluctant to move the location of the shed.

The Planning Manager suggested that this application be withdrawn and office meeting arranged to discuss issues with a view to a new application being made.

Mr Kelly agreed to this course of action.

Resolved That planning application M/2015/0145/F be withdrawn. Office meeting to be arranged.

**M/2015/0165/O Two dwellings between 33 and 35 Cookstown Road,
Dungannon for Raymond McCann**

Mr Marrion (SPO) presented a report on planning application M/2015/0165/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 Kelly to address the committee.

Mr Kelly felt that no consideration had been given to dwellings at nos 36, 37 and 39 Cookstown Road and that the proposed site fulfils CTY8 when viewed from Cookstown Road. Mr Kelly did not feel there is a stipulation that the lineage of dwellings had to be continuous and concluded by stating that the proposed development will not change the character of the area.

Councillor Gildernew stated that there has been little development in the surrounding area in recent times and that the proposal is well set back from the road.

The Planning Manager stated that it would be difficult to treat this application as infill however there may be some scope under CTY2A which deals with a single dwelling in a cluster. The Planning Manager asked Mr Kelly if the client would be prepared to explore dealing with this application under policy CTY2A.

Mr Kelly advised that his client would be prepared to explore this matter further.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application M/2015/0165/O be deferred for an office meeting.

**LA09/2015/0087/O Infill single storey dwelling 20m N of 43A Belagherty Road,
Ballyronan for Lisa McCloskey**

Ms Doyle (SPO) presented a report on planning application LA09/2015/0087/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 Ms Jobling to address the committee.

Ms Jobling advised that there is a case of need due to personal circumstance regarding this application.

The Planning Manager requested that this item be suspended until he had an opportunity to discuss circumstances of application with Ms Jobling privately.

Resolved That planning application LA09/2015/0087/O be suspended until the Planning Manager had spoken to agent. This item to be reconvened at a later stage of tonight's meeting.

**H/2014/0356/F Fun farm, animal pens and associated parking at 45m NE of
47 Magherafelt Road, Castledawson for Mr Adrian Cudden**

Ms Doyle (SPO) presented a report on planning application H/2014/0356/F advising that it is recommended for refusal.

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

Mr Cassidy referred to other development in the area and that this proposal is appropriate to its location and would be no detriment to neighbouring properties. Mr Cassidy advised that the farm is active and established and meets criteria in terms of farm diversification.

In response to the Planning Manager's question regarding who will run the facility Mr Cassidy advised that it will be the applicant. When asked if the applicant would accept a condition that it is only the applicant that can run the facility Mr Cassidy replied that condition would be acceptable. The Planning Manager also asked if all existing farm buildings are fully utilised to which Mr Cassidy advised they were.

Councillor Bateson asked why the Planning Manager had put such an emphasis on who would run the proposed facility. He commented that farm diversification proposals would not normally conflict with the rural character of the area and that the KFC located close by the proposed site is definitely not in keeping with rural character.

The Planning Manager advised that the nature of farm diversification should be to help the farmer stay on their farm by generating another income stream, the reason he questioned Mr Cassidy on this was that if it was intended that another party would run the facility then a scheme of farm diversification would not be accepted.

Councillor Mallaghan felt that the proposal seemed appropriate in terms of farm diversification and referred to the need to consider the tourism angle, as the proposal is located close to the Heaney Centre, and ensuring there are a variety of activities in an area for all visitors.

In response to Councillor McKinney's question Ms Doyle (SPO) advised that the size of the farm is 10.35 hectares. Councillor McKinney felt that this farm probably does need some sort of diversification to make it viable and that there are no other similar facilities in the nearby area.

The Planning Manager accepted Members views on what constitutes farm diversification but felt there are some aspects of the proposal that require further clarity.

Proposed by Councillor J Shiels
Seconded by Councillor McAleer and

Resolved That planning application H/2014/0356/F be deferred for an office meeting.

**H/2014/0438/O Dwelling and garage S of 10 Ballynian Lane, Swatragh for
Richard Dempster**

Ms Doyle (SPO) presented a report on planning application H/2014/0438/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 Ms Jobling to address the committee.

Ms Jobling felt that the critical point of this application was whether there is visual linkage between the buildings, she stated that the proposal is fully consistent with policy and that there is visual linkage between buildings at the proposed location.

Councillor B McGuigan concurred with Ms Jobling's comments, he advised that the proposed site has good boundaries and that the ground level of the site is at its lowest point.

The Planning Manager asked Ms Jobling if the applicant would consider withdrawing this application.

Ms Jobling advised that the applicant will move to appeal if the application is not approved.

Proposed by Councillor J Shiels
Seconded by Councillor Cuthbertson

That planning application H/2014/0438/O be refused on grounds stated in the officer's report.

Councillor Clarke highlighted the problem with policy and that the ten year rule does not fit in rural areas. The Councillor felt that this issue needs to be addressed by Council.

The Planning Manager advised that the application needs to be considered under existing policy and that any change to policy would need to be brought forward through the development plan. He commented that Council is giving the benefit of the doubt to applicants whilst ensuring credibility and maintaining control.

Councillor B McGuigan referred to appeal costs for applicant.

Councillor Bell commented that Council seems to be shutting the door on rural dwellings.

Councillor McAleer felt that the applicant needs to consider the Planning Manager's suggestion of withdrawing the application.

The Planning Manager advised Members that if the applicant moves to appeal and wins their case then this gives Council the opportunity to change their practices in future.

Members voted on Councillor J Shiels proposal –

For 8

The Chair declared Councillor J Shiels proposal carried.

The meeting recessed at 9.05 pm and recommenced at 9.20 pm.

LA09/2015/0087/O Infill single storey dwelling 20m N of 43A Belagherty Road, Ballyronan for Lisa McCloskey

Item reconvened from earlier in meeting.

The Planning Manager advised he was now aware of personal circumstances relating to this application and would support deferring the application to explore whether a possible exception could be made.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2015/0087/O be deferred for an office meeting.

The Planning Manager apologised to Ms Jobling who had mistakenly taken an earlier conversation to mean that she would not be given opportunity to present a case on this application and made it clear that it had not been his intention to cause upset.

Members considered the remaining planning applications as per agenda.

I/2013/0311/F 50kw wind turbine with a max height of 32m at 230m W of 131 Drumenny Road, Ardboe for Kate Quinn

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

Councillor Robinson asked if there had been some misunderstanding as to why the applicant had not submitted the further information required.

Ms McCullagh advised that the applicant would be aware of the process and had been reminded on several occasions of the need to submit information.

Proposed by Councillor J Shiels
Seconded by Councillor Bell and

Resolved That planning application I/2013/0311/F be refused on grounds stated in the officer's report.

**I/2013/0325/F Regularisation of existing washing plant site at
Magheraglass sand and gravel pit 270m N of 65
Knockaleery Road, Magheraglass for Creagh Concrete
Products Ltd**

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

Proposed by Councillor Mallaghan
Seconded by Councillor J Shiels and

Resolved That planning application I/2013/0325/F be approved subject to
conditions as per the officers report.

**H/2014/0241/F Extension to existing Brockaghboy Windfarm comprising 4
wind turbines, associated transformers, permanent
anemometer mast, new site access tracks, gates,
substation, site control room, electrical cabling, temporary
site compound, new site entrance, road improvement works
and all other associated works at land approx. 1.76km S of
Dowlins Bridge, Drumbane Road, Garvagh for
Brockaghboy2 Wind Farm Ltd**

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

Councillor Robinson referred to earlier decision regarding single wind turbine which
was refused and stated that he would find it difficult to now approve a wind farm.

The Planning Manager advised there are a number of factors which require
consideration with regard to single wind turbines and stated that wind farms make a
significant contribution to electricity supply.

In response to Councillor Glasgow's question Ms Doyle (SPO) advised that the
electricity supply generated by this application will feed into the grid.

Proposed by Councillor Bateson
Seconded by Councillor McPeake and

Resolved That planning application H/2014/0241/F be approved subject to
conditions as per the officers report.

**M/2014/0392/F Retention of change of use from redundant agricultural
building to a timber engineering (joinery) workshop at 36
Rossmore Road, Dungannon for Glenfort Timber
Engineering Ltd**

**M/2014/0401/F Retention of office and ancillary accommodation at timber
engineering (joinery) workshop at 36 Rossmore Road,
Dungannon for Glenfort Timber Engineering Ltd**

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

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning applications M/2014/0392/F and M/2014/0401/F be approved subject to conditions as per the officers report.

H/2014/0426/F Alterations to change existing shop unit into a dwelling at 2 Barrack Road, Ballymaguigan for Mr and Mrs Young

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 H/2014/0426/F be approved subject to conditions as per the officers report.

H/2015/0002/F Change of access to previously approved under H/2013/0347/RM at lands 120m SE of 27 Glenomna Road, Draperstown for Mr Martin Bradley

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

Councillor McPeake requested an office meeting in relation to this application and referred to a similar application which was granted. The Councillor also stated that the proposed new access will only require around half of the 130m hedge removal suggested in the officers report.

The Planning Manager agreed to further discuss the application.

Proposed by Councillor McKinney
Seconded by Councillor McAleer and

Resolved That planning application H/2015/0002/F be deferred for office meeting.

Councillor Cuthbertson asked why the existing lane could not be used as access.

Councillor McPeake advised that it was not possible to get adequate visibility splays without gaining control of third party land and this was not a feasible option.

I/2015/0111/F Retention of timberframe business and erection of ancillary office (superseding approval I/2010/0018/F & I/2010/0019/F) at lands opposite and to the rear of 79 Dunnamore Road, Cookstown for Leadon Timberframe and D McAleer

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

Proposed by Councillor McAleer
Seconded by Councillor Robinson and

Resolved That planning application I/2015/0111/F be approved subject to conditions as per the officers report.

LA09/2015/0104/F Dwelling and garage of rural character at 250m SE of 5 Glenquilly Road, Moneymore for Mr Robert Carmichael

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

Ms Doyle (SPO) highlighted that there appeared to be some confusion regarding a further application being submitted prior to the original application lapsing. She advised that the agent for the application stated that the application under consideration was submitted within the timeframe but was sent to previous office used by planners in Ballymena. Ms Doyle advised that investigations indicated that the application was not received at Ballymena offices and confirmed that this application was only received by Mid Ulster Council on 21 April 2015, six weeks after original application lapsed.

Councillor Mallaghan declared an interest in this application and requested to speak on it.

Councillor Mallaghan requested an office meeting in relation to this application due to the confusion regarding submission of application as stated above.

Proposed by Councillor J Shiels
Seconded by Councillor McKinney and

Resolved That planning application LA09/2015/0104/F be deferred for an office meeting.

Councillor Clarke commented that PPS14 had eliminated continuous approvals and the need for this to be addressed.

LA09/2015/0138/O Dwelling on a gap site adjacent to 82 Lurgylea Road Galbally for Mr Shayne Tierney

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

Ms Doyle (SPO) advised that since issue of report further information had been received in relation to this application and suggested an office meeting be called.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2015/0138/O be deferred for an office meeting.

LA09/2015/0412/F Retention of 2 existing sheds and extension of domestic curtilage. Shed 1 domestic and agricultural storage; shed 2 domestic garage at 15 Drumaspil Road, Dungannon for Mr Robin Burke

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

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2015/0412/F be approved subject to conditions as per the officers report.

LA09/2015/0463/O Dwelling and garage opposite 20 Killary Lane, Stewartstown for Seamus Carrow

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

Councillor Bell requested an office meeting for this application stating that the agent has additional information to provide but is currently out of the country and unable to attend tonight's meeting.

Proposed by Councillor Bateson
Seconded by Councillor Clarke and

Resolved That planning application LA09/2015/0463/O be deferred for an office meeting.

LA09/2015/0475/O Gap site for dwelling and double domestic garage between 22 and 22A Cloghog Road, Cookstown for Messrs Brian and Lesley McGlaughlin

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

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2015/0475/O be refused on grounds stated in the officer's report.

LA09/2015/0636/F Public realm improvements comprising: resurfacing of existing footways with natural stone; granite kerb; 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 at lands adjacent to Broad Street, Market Street, The Diamond, Queen Street and Rainey Street in Magherafelt for Mid Ulster District Council

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

Members present declared an interest in this application. (Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, Robinson, J Shiels.)

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2015/0636/F be approved subject to conditions as per the officers report.

LA09/2015/0652/O Replacement dwelling at 130m NW of 78 Aughrim Road, Castledawson for Eric Watterson

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

Ms Doyle (SPO) advised that since issue of report an amended scheme had been submitted and suggested that this application be deferred to further consider the additional information provided.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application LA09/2015/0652/O be deferred to consider additional information provided.

LA09/2015/0688/O Replacement dwelling at 150m SE of 12 Motalee Lane, Magherafelt for Mr G McCullagh

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

Councillor Bell requested an office meeting for this application stating that the map provided by officers within report was misleading.

(Councillor Mullen left the meeting at 10.05 pm)

Members were shown further photographs of building in question and were of the opinion that it would have been a dwelling at some stage in the past.

The Planning Manager advised that a condition of approval would have to be that the replacement dwelling be sited “in situ” of the current building.

Proposed by Councillor Clarke
Seconded by Councillor McPeake and

Resolved That planning application LA09/2015/0688/O be approved under condition that replacement dwelling is sited “in situ” of the current building.

H/2014/0077/F Farm dwelling and garage approx.200m E of 5 Ballynian Lane, Swatragh for Mr T Quinn

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

Proposed by Councillor J Shiels
Seconded by Councillor Cuthbertson and

Resolved That planning application H/2014/0077/F be refused on grounds stated in the officer’s report.

M/2014/0566/O Housing development between Annagole Park and Lisnahull Park, Dungannon for Glengannon Inns Ltd

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

Proposed by Councillor Gildernew
Seconded by Councillor Bateson and

Resolved That planning application M/2014/0566/O be approved subject to conditions as per the officers report.

P115/15 Wind Turbine Working Group

The Chair, Councillor Kearney stated that, as agreed at the Planning Committee meeting on 16 June 2015, consideration be given to producing guidance with regard to wind turbine applications. Representation was sought to sit on a working group which will look at preparation of guidance for wind turbine applications.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell

That representation of working group be made up by d’hondt.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Shiels

That representation of working group be made up of one from each party.

Councillor McPeake stated that d'hondt had been the principle used by Council for nominating to committees etc and for continuity should also be used in this instance.

Members voted on Councillor Mallaghan's proposal –

| | |
|---------|---|
| For | 8 |
| Against | 5 |

The Chair declared Councillor Mallaghan's proposal carried and sought nominations to the working group.

It was felt that the Chair and Vice Chair of the Planning Committee should sit on the working group. Representation to the working group to be made up as follows –

Sinn Féin – Councillors Bell and Clarke

SDLP - Councillor Kearney

UUP - Councillor Glasgow

DUP - Councillor Robinson

Matters for Information

P116/15 Report of Delegated Decisions Issued in August 2015

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

P117/15 Appeal Decisions Received

The Head of Development Management presented previously circulated report advising Members of recent decisions by Planning Appeals Commission.

The Planning Manager advised that the three cases presented were legacy applications which had reached a determination under Department guidelines and gone forward for appeal on that basis.

Members noted the content of the report detailing recent decisions by Planning Appeals Commission.

CONFIDENTIAL BUSINESS

Proposed by Councillor Mallaghan
Seconded by Councillor J Shiels and

Resolved That items P118/15 and P119/15 be taken as confidential business.

P120/15 Duration of Meeting

The meeting was called for 7.00pm and ended at 10.47 pm.

Chair _____

Date _____


C



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 3rd November 2015 | Item Number: |
| Application ID: M/2013/0527/F | Target Date: 03.04.2014 |
| Proposal: Proposed development of 45 no. dwellings, detached and semi-detached, (change of house type and reduction from 50 to 45 dwellings, to that previously approved under M/2006/2098/F) | Location: Proposed development of lands to the rear of 159-163 Ballagh Road (odd no's) and 120m east by south east of St. John's Church Fivemiletown |
| Referral Route: Applications which fall within the Major category of development (site area exceeds 2ha). | |
| Recommendation: | Approval |
| Applicant Name and Address: Raymond Acheson C/o Agent | Agent Name and Address: Alan Patterson Design LLP Darragh House 112 Craigdarragh Road Helen's Bay Down BT19 1UB |
| Executive Summary: The proposal is for a change of scheme for a previously approved residential development within the settlement limit of Fivemiletown, reducing the overall number of units to 45no (5 unit reduction). No consultee returned comment of objection and no third party representations were received. | |
| Signature(s):  | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Add Info Requested |
| Non Statutory | NI Water - Multi Units West - Planning Consultations | No Objection |
| Non Statutory | Env Health Dungannon and South Tyrone Borough Council | Substantive Response Received |
| Non Statutory | Water Management Unit | Substantive Response Received |
| Non Statutory | Natural Heritage | Substantive Response Received |
| Non Statutory | Protecting Historic Buildings | Add Info Requested |
| Non Statutory | Protecting Historic Monuments | Substantive Response Received |
| Non Statutory | Rivers Agency | Add Info Requested |
| Statutory | NI Water - Multi Units West - Planning Consultations | Advice |
| Non Statutory | Rivers Agency | No Objection |

Representations:

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

| | |
|---|-----------------------|
| Number of Petitions of Objection and signatures | No Petitions Received |
| <p>Summary of Issues</p> <p>Since the original approval, PPS15 has introduced the requirement for a Drainage Assessment for sites over 1ha in area. This was provided and Rivers Agency had no objection to same. NIEA Natural and Built had no objection. Transport NI had no objection subject to condition.</p> | |
| <p>Characteristics of the Site and Area</p> <p>The northern boundary of the application site is defined by mature hedgerow and trees 20-25m high.</p> <p>The southern boundary of the application site is defined by footpath fronting Ballagh Road, the main road from Fivemiletown to Belfast.</p> <p>The western boundary of the application site is defined by low stone wall along the graveyard which fronts Murley Road and coniferous trees 10-12m high along the boundary with 159 Ballagh Road.</p> <p>The eastern boundary of the application site is defined by post and wire fence and smaller trees 4-5m high and increasing in height further north.</p> <p>The site is currently grass land within the settlement limit of Fivemiletown.</p> <p>The site slopes moderately downwards from the main road towards the north of the site.</p> | |
| <p>Planning Assessment of Policy and Other Material Considerations</p> <p>History on the site:</p> <p>M/2006/2098/F - 50 no dwellings, Approved 08.04.2009.</p> <p>PPS 7 _ Quality Residential Environments</p> <p>PPS 7 is the relevant material planning policy for this type of development in the urban setting. All proposals for residential development will be expected to conform to all of the following criteria:</p> <p>(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;</p> <p>I consider that the proposal does respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. A denser scheme in terms of house numbers has been approved under the same policy context.</p> <p>(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;</p> <p>There is a listed building and scheduled monument in the immediate vicinity of the application site. NIEA monuments and buildings were consulted for opinion. Neither organisation had any objection to the proposal.</p> <p>(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees</p> | |

will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

The proposal has communal private open space in compliance with the standards as set out in 'Creating Places'. Buffer planting has been included along the northern boundary as required by 'Creating Places' and along the eastern boundary adjacent to the open space as designated in the area plan document. Buffer planting has also been proposed between the development and the main road to the south.

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

Each dwelling has its own private space for bin provision.

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

The proposal is on a main traffic route to town centre a short distance away. A 2.0m footpath is included along the site frontage towards town centre.

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

Transport NI have no objection to the proposal subject to conditions.

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

The design is considered satisfactory for this type of development in the urban setting. The site has not been afforded any protected designation in the Dungannon and South Tyrone Area Plan. Materials and detailing are also considered satisfactory.

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

The design will not create conflict with adjacent land uses and case officer has assessed that there will be no greater impact than existing approved scheme which, the case officer notes, has already commenced on site in terms of access provision and layout. The 2006 scheme could therefore be completed, this scheme in my opinion is more beneficial in that it is a less dense scheme.

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

The development is considered to be designed to deter crime and promote personal safety. Open space areas are 'policed' by adjacent residential properties which overlook the areas. The layout is flowing and is not one of a single block of 45 dwellings.

No third party representations were received to the application.

NI Water have indicated that capacity is not available for foul sewage generated by the proposed development. I consider that a condition could be attached to any permission restricting occupation of any approved dwelling until such capacity is available or until agreement is reached with NI Water for provision of a temporary plant until such capacity is available.

NIEA natural heritage were consulted in terms of the impact on the Local Landscape Policy Area to the north east (LLPA 02- lands south of Blessingbourne Estate). They had concerns regarding bat movements along the hedge to the north, this has been successfully resolved and they returned comment 09.02.2015 no objection. In terms of PPS 6, Planning Archaeology and the Built heritage, the proposal will have no effect on Blessingbourn Estate, the setting of which is quite distinct and separate from the application site, given the difference in ground levels.

No other consultee objections.

Taking all of the above and the planning history on the site for similar schemes, case officer recommendation is to approve.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend the application be approved as it complies with the relevant policy for this type of development within the settlement limit of the village. The proposal is for a less dense scheme than originally approved and the overall layout should provide a quality environment in which to reside.

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. During the first available planting season after the first occupation (for habitable purposes) of any dwelling hereby approved, the developer shall construct, lay-out and plant all open space and landscaped areas (identified on Drawing Nos. 38 and 39), being those areas outside the private curtilage of dwellings and the area adopted by Transport NI, in accordance with the details on Drawing Nos. 38 and 39.

All hard and soft landscape works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. These areas shall be permanently retained for this use thereafter

Reason: To ensure that the public open space provision is completed as soon after occupation of any dwelling as possible for the benefit of the occupiers and to aid integration of the development into the local landscape as quickly as possible and to comply with the requirements of Planning Policy Statement 8 (PPS8) Open Space, Sport and Outdoor Recreation.

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

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

4. The open space and landscaped areas, referred to in condition 2, shall be managed and maintained in perpetuity in accordance with the agreed management and maintenance plan submitted to the Council bearing date stamp 03 June 2015.

Reason: To ensure that open space is provided, maintained and managed in perpetuity in accordance with the Departments Policy Statement 7 (PPS) Quality Residential Environments and Policy Statement 8 (PPS) Open Space, Sport and Outdoor Recreation.

5. No dwelling hereby approved shall be occupied until the Department agrees in writing that acceptable Management and Maintenance arrangements have been signed and put in place for the long term ownership and maintenance of the open space referred to in condition 02 above. These arrangements shall be permanently retained unless otherwise agreed in writing with the Council. (See informative 1)

Reason: To ensure that open space is provided, maintained and managed in accordance with the Departments Policy Statements, PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its long term retention and maintenance.

6. Prior to the commencement of the development, hereby approved, the developer shall submit to the Council a copy of the legal agreement signed between the developer and a Management Company and obtain in writing from the Council confirmation that the said agreement is acceptable to the Council (see informative no 1).

Reason: To ensure that the public open space provision is appropriately managed and maintained.

7. The development shall be served by a package sewage treatment plant, or other option agreed with NI Water, until such time as the waste water treatment works serving Fivemiletown has been upgraded. Arrangements for the management and maintenance of the Private Package Treatment Plant, together with plans showing how the development is eventually to be connected to the public sewerage system, shall be submitted to and approved in writing by Mid Ulster Council before any development commences. The dwellings shall not be occupied until the package plant has been installed as approved and is fully operational and provision for eventual connection to a public sewer has been made as approved. The package plant shall be decommissioned and the development connected to a public sewer within six months of the Council notifying the developer that the waste water treatment works serving Fivemiletown has been upgraded, or within such extended period as the Council may agree in writing. The package plant shall be removed from the site within six months of the development being connected to a public sewer.

Reason: to ensure that a satisfactory means of sewerage disposal is put in place and removed when the existing Waste Water Treatment Works is upgraded.

8. Prior to the installation of the Private Waste Water Treatment Works the developer shall apply for and obtain in writing Discharge Consent from Northern Ireland Environment Agency, Water Management Unit.

Reason: To ensure that the discharge from the Private Waste Water package Plant complies with current discharge consent quality.

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

Transport NI hereby determines that the width, position and arrangement of the streets, and the

land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 29 Rev. 01 dated 18 May 2015.

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

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

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 29 Rev. 01 dated 18 May 2015. Transport NI hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

11. The visibility splays of 2.0 metres by 33 metres for house No's 35, 36, 38 and 39 on Drawing No: 29 Rev. 01 dated 18 May 2015 shall be provided prior to the occupation of any of above dwellings.

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

12. 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 commenced and such splays shall be retained and kept clear thereafter.

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

13. The visibility splays of 2.4 metres by 70 metres West and 2.4m x 80m East at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No: 29 Rev. 01 dated 18 May 2015 prior to the commencement of other works or development.

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

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

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

15. 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 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.

16. The development hereby permitted shall not be occupied until the 2.0 metre wide footway adjacent to the Ballagh Road has been completed in accordance with the details indicated on Drawing No 29 Rev.01 received 18/05/2015.

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

Informatives

1. The arrangements for the future management and maintenance in perpetuity of areas of public open space acceptable to Mid Ulster Council include:

a. a legal agreement transferring ownership of and responsibility for the open space to the local district council; or

b. a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or

c. a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.

If an alternative approach to those outlined above is to be followed it should be demonstrated how the approach can meet the policy requirement for open space to be managed and maintained in perpetuity.

In all cases developers will be responsible for the laying out and landscaping of public open space required.

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

Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads and sewers in accordance with the Private Streets Construction Regulations.

Separate approval must be received from Transport NI in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulation.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Transport NI's Street Lighting Consultancy, at 40a Benson St Lisburn, Co Antrim BT28 2BG before any construction work commences.

The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Regional Development's Geotechnical Certification procedures as laid down in the current version of HD 22 Managing

Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

It is a Transport NI requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

Rivers Agency approval required for proposed culvert infrastructure.

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

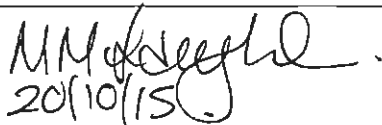
All construction plant and materials shall be stored within the curtilage of the site. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a DRD Roads Service drainage system.

Signature(s)

Date:


20/10/15

| ANNEX | |
|---|--------------------|
| Date Valid | 15th November 2013 |
| Date First Advertised | 27th November 2013 |
| Date Last Advertised | 20th August 2014 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 159 Ballagh Road, Ballyvaddan, Fivemiletown, Tyrone, BT75 0QP, The Owner/Occupier, 161 Ballagh Road Ballyvaddan Fivemiletown The Owner/Occupier, 163 Ballagh Road Ballyvaddan Fivemiletown The Owner/Occupier, 165 Ballagh Road Ballyvaddan Fivemiletown The Owner/Occupier, 167 Ballagh Road Ballyvaddan Fivemiletown The Owner/Occupier, 169 Ballagh Road Ballyvaddan Fivemiletown The Owner/Occupier, 5 Murley Road Ballyvaddan Fivemiletown The Owner/Occupier, St John's Church (c Of I) Murley Road Fivemiletown | |
| Date of Last Neighbour Notification | 11th August 2014 |
| Date of EIA Determination | 8th April 2015 |
| ES Requested | No |
| Planning History Ref ID: M/1981/0357 Proposal: REPLACEMENT HALL Address: LEGION HALL, FIVEMILETOWN Decision: Decision Date: Ref ID: M/1991/0592 Proposal: Extension of Royal British Legion Centre for use as Social Centre Address: ADJACENT TO 161 BALLAGH ROAD BALLYVADDEN FIVEMILETOWN Decision: Decision Date: | |

Ref ID: M/2011/0094/F

Proposal: Proposed replacement access steps and associated handrails

Address: St John's Parish Church, Murley Road, Fivemiletown, BT75 0QS,

Decision:

Decision Date: 20.06.2011

Ref ID: M/2009/0676/F

Proposal: Proposed extension to existing pavillion to include, additional wc space, wheelchair accessible wc and meeting room/hall with new roof

Address: George V Playing Fields, Ballagh Road, Fivemiletown

Decision:

Decision Date: 23.10.2009

Ref ID: M/1986/0171

Proposal: REMOVAL OF EXISTING GRP ROOFS AND REPLACEMENT WITH NEW PITCHED ROOF WITH

Address: SPORTS PAVILION, PLAYING FIELDS, FIVEMILESTOWN

Decision:

Decision Date:

Ref ID: M/1999/0578/A41

Proposal: Proposed Bowling Green

Address: King George V Playing Fields, Fivemiletown

Decision:

Decision Date:

Ref ID: M/1976/0531

Proposal: PAVILION AND CHANGING FACILITIES

Address: KING GEORGE V PLAYING FIELDS, FIVEMILETOWN

Decision:

Decision Date:

Ref ID: M/1974/0063

Proposal: EXTENSION TO DWELLING HOUSE

Address: NO. 161 BALLAGH ROAD, FIVEMILETOWN

Decision:

Decision Date:

Ref ID: M/1983/0367

Proposal: EXTENSION TO HALL

Address: LEGION HALL, FIVEMILETOWN

Decision:

Decision Date:

Ref ID: M/2002/1252/Q
Proposal: Housing Development
Address: Ballagh Road, Fivemiletown
Decision:
Decision Date:

Ref ID: M/2006/0040/Q
Proposal: Residential Development
Address: Lands at Ballagh Road, Fivemiletown
Decision:
Decision Date:

Ref ID: M/2003/1149/Q
Proposal: Proposed Housing Development
Address: Lands at Ballagh Road Fivemiletown
Decision:
Decision Date:

Ref ID: M/2003/1490/F
Proposal: 52 No.houses
Address: Land at Ballagh Road fivemiletown between St John's Church and King George V playing fields.
Decision:
Decision Date: 22.03.2004

Ref ID: M/2006/2098/F
Proposal: Proposed Development for 50 Dwellings consisting of Detached, Link Detached, Semi Detached, Terrace Dwellings,Apts and other Associated Site Works
Address: Lands to the rear of 159-163 Ballagh Road (odd no.) 120m East by south east of St. Johns Church, Fivemiletown
Decision:
Decision Date: 08.04.2009

Ref ID: M/2012/0351/F
Proposal: Proposed extension to existing pavilion to include new meeting room and 4 no. flood lights to soccer pitch
Address: George V Playing Fields, Ballagh Road, Fivemiletown,
Decision: PG
Decision Date: 10.09.2012

Ref ID: M/2013/0527/F
Proposal: Proposed development of 50 no. dwellings consisting of detached, link detached, semi-detached, terraced dwellings, apartments and all other associated site

works (renewal of planning permission previously approved under M/2006/2098/F)
Address: Proposed development of lands to the rear of 159-163 Ballagh Road (odd no's) and 120m east by south east of St. John's Church, Fivemiletown,
Decision:
Decision Date:

Ref ID: M/2013/0532/F
Proposal: Proposed memorial
Address: Royal British Legion Hall - Fivemiletown Branch, 163 Ballagh Road, Fivemiletown.,
Decision:
Decision Date:

Summary of Consultee Responses

No objections.

Drawing Numbers and Title

Drawing No. 39
Type:
Status: Approved

Drawing No. 37REV01
Type:
Status: Approved

Drawing No. 36REV01
Type:
Status: Approved

Drawing No. 35REV01
Type:
Status: Approved

Drawing No. 34REV01
Type:
Status: Approved

Drawing No. 38
Type:
Status: Approved

Drawing No. 32REV01
Type:
Status: Approved

Drawing No. 31REV01
Type:
Status: Approved

Drawing No. 33REV01
Type:
Status: Approved

Drawing No. 30REV01
Type:
Status: Approved

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 01
Type:
Status: Approved

Drawing No. 02
Type:
Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 3 rd November 2015 | Item Number: |
| Application ID: H/2014/0181/DCA | Target Date: |
| Proposal: Complete redevelopment of the site, 29-35 High Street, for offices, coffee shop, fitness centre and car parking | Location: 29-35 High Street Drapertsown |
| Referral Route: Recommendation to refuse permission. | |
| Recommendation: | Refusal. |
| Applicant Name and Address: H and A Mechanical Services Ltd 28 Fivemile Straight Draperstown Magherafelt BT45 7EE | Agent Name and Address: Keith Gilmour Architect 20 Donaghendry Road Stewartstown Dungannon BT71 5PW |
| Signature(s): Melvin Bowman | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--|-------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Non Statutory | NI Water - Multi Units West - Planning Consultations | No Objection |
| Non Statutory | Env Health Magherafelt District Council | Substantive Response Received |
| Non Statutory | Protecting Historic Monuments | Substantive Response Received |
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |

| | | |
|--|-----------------------------------|-------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | None Received | |
| Number of Support Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and signatures | No Petitions Received | |
| Summary of Issues | | |
| 1. This application proposes the total demolition of Nos 29-35 High Street, 4 buildings in Draperstown's Conservation Area contrary to Planning Policy Statement 6. This application is accompanied by a Conservation Area Consent application under reference H/2014/0181/DCA. | | |
| Characteristics of the Site and Area | | |
| <p>Located within Draperstown Conservation Area, as designated in the Magherafelt Area Plan, the existing premises Nos 29-35 High Street comprise of 4 mid-terrace 2 storey (now derelict) buildings which front directly onto High Street, Draperstown. Nos 29-31 were formerly used as a Doctors surgery. No 33 was formerly a residential dwelling separated by an alley way to No 35 which also formerly a dwelling. A lay-by area to the front of the buildings provides for an area of public car parking, though limited by recent public realm works.</p> <p>The separating alley ways provide a means of access to lands to the rear and associated back gardens.</p> <p>Adjoining properties are primarily commercial in nature with the site opposite being occupied by an existing petrol filling station.</p> | | |
| Planning Assessment of Policy and Other Material Considerations | | |
| <p>Being located within the centre of the Conservation Area, this part of the streetscape is defined by a series of 'visual blocks' interspersed with gaps in between.</p> <p>Policy BH12 of PPS6 applies in relation to demolition and new development within a Conservation Area. Draperstown Conservation Booklet provides additional guidance. This demolition should therefore be assessed against Policy BH14 of PPS6.</p> <p>The 2 bay building (Nos 29-33) exhibits some attractive detailing such as the vertical windows, decorative mouldings and substantial multi-pot chimneys. The adjoining former</p> | | |

doctors surgery has a non-domestic appearance but also some unusual but attractive features. The overall scale, form and proportions are in keeping with the traditional character of the street. No 35 represents an end of terrace building and besides its compliant domestic scale it does appear to have been unsympathetically altered, this being evident in its dash finish and window openings.

A structural report was submitted by the applicant initially on the 22nd November 2013. To summarise, it estimates that these buildings were constructed around 1860 and finds that the ground floor of No 35 is of solid concrete and that there is no evidence of a damp proof membrane (dpm) or insulation and it is uneven. The floors in Nos. 29-33 are a mixture of solid concrete and suspended timber boards and joists. The concrete areas range in depth from 60 to 75mm, they are uneven and do not have either a dpm or insulation. Most of the timber floors have been removed as they had collapsed due to wet rot.

A number of defects are identified as follows:

- External doors and windows to Nos 29-33 missing.
- Roof slating throughout is defective and allowing water penetration
- Roof purlins and rafters are undersized and contain wet rot
- Ridge lines of No 31 and 33 have sagged – the entire roof area will have to be demolished
- First floor joists are undersized – first floors will have to be demolished
- In front walls, many of spandrel panels over the doors and windows contain vertical cracks and will require repair
- The external wall render and internal wall plaster is defective and will have to be replaced
- There is rising damp and penetrating damp through all the buildings
- Underpinning of front wall may be required
- After demolitions what remains of these buildings is a stone rubble shell which will require significant repair.
- It is concluded that there is seen little structural value in these buildings and recommend that they be demolished.

In response to the report the views of a structural engineer within the Central Procurement Directorate of DFP were sought as well as an assessment by Building Control (Mid-Ulster Council). The conclusions reached were that remedial work is required to stabilise some building elements but the buildings are currently structurally sound and carrying out remedial works will improve the longevity of the building. The building control assessment found that the existing external walls are considered to be in reasonable condition, subject to issues relating to inadequate lintel capacity over openings. The front elevation is considered to be reasonably stable and the roof structure, whilst open to the elements in some places, is considered to be in reasonable condition and shows no evidence of major structural distress at present. Subject to the constraints of design-led demolitions and existing structural defects which will have to be remedied, it is the view of the specialist building control officer that the existing building is in reasonable structural condition at this time.

Planning Policy 6 (BH14) sets out the Policy considerations surrounding demolition in a Conservation Area. The bold text of the Policy states clearly that demolition of an unlisted building will normally only be permitted in a conservation area where the building makes no material contribution to the character or appearance of the area. The Policy requires a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of the conservation area. Account is required to be taken of the wider effects of demolition on the building's surroundings and on the conservation area as a whole. In cases where demolition may be appropriate, for example where a building does not make any significant contribution to a conservation area, the Council will normally require full detailed plans about what is proposed for the site. This application is accompanied by such plans but the key issue for further consideration is the contribution made to the Draperstown Conservation Area by the buildings which I will now consider.

I visited the site on 2 occasions to examine the issues surrounding this application and to form a view on the character of the street scene at this part of the Conservation area. The views of the Council's Conservation Officer have also been sought. The Conservation Team state that together the building units form part of the street scape of High Street and as a group reflect the townscape plan layout, form, domestic scale, roofspace and massing. The existing gap between No.33 and 35 is important and any redevelopment scheme should reflect this. Whilst it is recognised that that original building fabric have been lost, the buildings do retain their traditional form, scale building line, massing, slate roofing and chimneys all of which when viewed together reflect the character and appearance of the streetscape. It is acknowledged that No 35 has been altered the most and in an unsympathetic way with non-original window openings and pebble dash finish and no longer makes a contribution to the Conservation Area. I share this view and indeed this has been expressed to the agent in so far as demolition of No 35 being acceptable, but only that building. The Conservation Team assessment concludes therefore that when viewed as a group, the buildings numbered 29 to 33 reflect the traditional character and appearance of Draperstown Conservation Area and therefore make a material contribution to the character and appearance of the Conservation Area. As such it is preferred that these buildings as a group be retained.

The agent has submitted an appraisal of the proposal by Dawson Stelfox, Consarc Conservation. He regards the building group as being plain and insignificant and when looked after and occupied no doubt made a modest contribution to the character of the conservation area. However, all are now unused, boarded up and derelict. As the buildings exist today Mr Stelfox judges they make no significant contribution to the character or appearance of the conservation area although their built form and size is characteristic of historic development patters. Mr Stelfox feels that the summary of the structural report by BCD Partnership on behalf of the applicant is that the vast majority of the fabric of the buildings will have to be demolished and rebuilt if it was to have any future use therefore satisfying the test (a) in Par 6.25 of PPS6 (this, whilst relating to listed buildings, allows the cost of repairing and maintaining to be considered against the buildings importance and to the derived value from its continued use).

Of course costs will arise in terms of remedial works to Nos 29-33 and the agent has set out in supporting papers that the cost of repair in relation to their importance and to the value derived from their continued use would be far in excess of the costs to demolish

and rebuild. An approximate rate of £1900 per sq.m is stated as being the cost to repair as opposed to £1400 to rebuild.

The scheme proposed for the site, notwithstanding the need to demolish, is of good quality and will generally accord with the requirements of Policy BH12 of PPS6 which is concerned with New development in Conservation Area and the Draperstown Conservation Area Design Guide. Issues of concern remain with the overdevelopment to the rear of the site which have led to an inability to provide sufficient car parking within the site however. Again referring to Par 6.25 of PPS6, which has been used by Consarc to justify the cost implications of maintaining the buildings, in terms of considering the merits of alternative proposals for the site, whilst these are a material consideration, the Council's view should be that subjective claims for the architectural merits of a proposed replacement building/s will not themselves be held to justify the demolition of any (listed building). These are not Listed buildings but it is not entirely unreasonable to apply a similar assessment to this proposal in my view.

The recently published SPPS at Par. 6.18 deals with Conservation Areas. Here the strategic direction and guiding principle is to afford special regard to the desirability of enhancing a conservation area's character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. There is a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. In my view this proposal does conflict with this principle as there is an opportunity here to preserve and enhance.

This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. The agent has argued that the scheme will provide new employment opportunities, local spending in the area, opportunities for local suppliers, footfall to other local businesses and will create an overall more vibrant area. My view is that these positive aspects could still be achieved with a scheme of restoration and reduced extent of development to the rear, allowing for more car parking.

Whilst not strictly matters for consideration under this DCA consent application, Transport NI's most recent consultation response of 28/4/15 states that the applicant has failed to show the min access width for 2 way traffic at 4.8m wide with a 0.5m buffer to each side. There is also a significant shortfall in car parking spaces within the site with 24 more spaces still being required.

The agent carried out a Parking analysis report which concludes that 22 in-curtilage spaces already provided for on plans should be sufficient as parking surveys carried out at periods of peak demand show a min of 37 spaces being available. Having myself observed the extent of car parking which already occupies the on-street locations in the general vicinity I am surprised at these findings. At most I observed 9-10 spaces as being available during my visits which generally occurred early afternoon. TNI also disagrees that there is sufficient on-street parking which is presently well utilised by other businesses in the vicinity.

There is no doubt that it would be of great benefit to Draperstown to see this part of High Street developed and brought back to life, however this must be done in a manner which

is appropriate to the Conservation Area and prevailing policies. Regrettably the applicant has made it clear following recent office meetings that he is not prepared to reduce the scheme in any way to address the parking limitations and, despite the Council's acceptance of the demolition of No 35, that the remaining buildings must also be demolished.

Having considered in detail all aspects of the proposal I must recommend refusal for this demolition consent for the reason set out below:

Neighbour Notification Checked

Yes

Summary of Recommendation: Refusal.

Reasons for Refusal:

1. The proposal is contrary to the Magherafelt Area Plan, SPPS, Draperstown Conservation Area Guide, and Policy BH14 of PPS6 in that it proposes the total demolition of buildings within Draperstown Conservation Area which make a material contribution to the character and appearance of the area.

Signature(s) Melvin Bowman

Date: 22/10/15

ANNEX

| | |
|--|----------------|
| Date Valid | 15th May 2014 |
| Date First Advertised | 12th June 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 High Street, Draperstown, Londonderry, BT45 7AB The Owner/Occupier, 37 High Street Moyheeland Draperstown | |
| Date of Last Neighbour Notification | 30th May 2014 |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Planning History Ref ID: H/1983/0383 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE Address: 37 HIGH STREET, DRAPERSTOWN Decision: Decision Date: Ref ID: H/2007/1089/A Proposal: Office Sign Address: 37 High Street, Draperstown Decision: Decision Date: 18.02.2009 Ref ID: H/1977/0240 Proposal: CONVERSION OF STORES TO DWELLING HOUSE Address: 25 MAIN STREET, DRAPERSTOWN Decision: Decision Date: Ref ID: H/2004/1494/F Proposal: Change of use from dwelling to a ground floor retail unit and first floor flat, including rear extension. Address: 37 High Street, Draperstown Decision: | |

Decision Date: 08.07.2005

Ref ID: H/2004/0558/O

Proposal: Site of 5 No townhouses. (2 bedroom)

Address: Rear of 37 High Street Draperstown

Decision:

Decision Date: 15.03.2005

Ref ID: H/1974/0294

Proposal: PROJECTING SIGN

Address: HIGH STREET, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2014/0183/F

Proposal: Complete redevelopment of the site, 29-35 High Street, for offices, coffee shop, fitness centre and car parking

Address: 29-35 High Street, Draperstown,

Decision:

Decision Date:

Ref ID: H/1985/0473

Proposal: EXTENSION TO DOCTOR'S SURGERY

Address: 29 HIGH STREET, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1985/0254

Proposal: ALTERATIONS AND ADDITIONS TO DOCTOR'S SURGERY

Address: 29 HIGH STREET, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1993/0503

Proposal: CONVERSION OF FIRST FLOOR TO SURGERY

Address: 29 HIGH STREET DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2014/0181/DCA

Proposal: Demolition of nos 29, 31, 33 and 35 High Street, Draperstown to make way for the for the re-development of the site for offices, coffee shop, fitness centre and car parking.

Address: Nos 29-33 & 35 High Street Draperstown,

Decision:
Decision Date:

Ref ID: H/2002/0918/F
Proposal: Extension and Alterations to Joinery Works
Address: 2 St Patricks Street, Draperstown
Decision:
Decision Date: 18.11.2002

Ref ID: H/1995/6159
Proposal: CHANGE OF USE FROM RETAIL UNIT TO HOUSE AND FLATS 27 HIGH STREET DRAPERSTOWN
Address: 27 HIGH STREET
Decision:
Decision Date:

Ref ID: H/1995/0597
Proposal: CONVERSION TO APARTMENTS AND OFFICE ACCOMMODATION
Address: 27 HIGH STREET DRAPERSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 3 rd Nov 2015 | Item Number: |
| Application ID: H/2014/0183/F | Target Date: |
| Proposal: Complete redevelopment of the site, 29-35 High Street, for offices, coffee shop, fitness centre and car parking | Location: 29-35 High Street Draperstown |
| Referral Route: Recommendation to refuse permission. | |
| Recommendation: | Refusal. |
| Applicant Name and Address: H and A Mechanical Services Ltd 28 Fivemile Straight Draperstown Magherafelt BT45 7EE | Agent Name and Address: Keith Gilmour Architect 20 Donaghendry Road Stewartstown Dungannon BT71 5PW |
| Signature(s): Melvin Bowman | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--|-------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Non Statutory | NI Water - Multi Units West - Planning Consultations | No Objection |
| Non Statutory | Env Health Magherafelt District Council | Substantive Response Received |
| Non Statutory | Protecting Historic Monuments | Substantive Response Received |
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |

| | | |
|--|-----------------------------------|-------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | None Received | |
| Number of Support Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and signatures | No Petitions Received | |
| Summary of Issues <ol style="list-style-type: none">1. This application proposes the total demolition of Nos 29-35 High Street, 4 buildings in Draperstown's Conservation Area contrary to Planning Policy Statement 6. This application is accompanied by a Conservation Area Consent application under reference H/2014/0181/DCA.2. The proposal represents overdevelopment of the site resulting a significant shortfall in parking provision within the site contrary to PPS3. | | |
| Characteristics of the Site and Area <p>Located within Draperstown Conservation Area, as designated in the Magherafelt Area Plan, the existing premises Nos 29-35 High Street comprise of 4 mid-terrace 2 storey (now derelict) buildings which front directly onto High Street, Draperstown. Nos 29-31 were formerly used as a Doctors surgery. No 33 was formerly a residential dwelling separated by an alley way to No 35 which also formerly a dwelling. A lay-by area to the front of the buildings provides for an area of public car parking, though limited by recent public realm works.</p> <p>The separating alley ways provide a means of access to lands to the rear and associated back gardens.</p> <p>Adjoining properties are primarily commercial in nature with the site opposite being occupied by an existing petrol filling station.</p> | | |
| Planning Assessment of Policy and Other Material Considerations <p>Being located within the centre of the Conservation Area, this part of the streetscape is defined by a series of 'visual blocks' interspersed with gaps in between.</p> <p>Policy BH12 of PPS6 applies in relation to demolition and new development within a Conservation Area. Draperstown Conservation Booklet provides additional guidance. This demolition should therefore be assessed against Policy BH14 of PPS6.</p> | | |

The 2 bay building (Nos 29-33) exhibits some attractive detailing such as the vertical windows, decorative mouldings and substantial multi-pot chimneys. The adjoining former doctors surgery has a non-domestic appearance but also some unusual but attractive features. The overall scale, form and proportions are in keeping with the traditional character of the street. No 35 represents an end of terrace building and besides its compliant domestic scale it does appear to have been unsympathetically altered, this being evident in its dash finish and window openings.

A structural report was submitted by the applicant initially on the 22nd November 2013. To summarise, it estimates that these buildings were constructed around 1860 and finds that the ground floor of No 35 is of solid concrete and that there is no evidence of a damp proof membrane (dpm) or insulation and it is uneven. The floors in Nos. 29-33 are a mixture of solid concrete and suspended timber boards and joists. The concrete areas range in depth from 60 to 75mm, they are uneven and do not have either a dpm or insulation. Most of the timber floors have been removed as they had collapsed due to wet rot.

A number of defects are identified as follows:

- External doors and windows to Nos 29-33 missing.
- Roof slating throughout is defective and allowing water penetration
- Roof purlins and rafters are undersized and contain wet rot
- Ridge lines of No 31 and 33 have sagged – the entire roof area will have to be demolished
- First floor joists are undersized – first floors will have to be demolished
- In front walls, many of spandrel panels over the doors and windows contain vertical cracks and will require repair
- The external wall render and internal wall plaster is defective and will have to be replaced
- There is rising damp and penetrating damp through all the buildings
- Underpinning of front wall may be required
- After demolitions what remains of these buildings is a stone rubble shell which will require significant repair.
- It is concluded that there is seen little structural value in these buildings and recommend that they be demolished.

In response to the report the views of a structural engineer within the Central Procurement Directorate of DFP were sought as well as an assessment by Building Control (Mid-Ulster Council). The conclusions reached were that remedial work is required to stabilise some building elements but the buildings are currently structurally sound and carrying out remedial works will improve the longevity of the building. The building control assessment found that the existing external walls are considered to be in reasonable condition, subject to issues relating to inadequate lintel capacity over openings. The front elevation is considered to be reasonably stable and the roof structure, whilst open to the elements in some places, is considered to be in reasonable condition and shows no evidence of major structural distress at present. Subject to the constraints of design-led demolitions and existing structural defects which will have to be remedied, it is the view of the specialist building control officer that the existing building is in reasonable structural condition at this time.

Planning Policy 6 (BH14) sets out the Policy considerations surrounding demolition in a Conservation Area. The bold text of the Policy states clearly that demolition of an unlisted building will normally only be permitted in a conservation area where the building makes no material contribution to the character or appearance of the area. The Policy requires a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of the conservation area. Account is required to be taken of the wider effects of demolition on the building's surroundings and on the conservation area as a whole. In cases where demolition may be appropriate, for example where a building does not make any significant contribution to a conservation area, the Council will normally require full detailed plans about what is proposed for the site. This application is accompanied by such plans but the key issue for further consideration is the contribution made to the Draperstown Conservation Area by the buildings which I will now consider.

I visited the site on 2 occasions to examine the issues surrounding this application and to form a view on the character of the street scene at this part of the Conservation area. The views of the Council's Conservation Officer have also been sought. The Conservation Team state that together the building units form part of the street scape of High Street and as a group reflect the townscape plan layout, form, domestic scale, roofspace and massing. The existing gap between No.33 and 35 is important and any redevelopment scheme should reflect this. Whilst it is recognised that that original building fabric have been lost, the buildings do retain their traditional form, scale building line, massing, slate roofing and chimneys all of which when viewed together reflect the character and appearance of the streetscape. It is acknowledged that No 35 has been altered the most and in an unsympathetic way with non-original window openings and pebble dash finish and no longer makes a contribution to the Conservation Area. I share this view and indeed this has been expressed to the agent in so far as demolition of No 35 being acceptable, but only that building. The Conservation Team assessment concludes therefore that when viewed as a group, the buildings numbered 29 to 33 reflect the traditional character and appearance of Draperstown Conservation Area and therefore make a material contribution to the character and appearance of the Conservation Area. As such it is preferred that these buildings as a group be retained.

The agent has submitted an appraisal of the proposal by Dawson Stelfox, Consarc Conservation. He regards the building group as being plain and insignificant and when looked after and occupied no doubt made a modest contribution to the character of the conservation area. However, all are now unused, boarded up and derelict. As the buildings exist today Mr Stelfox judges they make no significant contribution to the character or appearance of the conservation area although their built form and size is characteristic of historic development patters. Mr Stelfox feels that the summary of the structural report by BCD Partnership on behalf of the applicant is that the vast majority of the fabric of the buildings will have to be demolished and rebuilt if it was to have any future use therefore satisfying the test (a) in Par 6.25 of PPS6 (this, whilst relating to listed buildings, allows the cost of repairing and maintaining to be considered against the buildings importance and to the derived value from its continued use).

Of course costs will arise in terms of remedial works to Nos 29-33 and the agent has set out in supporting papers that the cost of repair in relation to their importance and to the value derived from their continued use would be far in excess of the costs to demolish

and rebuild. An approximate rate of £1900 per sq.m is stated as being the cost to repair as opposed to £1400 to rebuild.

The scheme proposed for the site, notwithstanding the need to demolish, is of good quality and will generally accord with the requirements of Policy BH12 of PPS6 which is concerned with New development in Conservation Area and the Draperstown Conservation Area Design Guide. Issues of concern remain with the overdevelopment to the rear of the site which have led to an inability to provide sufficient car parking within the site however. Again referring to Par 6.25 of PPS6, which has been used by Consarc to justify the cost implications of maintaining the buildings, in terms of considering the merits of alternative proposals for the site, whilst these are a material consideration, the Council's view should be that subjective claims for the architectural merits of a proposed replacement building/s will not themselves be held to justify the demolition of any (listed building). These are not Listed buildings but it is not entirely unreasonable to apply a similar assessment to this proposal in my view.

The recently published SPPS at Par. 6.18 deals with Conservation Areas. Here the strategic direction and guiding principle is to afford special regard to the desirability of enhancing a conservation area's character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. There is a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. In my view this proposal does conflict with this principle as there is an opportunity here to preserve and enhance.

This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. The agent has argued that the scheme will provide new employment opportunities, local spending in the area, opportunities for local suppliers, footfall to other local businesses and will create an overall more vibrant area. My view is that these positive aspects could still be achieved with a scheme of restoration and reduced extent of development to the rear, allowing for more car parking.

Transport NI's most recent consultation response of 28/4/15 states that the applicant has failed to show the min access width for 2 way traffic at 4.8m wide with a 0.5m buffer to each side. There is also a significant shortfall in car parking spaces within the site with 24 more spaces still being required.

The agent carried out a Parking analysis report which concludes that 22 in-curtilage spaces already provided for on plans should be sufficient as parking surveys carried out at periods of peak demand show a min of 37 spaces being available. Having myself observed the extent of car parking which already occupies the on-street locations in the general vicinity I am surprised at these findings. At most I observed 9-10 spaces as being available during my visits which generally occurred early afternoon. TNI also disagrees that there is sufficient on-street parking which is presently well utilised by other businesses in the vicinity.

There is no doubt that it would be of great benefit to Draperstown to see this part of High Street developed and brought back to life, however this must be done in a manner which is appropriate to the Conservation Area and prevailing policies. Regrettably the applicant

has made it clear following recent office meetings that he is not prepared to reduce the scheme in any way to address the parking limitations and, despite the Council's acceptance of the demolition of No 35, that the remaining buildings must also be demolished.

Having considered in detail all aspects of the proposal I must recommend refusal for the reasons set out below:

Neighbour Notification Checked

Yes

Summary of Recommendation: Refusal.

Reasons for Refusal:

1. The proposal is contrary to the Magherafelt Area Plan, SPPS, Draperstown Conservation Area Guide, and Policy BH14 of PPS6 in that it proposes the total demolition of buildings within Draperstown Conservation Area which make a material contribution to the character and appearance of the area.
2. The proposal is contrary to PPS3, Policy AMP7, in that it would, if approved, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.

Signature(s) Melvin Bowman

Date: 22/10/15

ANNEX

| | |
|--|----------------|
| Date Valid | 15th May 2014 |
| Date First Advertised | 12th June 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 High Street, Draperstown, Londonderry, BT45 7AB The Owner/Occupier, 37 High Street Moyheeland Draperstown | |
| Date of Last Neighbour Notification | 30th May 2014 |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Planning History Ref ID: H/1983/0383 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE Address: 37 HIGH STREET, DRAPERSTOWN Decision: Decision Date: Ref ID: H/2007/1089/A Proposal: Office Sign Address: 37 High Street, Draperstown Decision: Decision Date: 18.02.2009 Ref ID: H/1977/0240 Proposal: CONVERSION OF STORES TO DWELLING HOUSE Address: 25 MAIN STREET, DRAPERSTOWN Decision: Decision Date: Ref ID: H/2004/1494/F Proposal: Change of use from dwelling to a ground floor retail unit and first floor flat, including rear extension. Address: 37 High Street, Draperstown Decision: | |

Decision Date: 08.07.2005

Ref ID: H/2004/0558/O

Proposal: Site of 5 No townhouses. (2 bedroom)

Address: Rear of 37 High Street Draperstown

Decision:

Decision Date: 15.03.2005

Ref ID: H/1974/0294

Proposal: PROJECTING SIGN

Address: HIGH STREET, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2014/0183/F

Proposal: Complete redevelopment of the site, 29-35 High Street, for offices, coffee shop, fitness centre and car parking

Address: 29-35 High Street, Draperstown,

Decision:

Decision Date:

Ref ID: H/1985/0473

Proposal: EXTENSION TO DOCTOR'S SURGERY

Address: 29 HIGH STREET, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1985/0254

Proposal: ALTERATIONS AND ADDITIONS TO DOCTOR'S SURGERY

Address: 29 HIGH STREET, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1993/0503

Proposal: CONVERSION OF FIRST FLOOR TO SURGERY

Address: 29 HIGH STREET DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2014/0181/DCA

Proposal: Demolition of nos 29, 31, 33 and 35 High Street, Draperstown to make way for the for the re-development of the site for offices, coffee shop, fitness centre and car parking.

Address: Nos 29-33 & 35 High Street Draperstown,

Decision:

Decision Date:

Ref ID: H/2002/0918/F

Proposal: Extension and Alterations to Joinery Works

Address: 2 St Patricks Street, Draperstown

Decision:

Decision Date: 18.11.2002

Ref ID: H/1995/6159

Proposal: CHANGE OF USE FROM RETAIL UNIT TO HOUSE AND FLATS 27 HIGH STREET DRAPERSTOWN

Address: 27 HIGH STREET

Decision:

Decision Date:

Ref ID: H/1995/0597

Proposal: CONVERSION TO APARTMENTS AND OFFICE ACCOMMODATION

Address: 27 HIGH STREET DRAPERSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

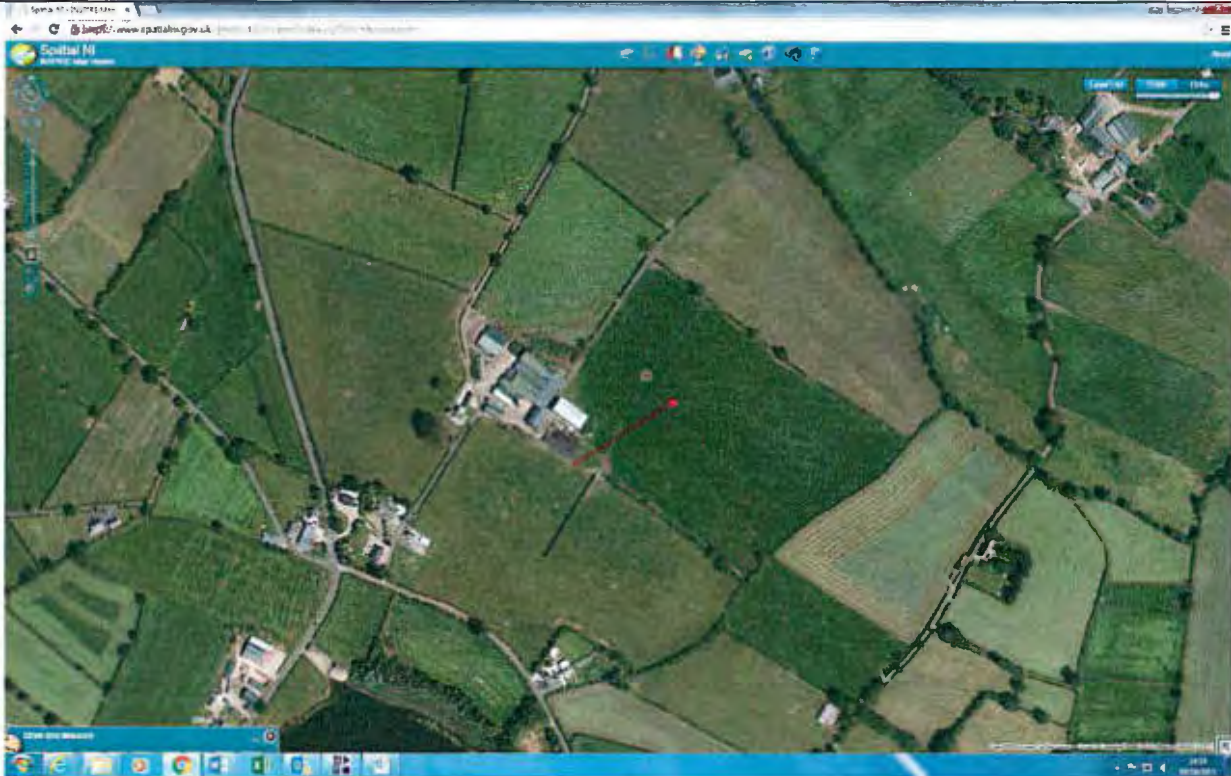
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: | Item Number: |
| Application ID: I/2014/0380/F | Target Date: 10/3/15 |
| Proposal: Proposed installation of a wind turbine on a tubular tower of up to 50m (to hub height) with blades up to 65.5m (to tip height) | Location: Lands 207m East of 55 Tullaghmore Road Tullagh More Stewartstown |
| Referral Route: Recommendation to refuse. | |
| Recommendation: | Refusal |
| Applicant Name and Address: Mr Gerard O' Neill c/o CD Consulting | Agent Name and Address: CD Consulting Unit 54 Enniskillen Business Centre 21 Lackaghboy Road Enniskillen BT74 4RL |
| Executive Summary: | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--|-------------------------------|
| Non Statutory | Ofcom Northern Ireland | Substantive Response Received |
| Non Statutory | P.S.N.I. Information And Communications Services | Substantive Response Received |
| Non Statutory | N.I Water - Windfarms | Substantive Response Received |
| Non Statutory | N.I Water - Windfarms | No Objection |
| Non Statutory | Belfast International Airport | Substantive Response Received |
| Non Statutory | National Air Traffic Services | No Objection |
| Non Statutory | Env Health Cookstown District Council | Add Info Requested |
| Non Statutory | UK Crown Bodies - D.I.O. Safeguarding | No Objection |
| Non Statutory | UK Crown Bodies - Crown Commissioners | No Objection |
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |

| | |
|--|-----------------------|
| Representations: | |
| Letters of Support | None Received |
| Letters of Objection | None Received |
| Number of Support Petitions and signatures | No Petitions Received |
| Number of Petitions of Objection and signatures | No Petitions Received |
| Detail of the proposal: Proposed wind turbine with 50m hub height in compliance with Planning Policy Statement 18: Renewable Energy. | |
| Characteristics of the Site and Area The site is located approximately one and a half miles north east of Newmills. Access is gained from the Tullaghmore Road, a minor rural road to the north of Roughan Lough. An existing access point sits adjacent to an existing farm group, and the turbine is proposed in the centre of a large field. To the west of the turbine position is located the main farm complex which includes building on both sides of the Tullaghmore road, including the farmhouse. The immediate area is rural with detached dwellings and farm groups within the wider vicinity. | |
| Relevant site Histories: No relevant site history on site. Other application within the immediate area relates to existing farm house. | |
| Representations: No representations received from press notice or neighbourhood notification. Consultation with a number of consultees including Transportni, Northern Ireland Environment Agency, Ofcom NI, Belfast International Airport, Crown Commissioners and National Air Traffic Services has raised no concerns subject to informatives and conditions, however Environmental Health have requested a noise impact survey, which has not been provided. . | |
| Planning Assessment of Policy and Other Material Considerations The site is located within the open countryside as defined by the Cookstown Area Plan 2010 (CAP) where Planning Policy Statement 21 (PPS 21): Sustainable development in the Countryside applies. PPS 21 allows for renewable energy projects in accordance with Planning Policy Statement 18 (PPS18). This policy has a general presumption of approval subject to certain criteria where there is an unacceptable adverse impact on a number of factors. It cannot be confirmed that the proposal presented will not be detrimental to human health, or residential amenity, due to the lack of a noise assessment. In my opinion neither visual amenity nor landscape character will be adversely impacted upon, if the turbine were permitted. The biodiversity, nature conservation or built heritage interests within the area will not be damaged as with local natural resources, such as air quality or water quality and public access to the countryside remains as before. This conclusion has been reached through assessment of the consultation process as well as an assessment of the proposal on the ground. | |

Other Policy and Material Considerations:

The application has been examined in relation to Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy', specifically in relation to guidance on wind energy and the policies' stated requirements have not been met. Consultees have raised no issue in relation to communication installations, roads, or aviation matters. However Environmental Health has not been provided with a required noise assessment and therefore is unable to adjudicate on the acceptability of the proposal in terms of noise impact.

The supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' has been taken into account in assessing this wind turbine proposals. The site lies within Landscape Character Area 45: Dungannon Drumlins and Hills, as defined within the NIEA publication Wind Energy Development in Northern Ireland's Landscapes where it describes the scenic quality as being quite high and the overall sensitivity to wind energy development being high to medium. In terms of Shadow flicker, the nearest sensitive receptor is approximately 206m to the west which is within the periphery of the potential shadow flicker zone. Guidance states that at distances less than 10 rotor diameters from a turbine, in this case around 310m and within 130 degrees of north relative to the turbine, amenity of properties can be affected. Due to the positioning and separation distance of the turbine from the nearest dwelling the potential for shadow flicker is limited and that property is identified as having a financial interest. A distance check of the nearest receptor, without financial interest has identified that there are other receptors some 290m to the south west.

During the processing of the application Environmental Health requested a noise assessment this request was relayed to the agent on a number of occasions and recently the agent has advised that no further information would be submitted and requested the application be determined on the basis of the information already submitted. Based on the information supplied it is my opinion that the proposal be refused planning permission.

Since the submission of this application the Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 18: Renewable Energy are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area.

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

Recommendation:

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

Reasons for Refusal:

- Insufficient information, in particular with regard to the submission of a noise assessment has been provided to enable a full assessment of this matter and satisfy the Mid Ulster Council that the development can be undertaken in a satisfactory and safe manner in compliance with Planning Policy Statement 18: Renewable Energy and in accordance with the guidance contained in Best Practice Guidance to Planning Policy Statement 18.

Signature(s)**Date:**

| ANNEX | |
|---|--------------------|
| Date Valid | 25th November 2014 |
| Date First Advertised | 3rd December 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, N/A | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | 27th November 2014 |
| ES Requested | Yes |
| Planning History N/A | |
| Summary of Consultee Responses | |
| Drawing Numbers and Title | |

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

Drawing No. 02
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Cross Sections
Status: Submitted

Drawing No. 05
Type: Miscellaneous
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: | Item Number: |
| Application ID: H/2014/0421/F | Target Date: |
| Proposal: Installation of a landfill gas management system and flare within the boundary of the existing operational landfill site. | Location: Ballymacombs Landfill Site Ballymacombs Road Bellaghy |
| Referral Route: This application is being brought to Committee as the application was submitted by Magherafelt District Council. | |
| Recommendation: | APPROVE |
| Applicant Name and Address: Magherafelt District Council 50 Ballyronan Road Magherafelt BT45 6EN | Agent Name and Address: RPS The Enterprise Fund and Business Centre Letterkenny Co. Donegal Ireland |
| Executive Summary: | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Non Statutory | NIEA | Substantive Response Received |
| Non Statutory | Env Health Magherafelt District Council | Substantive Response Received |
| Non Statutory | Land and Resource Management | No Objection |
| Non Statutory | Water Management Unit | No Objection |
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Non Statutory | NIEA | Substantive Response Received |

Representations:

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

Summary of Issues

No representations have been received in respect of this application.

Description of Proposal

The proposal is for the installation of a landfill gas management system and flare within the boundary of the existing operational landfill site. The proposed landfill gas management system including the flare is within the licensed site boundaries of the landfill site. The landfill gas extraction system will be constructed in the 5 phases of the landfill site. The proposal includes the reconfiguration of the compound layout and to remove the existing sheds while retaining and renovating the attached office building alongside the weighbridge. The sheds are being removed to make way for the gas flare compound and to accommodate the rearrangement of the internal site access routes around the site. The gas flare compound will be connected to three manifolds spread throughout the landfill site and which in turn are connected to 26 proposed gas vents in addition to the existing eight vents. The leachate tank and bund are being retained.

Characteristics of the Site and Area

The Ballymaccombs landfill site is located on the Ballymaccombs Road approximately 3km north of Bellaghy. The site lies in the Bann River valley. The site is located on bogland between Moneystaghan Wood immediately to the north and Sheeps Hill, 500m to the south west. The landfill site was granted approval under H/1999/0936/F with a subsequent approval for the civic amenity site under H/2013/0201/LDE.

The site is currently occupied by the existing landfill site operated by Magherafelt District Council since 1982. Prior to the site being used as a landfill site it was a peat bog. The site is no longer accepting refuse and is currently closed. The existing access leads from the Ballymaccombs Road along the entrance road to the security gates where the site office is located. At this point there is a weighbridge and a large above ground leachate storage tank with associated bund in addition to two large sheds. Throughout the landfill site there are approximately eight existing gas vents.

The site is located on white land as identified within the Magherafelt Area Plan 2015 and is located within an area of existing waste management use.

Planning Assessment of Policy and Other Material Considerations

The proposal is in accordance with the Magherafelt Area Plan 2015 in so far as it lies outside any defined settlement limits and is open countryside. No other constraints have been identified.

The site is not zoned for any particular use.

The proposal is assessed under Policies WM1 Environmental Impact of a Waste Management Facility and WM3 Waste Disposal of Planning Policy Statement 11 Planning and Waste Management.

Policy WM1 requires that proposals will only be permitted where it is considered that the facility would not cause demonstrable harm to the environment including air, water, soil, water resources, nature conservation and archaeological/built heritage and where harm to these interests cannot be prevented or controlled by mitigating measures. Further to this, development will not be permitted where it is not compatible with the surrounding landscape or where it will have an unacceptable visual impact on any area designated for its landscape quality. In addition

the proposals would not be acceptable where it is considered that the access to the site and the nature and frequency of associated traffic movements would prejudice the safety and convenience of road users.

This proposal meets all the requirements of Policy WM1 and will benefit the environment through the operation of a more environmentally acceptable management system which will ensure the removal and treatment of the landfill gas which would otherwise be released directly into the surrounding atmosphere.

WM3 states that proposals for the development of landfill or land raising facilities for the disposal of waste will only be permitted where certain criteria are met.

This proposal is acceptable in that;

there is a need for the proposal at this existing landfill site as the gas management system is a requirement of the landfill directive 1999/31/EC;

the proposal is the best practical environmental option

the proposal complies with all the stated criteria in that it will not result in an unacceptable adverse environmental impact, it does not impact on mineral reserves, it is located within an existing waste management facility, there are no changes proposed to the existing site access and the proposal is part of the overall restoration of the site following the sites closure to further waste disposal intake.

The site will not have any significant additional effect on the surrounding area. No significant environmental impact has been identified by any of the consultees.

Environmental Health had no objections but advised that HSENI and NIEA should be consulted.

NIEA: Waste Management Unit have no objections.

NIEA Water Management Unit have no objections and provided suggested conditions and advice.

Transport NI requested amended drawings relating to the access and drainage.

HSENI were contacted and confirmed that they did not require to be formally consulted as the proposed development would not be within their remit. They advise that NIEA would be the proper consultee for this proposal.

Consideration

The proposal is for the rearrangement and upgrading of the existing facilities within the existing waste management facility which is no longer receiving waste material. This is a requirement under the landfill directive 1999/31/EC. EHD have not raised any issues of noise, odour, contamination or run-off and therefore these are not issues of concern. Although Transport NI have requested amendments to the submitted drawings for the purposes of showing control of the lands required for the visibility splays and drainage measures, as this is an existing site with no alterations being proposed to the access and with no proposed increase in the number of vehicles being attracted to the site, in my opinion these details are not required and therefore have not been requested. Neither NIEA: Waste Management Unit nor NIEA: Water Management Unit raised any issues regarding the proposal.

In my opinion, in light of the above planning considerations and consultee responses, the proposal is acceptable and is capable of approval.

Recommendation – Approve subject to the conditions listed below:

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below.

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.

Signature(s)

Date:

| ANNEX | |
|--|--------------------|
| Date Valid | 19th November 2014 |
| Date First Advertised | 1st December 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 59 Ballymacombs Road Ballymacombs Beg Bellaghy The Owner/Occupier, 61 Ballymacombs Road Ballymacombs Beg Bellaghy The Owner/Occupier, 62 Ballymacombs Road Ballymacombs Beg Bellaghy | |
| Date of Last Neighbour Notification | 22nd April 2015 |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Planning History Ref ID: H/1999/0936/F Proposal: Revisions of Site Boundary and Profile of Landform at Ballymacombs Landfill Site Address: Ballymacombs Landfill Site Ballymacombs Road, Bellaghy, Co Londonderry Decision: Decision Date: 22.08.2000 Ref ID: H/1980/0002 Proposal: SCAVENGING TIP Address: BALLYMACOMBS, BELLAGHY Decision: Decision Date: Ref ID: H/2013/0201/LDE Proposal: A civic amenity site for the acceptance, bulking and processing of household, commercial and industrial waste Address: Ballymacombs Landfill Site, Ballymacombs Road, Bellaghy, BT45 8JP, Decision: PG Decision Date: Ref ID: H/2014/0421/F | |

Proposal: Installation of a landfill gas management system and flare within the boundary of the existing operational landfill site.

Address: Ballymacombs Landfill Site, Ballymacombs Road, Bellaghy,

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health had no objections but advised that HSENI and NIEA should be consulted.

NIEA: Waste Management Unit have no objections.

NIEA Water Management Unit have no objections and provided suggested conditions and advice.

Transport NI requested amended drawings relating to the access and drainage.

HSENI were contacted and confirmed that they did not require to be formally consulted as the proposed development would not be within their remit. They advise that NIEA would be the proper consultee for this proposal.

Drawing Numbers and Title

Drawing No. DOC1

Type: Technical Specification

Status: Submitted

Drawing No. 05

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 07

Type: Proposed Elevations

Status: Submitted

Drawing No. 06

Type: Levels and Cross Sections

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. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 3rd November 2015 | Item Number: |
| Application ID: M/2014/0442/F | Target Date: 25.12.2014 |
| Proposal: A single electricity generating wind turbine with a hub height of 30m and a blade diameter of 30m, 1 no. hardstanding, 2 electrical kiosks. | Location: Lands 450m SW of Cohannon House Drumard Cross Road Dungannon |
| Referral Route: Recommendation of refusal and objections to application. | |
| Recommendation: | Refusal |
| Applicant Name and Address: Reforce Energy Ltd Church Place Church Street Tralee Co Kerry | Agent Name and Address: Jennings O'Donovan and Partners Ltd Finisklin Business Park Sligo |
| Executive Summary: The proposal is for a single wind turbine in the countryside. Environmental Health have requested additional information in the guise of a noise report to confirm there will be no unacceptable impact on neighbouring properties. The applicant has failed to provide any information to confirm this. NIEA Natural Heritage have also expressed concerns regarding the vicinity of the turbine to a hedgeline and the potential effect on bats, a protected species under the Habitat Regulations. | |
| Signature(s): M. McLaughlin 20/10/15. | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Non Statutory | NIE - Enniskillen | No Objection |
| Non Statutory | NIE - Windfarm Developments | Substantive Response Received |
| Non Statutory | Everything Everywhere Limited | No Objection |
| Non Statutory | NI Water - Strategic Applications | Consulted in Error |
| Non Statutory | Belfast International Airport | Substantive Response Received |
| Non Statutory | Env Health Dungannon and South Tyrone Borough Council | Add Info Requested |
| Non Statutory | UK Crown Bodies - D.I.O. LMS | No Objection |
| Non Statutory | UK Crown Bodies - D.I.O. Safeguarding | No Objection |
| Non Statutory | National Air Traffic Services | No Objection |
| Non Statutory | Ofcom Northern Ireland | Substantive Response Received |
| Statutory | NIEA | Advice |
| Non Statutory | Shared Environmental Services | Substantive Response Received |
| Non Statutory | Arqiva Services Limited | No objection |

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| Representations: | |
| Letters of Support | None Received |
| Letters of Objection | 20 |
| Number of Support Petitions and signatures | No Petitions Received |
| Number of Petitions of Objection and signatures | No Petitions Received |
| Summary of Issues | |
| <p>The objectors to the proposal have expressed numerous concerns including noise, visual impact, effect on roads safety, effect on wildlife, health effects, shadow flicker, effects on horses and property values. Environmental Health and NIEA Natural Heritage had concerns regarding the proposal. Other consultees had no objections.</p> | |
| Characteristics of the Site and Area | |
| <p>The site is a small cut out plot of a larger field. The northern, southern and western boundaries of the site are undefined on the ground. The eastern boundary of the site is defined by a mature native species hedgeline approximately 6ft tall. The land slopes downwards towards the south and south west. The site is a small localised drumlin type feature in the landscape. There are open views into the site from all surrounding public road network vantage points. The current land use is agricultural grazing land. The land is accessed via an existing farm track from Drumard Cross Road 240m to the north. The land mass falls gently from the Drumard Cross Road to the north towards the site and then falls moderately downwards beyond the site towards the south, south east and south west.</p> | |
| Planning Assessment of Policy and Other Material Considerations | |
| <p>PPS 21 - Sustainable Development in the Countryside PPS 18 - Renewable Energy. PPS 1 - General Principles PPS 2 - Natural Heritage PPS 3 - Access, movement and parking.</p> | |
| <p>The proposal is set in the countryside, where PPS 21 is the material planning consideration. The site has no particular land use designation in the Dungannon and South Tyrone Area Plan 2010.</p> | |
| <p>CTY 1 of PPS 21 allows for non residential development in a limited number of cases, one of these being renewable energy projects in accordance with PPS 18 (Renewable Energy).</p> | |
| <p>Policy RE1 (Renewable Energy Development) is the overarching policy context for renewable energy development. It sets out a number of criteria against which projects for renewable energy development must adhere, it also lists additional criteria that wind turbine applications must also demonstrate.</p> | |
| <p>The first general requirements require Mid Ulster Council to examine the effect on public safety, human health or residential amenity.</p> | |
| <p>At the outset of the application I consulted Environmental Health for comment, they returned response seeking additional information on 17.10.2014 in terms of an amended Noise Impact Assessment. I have sought this additional information initially on 06.11.2014, 12.02.2015, 18.03.2015 and 09.04.2015. Said information has not been supplied at time of writing. Therefore</p> | |

I must assume the applicant cannot demonstrate that there would not be an unacceptable impact on residential amenity of nearest receptors by way of excessive noise.

The Best Practice guidance for PPS 18 (BPG) document states there is little evidence to suggest there is any effect on human health by way of low frequency noise. BPG gives the title of two studies which were done by ETSU for the DTI which confirmed vibration levels were well below recommended levels and tones above 3hz attenuated rapidly with distance. For smaller single wind turbines, BPG recommends a fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. In this case that equates to $45.0\text{m} + 4.5\text{m} = 49.5\text{m}$. The turbine will be at least 230 - 240m from the nearest road/receptor.

The proposal therefore fails one of the first tests of RE1 of PPS 18 in that the applicant has failed to demonstrate the proposal would not result in an unacceptable adverse impact on residential amenity.

Bullet point (b) of RE1 requires that the scheme will not result in an unacceptable adverse impact on visual amenity and landscape character of the area.

In terms of visual amenity and landscape character I refer to the document entitled 'Wind Energy Development in Northern Ireland's Landscapes' (Supplementary Planning Guidance to Accompany PPS 18 'Renewable Energy') (WEDNIL). The site is located within LCA 47 (Loughgall Orchard belt) Sensitivity High to medium. It describes the area as having rolling land form and good tree cover and 'not particularly sensitive to change'.

The single turbine is located near the top of a landform. It is obviously unrealistic at this location to expect any degree of integration for a 30m high wind turbine. The turbine is set off Bovean Road 350m and Drumard Cross Road approx 230m, though its impact on the landscape will still be marked. The tower is a single tower, solid structure.

The ancillary development measuring 2m high will not appear incongruous adjacent to the turbine and given the long distance views from which they will be seen. I have visited the site and inspected the surrounding vantage points. Para 4.13 recognises that the impact of turbines on the landscape will vary according to size and number proposed. The guidance refers the reader to the WEDNIL document mentioned above concluding by stating the guidance is not intended to be prescriptive.

I have travelled the surrounding road network and acknowledge that a 30m turbine will be plainly visible from most, if not all, of the surrounding road network. WEDNIL states care should be taken to avoid any adverse impacts on distinctive settings and designated landscapes and landmarks such as churches, there are no designated or protected landscape areas in the immediate vicinity of the proposal nor any landmarks either protected or of designated architectural merit. Given the set back distance off the road and the relatively short distance of the enclosed landscape surrounding the site, I feel the Council could not sustain a reason for refusal on visual grounds for this single 30m high turbine.

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

The site the applicant has chosen has no nature conservation / built heritage protection in the Dungannon & South Tyrone Area Plan 2010.

NIEA Natural Heritage were consulted for opinion and returned response received 24.07.2015.

Natural Environment Division considered the impact on Lough neagh and Lough Beg SPA/ASSI/RAMSAR sites, Peatlands Park SAC/ASSI and Drumcrow ASSI and were satisfied that the proposal would not have any adverse impact on said sites. NIEA went on to advise that Mid Ulster Council (MUC) should undertake a Habitats regulations Assessment on Lough neagh and Lough Beg RAMSAR/SPA site and Peatlands Park SAC to ensure compliance with requirements of Habitats Directive. I consulted Shared Environmental Service of NIEA who carried out a screening assessment of the proposal and concluded that the project would not be

likely to have a significant effect on the features and conservation objectives of any European site and that an appropriate assessment is therefore not required.

Natural Environment Division go on to state that they have concerns regarding in terms of the effects on bats, a species protected under the Habitats regulations. Standing guidance indicates that a 50m buffer should be maintained between the tip of the turbine blade and the existing habitat features on site. NIEA are of the opinion that the turbine in its current location would pose a problem Bats and Single Wind turbines. NIEA have published guidance notes for applicants for single wind turbines, available on their website, (Guidance notes for applicants) (revised June 2013). Using their formula to calculate the minimum separation distance for a turbine of this size, I estimate the turbine needs to be a minimum of 58.2m away from the nearest feature (hedge) to maintain a clear 50m separation (blade tip to hedge). I measure the turbine to be approx 39m from the nearest feature.

Accordingly I am of the opinion that the applicant has failed to demonstrate that the proposal would not have an adverse impact on bats, a protected species under Conservation (Natural Habitats, etc) Regs (NI) 1995 and would therefore be contrary to policy NH5 of PPS 2 (Habitats, Species or Features of Natural Heritage Importance).

There are no buildings of designated built heritage interest in the immediate vicinity of the application site. NIEA buildings did not return response to the proposal.

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

It is not considered that the single wind turbine will affect local air quality due to zero emissions. Larger schemes are required to undertake geological surveys to demonstrate that wind farm development would not result in bog burst or land slide. Mid Ulster have not in applications for single wind turbines required this extent of information. A single turbine in isolation is unlikely to have any effect on water table or quality in this area. The turbine is located approx from the nearest watercourse. NIEA have also indicated they are satisfied the proposal would have little if any effect on Lough Neagh RAMSAR site.

(e) public access to the countryside.

The site is located on a private agricultural field. The applicant has indicated on the application form that he owns the land. No right of way has been shown on any accompanying information and I therefore conclude that public access to the countryside would not be prejudiced by this application.

PPS 18 then goes on to state that wind energy proposals will only be acceptable where they fulfill all the following criteria:

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

RE1 states 'the Department recognises that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that some of these impacts.'

The proposal before us is for a single wind turbine, hub height 30.0m high, total height to blade tip 45.0m. There are no other single turbine applications nor wind farm developments within the immediate vicinity of the application site and it is therefore being considered on its own merits. As stated above, I have travelled the surrounding road network. PPS 18 is not a test of invisibility for turbines. By their nature they will be visible in the landscape. PPS1 does not afford protection of views from private properties, nor does it exist to protect private interest of on party over or

above the actions of another.

Regard must be given to the fact this is a relatively small single turbine sited 260m+ from the nearest 3rd party receptor. I do not consider that MUC could sustain a reason for refusal at appeal based on the unacceptable visual impact of this single turbine based on the visual amenity or landscape character grounds.

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

as stated above, there are no existing turbines in the immediate vicinity of the application site, including those which have permissions, nor are there any live applications under consideration by MUC.

that the development will not create a significant risk of landslide or bog burst;

this is more applicable to windfarm development in upland mountainous areas. NIEA's 'Windfarm development in Northern Ireland landscapes' document confirms the area is characterised by rich brown earths and sedimentary and contemporaneous igneous rocks. I do not consider that the single turbine would create a significant risk of landslide or bog burst at this location.

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

OFCOM, Belfast International Airport and NATS were consulted for opinion.

OFCOM returned response dated 04.11.2014 stating NIE, EE limited and NI Water Ltd may have fixed link concerns with the proposal and should be consulted. All three bodies were consulted for opinion on the back of this response. NIE and EE returned response with no comment. NI Water recommended consulting Arqiva.

Belfast International Airport returned comment stating objection but given PAC decision 2013/A0049 attached negative conditions if MUC were minded to approve.

NATS returned comment on 24.9.2014 stating no objection to the proposal.

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

PPS 18 considers that for small individual turbines e.g. on a farm enterprise, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. In this case that equates to $45.0\text{m} + 4.5\text{m} = 49.5\text{m}$. The turbine will be at least 230 -240m from the nearest road. It is not therefore considered that the proposal would have an unacceptable impact on roads. In terms of aviation safety, this has been addressed in the BIA consultation response which stated objection but also included conditions if MUC were minded to approve, as has happened in other applications similar to this one. Rail concerns are unnecessary in this instance given the distance to the nearest railway line.

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

I have already discussed the fact a noise impact assessment has not been forthcoming to satisfy the first criteria.

The nearest property to the dwelling is approximately 260m away directly north of the application site. The guidelines laid out in PPS 18 states that at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. It also states that shadow flicker should not exceed 30mins/day or 30hrs/year. The applicant has provided a shadow flicker report indicating the maximum hours /year at worst was just under 18hours /year, within recommended guidelines.

Proximity to power lines.

The document Energy Network Association Technical Specification 43-8 Issue 3 2004 (Overhead line clearances) lays out the safety clearances for overhead lines. NIE were consulted for opinion regarding the adjacent overhead lines and returned comment of no objection to the proposal.

Other Considerations:

Objections received *Andrew Mc Clune objection / don't like it as he had letter in his car.*

Objection received 03 October 2014 (Mr Andrew McClune, 17 Drumard Cross Road)

Objector complained about the number of people who objected to the original proposal who weren't consulted as part of this application. The Department of Environment addressed his concerns in letter dated 09th October 2014.

The objector raises concerns regarding removal of hedge and the effect of that on nesting birds and bats. NIEA were consulted and as discussed above raised objection based on the potential effect on bats, a protected species. I recommend in line with their response that the application be refused on this ground.

The objector objects to a large 'COMMERCIAL' (his emphasis) turbine. MUC does not have policy provision to refuse an application based on where the electricity may be used or sold on.

Objector states the turbine will be an eyesore. There is no policy context for assessing the aesthetics of a turbine. My assessment on how I feel the proposal complies with PPS 18 against NIEA document WEDNIL is outlined above. The objector outlines he will have to drive past it every day, I do not concur that the turbine will tower over him. The applicant's given address is approximately 645m away with mature vegetation in between. I do not believe this could be sustained as a reason for refusal.

Point 2 of the objector's letter refers to the fact the 'commercial' turbine would be better suited to a windfarm in a remote, sparsely populated area. There is no requirement for any turbine to be in a remote sparsely populated area. By virtue of fact these areas are usually upland windy areas, I concur that this is where they are usually found to benefit from conditions found there. However PPS 18 does not operate presumption against in any other area and once again believe his objection would not succeed at appeal.

Points 3-4 deal with WEDNIL designation. Whilst the objector has mentioned the value of orchard in our landscape, which I do not disagree with, NIEA natural heritage were consulted and have not included same as reason for refusal. Neither do any orchards in the immediate vicinity carry any protected designations on the NIEA website. The objector states he would have no issue with a turbine up to 25m high to blade tip, I must however deal with the application before me.

Point 5 states that co2 emissions will continue and reduction in emissions may be minimal. I do not contest these statements, however PPS 18 states that significant weight must be given to

environmental, economic and social benefits of renewable energies.

Point 6 refers to the efficacy of a wind turbine system. I do not have a policy context against which to judge a turbine application based on its efficacy. The application will be assessed against all relevant policy.

Point 7 queries the developers supporting info in relation to the description of the area. I am satisfied having driven all surrounding vantage points, including the objector's property that my report covers all necessary information.

Point 8 refers to the photomontages submitted in support of the application. Again, I accept that these were submitted in support of the application and I am not making my recommendation based on these alone nor am I in a position to estimate whether they are entirely accurate.

Point 9 refers to a registered caravan club across the road and the fact he considers the area has high scenic quality. Again I do not contest that the area is picturesque, however policy does permit wind farm development even in areas of outstanding natural beauty, if they satisfy policy.

Point 10 refers to comments made by UK prime minister in relation to wind turbines. I must adhere to policy requirements in assessing the application.

Point 11 talks about overhead clutter of overhead power lines which run through the immediate area. Whilst I can do nothing about the existing infrastructure in the area, I have to ask if the addition of one turbine at this location would tip the scales to such an extent that refusal would be warranted. I cannot agree that one turbine here would 'make things worse'. How one would quantify what would 'make things worse' is difficult. Each application has to be judged on its own merits, I do not consider that in visual terms the addition of this turbine would be so detrimental to the local landscape that it should be refused. Indeed, the objector has previously stated he wouldn't mind a small turbine 25m to tip.

The objector concludes by including 'accurate' photos of the proposal. Again, I do not contest these as per the other photographs supplied by the agent. I will assess the full application based on the scale drawings before me and my visits of the area.

Objection received 03 October 2014 (L Flack, 17 Drumard Cross Road).

Page 1 Paras 1-3 deal with the issuing of neighbour notification letters which I have dealt with above.

Page 1 Para 5 queries the effects on bats which I have dealt with above.

Page 2, bullet point 1 refers to noise, which I have dealt within my assessment above;

Page 2 bullet point 3 states the area is one of natural beauty, which I do not contest, however it is not designated as acknowledged by the objector .

Page 2 bullet point 4 claims the turbine, if approved, would devalue their property, no evidence has been submitted to substantiate same.

Page 2 bullet points 5-6 question the logic of turbines at all, that they often stand motionless and queries the costs of subsidising them through electricity payers bills.

Page 3 bullet point 1 refers to the concerns of an MLA in the area over the 'intensification' of wind turbine development in the area.

Page 3 bullet point 2 states local residents may experience disruption to tv signals, OFCOM returned comment of no objection.

The objector concludes by stating she feels it would be better if wind farms were site in 'isolated and remote unpopulated areas' than single turbines all over the countryside. As stated above, the applicant is fully entitled under PPS 21 and PPS 18 to apply for a single turbine or a wind farm wherever he/she wishes. I do not consider this could be sustained as a reason for refusal at appeal.

Objection received 28 October 2014 - 55 Bovean Road (John Curran).

Bullet point 2 questions whether an application has been made to DARD for removal of hedge rows. This is a matter for the applicant and DARD. In terms of the application before us, NIEA were consulted and returned comment seeking additional information in terms of bats, this has not been provided.

Bullet point 3 queries the extent of the red line of the application site. The red line has been extended to cover the extent of the works proposed. I cannot consider anything outside the red line of the application before me. The applicant has indicated that he proposes to use an existing agricultural access to service the development. The objector queries the extent of the red line around the application site, this is wide enough to encompass the 30m rotor diameter. I have measured the width of the red line and am satisfied the proposal can be accommodated within the red outline of the site.

Bullet point 4 queries the noise assessment and its shortcomings. I have discussed the noise report above and indicated that it should be included as a reason for refusal for this application.

Bullet points 5-6 query the visual impact on the surrounding area, I have discussed visual impact above.

Page 2 bullet point 1 states the proposal will have a major effect on nearby residential amenity without giving specifics. Again, it is difficult to sustain this without evidence.

Page 2 bullet point 2 states the objector 'understands' there to be a nearby industrial heritage site, suggesting NIEA be consulted. No zonings were evident in the immediate vicinity. In either case, a generic email consultation was sent to NIEA. They chose not to forward same to built heritage division.

Page 2 bullet point 3 queries the connection to the grid. In the absence of said information I am determining the application before me. Anything extra would require separate application.

Page 2 bullet point 4 requests that NIE be consulted, they returned comment of no objection to the proposal.

Page 2 bullet point 5 mentions the 'cluster' effect with existing infrastructure. I have dealt with that above.

Page 2 bullet point 6 states the proposal, if approved, could create a precedent. I do not agree with this as every application is judged on its own merits. Any future application in the immediate vicinity would have to take account of this application in terms of visual impact and accumulation of development.

Page 2 bullet point 7 states shadow flicker up to 500m away should be considered. The

applicant has provided a shadow flicker map. Whilst the map is not scaled it appears to cover those dwellings within the ten times rotor diameter rule. Para 1.3.77 states that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30hrs/year or 30 mins day (based on research by Predac, a EU organisation promoting best practice in energy use and supply).

In GB, The Department of Energy and Climate Change (DECC) commissioned a study to update the evidence base on shadow flicker to ensure that the guidance that was provided in Planning for Renewable Energy, A Companion Guide to PPS22 (Office of the Deputy Prime Minister (ODPM), 2004) was still up to date. The Update of Shadow Flicker Evidence Base Report was published by DECC in 2011 and concluded that the recommendation of PPS22 to assess shadow flicker impacts within 130 degrees either side of north and 10 rotor diameter distance from the nearest property was acceptable. The report also found that it is widely accepted across Europe that potential shadow flicker is very low more than 10 rotor diameters from a turbine. As such I consider that the evidence presented satisfies PPS 18 and guidance.

Page 2 bullet point 8 queries the visibility splays at the front of the site. The applicant has indicated that that he proposes to use an unaltered access to a public road. The objector also queries the necessity of a Transport Impact Assessment report. A Transport Assessment now subsumes the previous role of a TIA so this is what I shall consider. The following are examples of the thresholds over which a TA would now be required:

Food, Nonfood Retail, Cinemas, Leisure , Industry :1000 gross sq metres;
Housing : 100 units.

I do not therefore consider it necessary to request a TA for the above scheme. A van may require access to the site once or twice a year for maintenance purposes. A turbine in itself is not going to generate significant traffic volumes. The applicant has also indicated use of an existing unaltered access to a public road.

Page 2 bullet point 9 the objector mentions the accidents at Bovean junction and Drumard Cross Road. That section of road is winding, especially towards the north. The objector mentions a full safety audit report for the traffic during construction, maintenance and decommissioning. This is beyond the remit of the application and beyond the control of the applicant.

Page 2 bullet point10 seeks a 'full assessment' on flora and fauna in the area. The objector mentions bats and buzzards. I have consulted NIEA Natural heritage who have made comment on the application, recommending refusal.

Page 2 bullet point 11 states the objector owns horses and trains them. He request NI Horse Board and Equestrian council for NI are consulted. As above, PPS 1 para 52 states clearly 'The planning system does not exist to protect the private interests of one person against the activities of another'. The notes in the BPG state there is little evidence that domesticated or wild animals will be affected by a wind farm. I know from personal experience horses can spook at anything on the road from wind going through an adjacent tree to a crisp packet tumbling on the road. The British Horse Society has a leaflet entitled 'Advice on Wind Turbines and Horses for Riders and carriage Drivers' which is full of useful information on how horses may react and what a rider can do to acclimatize their animal to turbines. Regardless, the effect on equine animals could not be sustained in policy terms as a reason for refusal.

Page 3 bullet point 1 queries the LCA. I have dealt with all LCA matters above.

Page 3 bullet point 2 refers to the Julie Martin report 'Wind Energy Development in Northern Ireland draft supplementary planning guidance to accompany pps 18. This document has obviously now been superseded by BPG mentioned above. One of the changes made from the

draft document to that used now is the removal or dropping of the indicative max turbine heights in any area or max nos which could be accommodated in any area. Accordingly I believe MUC could not sustain this as a reason for refusal at appeal.

Objection received 22 October 2014 (DD & AJ Walters)

The applicant encloses colour photographs of various accidents along the stretch of road south of the junction of Drumard Cross Road and Bovean road. I have no manner of checking the fault of these accidents and am aware that it is a busy road between Tamnamore and Moy. Similarly I have no evidence from anywhere else to demonstrate that wind turbines have caused vehicles to leave the road by means of a distraction to drivers. As stated above , in terms of the BPG, the turbine location is well within safety parameters.

Objection received 06 October 2014 (John Hoy and Son and Murphy Solicitors).

The solicitors only concern was that 3no clients had not received neighbour notification letters. Mr P Marrion responded in letter dated 09.10.2014 outlining the nature of NN and answering their points.

Objection received 17.10.2014 (Noel and Rhonda Green)

Point 1: I have consulted NIEA as above and they have recommended refusal;

Point 2: Noise issues have been discussed above and included as reason for refusal;

Point 3: Whilst acknowledging the turbine, if approved, would be adjacent to many dwellings, I could not recommend recommendation for refusal solely on grounds that the turbine is located beside dwellings.

Pont 4: The objector mentions interrupted sleep patterns. No evidence or research has been provided to substantiate this claim. Regardless, environmental health have requested additional information which has not been provided and therefore is included as reason for refusal.

Point 5: The applicant has mentioned bats and removal of hedging, both issues have been covered above.

Objection received 20.10.2014 (Sarah Carroll)

point a refers to an adverse visual impact in this populated rural area. : I have discussed the visual impact on the rural area above. I do not consider that the application could be refused on policy grounds in terms of visual impact. The turbine is 30m to hub and off summit/peak of this small hill. Views are generally localised and I consider given set back distance off the surrounding road network that the proposal location is acceptable.

point b refers to environmental effect. NIEA have recommended refusal as per above.

point c refers to negative impact on quality of life due to noise levels. - I recommended refusal based on failure to provide info to demonstrate turbine was acceptable at this location in terms of noise.

Objection received 15.10.2014 (Claire jennings)

para 2: relates to noise. I have discussed the noise issue above. reason for refusal included.

para 3: wildlife: references bats and buzzards. I have discussed the bats issue above. reason for refusal included.

para 4: shadow flicker; I have discussed shadow flicker above and do not agree that shadow flicker should be included as a reason for refusal. The applicant has included a survey indicated that limits experienced well within those recommended in BPG.

Objection received 15.10.2014. (Frances Jennings)

this objection is a photocopy of that received from Claire Jennings, refer to above.

Objection received 17.10.2014 (emailed by Gary Jennings, signed off by Frances Jennings)

this email is a copy of the objection received by post on 15.10.2014. Refer to above.

Objection received 13.10.2015 (I.W.E. Hunter)

point 1: refers to Julie Martin associates: I have discussed this above, I do not concur that this could be maintained as reason for refusal at appeal.

point 2: refers to Tom Elliot MLA comments in local press re turbines; comments noted.

point 3: 'the flicker effect': I have discussed the flicker effect above.

point 4: The Loughgall orchard belt; objector refers to draft guidance, the LCA is discussed above also.

point 5: health risks; Environmental health were consulted for opinion and requested additional information which was not forthcoming. This has been added as a reason for refusal.

Objection received 13.10.2014 (D_ Walters and AJ Walters)

point 1: noise and other disturbance: the noise issue has been included as a reason for refusal;

point 2: adverse effect on natural beauty of area; the objector has provided no evidence to demonstrate that the proposal if approved would adversely affect the natural beauty of the area. I have considered the proposal against LCA advice in the absence of any designated nature zonings in the Dungannon and South Tyrone Area Plan 2010.

point 3: distraction for drivers: the proposal satisfies all safety parameters as laid out in BPG for PPS 18. The objector has provided no evidence to back up their claim that this turbine would distract drivers to such a degree that it would cause an accident. I do not therefore consider that this could be sustained as a reason for refusal at appeal.

Objection received 08.10.2014 (Alan Willis)

Points 1 and 2 are identical to those addressed in Andrew McClune's objection above.

Point 3 refers to Julie Martin's draft NIEA document LCA, this has obviously been revised.

Point 4 is identical to those addressed in Andrew McClune's objection above.

Point 5 refers to the characteristics of the site and immediate area. I have described those above. I do not contest many of the points made in this paragraph. This point is identical to point 7 of Mr McClune's objection.

Point 6 is incorporated into point 8 of Mr McClune's objection.

Point 7 is identical to point 9 in Mr McClune's objection.

Points 8 and 9 respectively are identical to points 10 and 11 of Mr McClune's objection addressed above.

Objection received 08.10.2014 (Mary Willis)

Mary Willis' objection points are identical to those of Alan Willis above.

Objection received 08.10.2014 (Joseph McCann)

paras 1 and 2: concern about proximity to home and how their health could be affected; Objector mentions research which shows how constant low noise and light flicker from turbine blades can cause many health problems. No reference was made to the author of the research or source of these claims so I have been unable to fully consider this, shadow flicker has been discussed

above.

para 3: concern about health of dairy herd; the BPG states categorically that there is little evidence that domesticated or wild animals will be affected by windfarms and states there are examples of cows grazing right up to the base of such units.

para 4 : visual impact on home and devaluation: loss of a view and devaluation are not policy based reasons for refusal of application. They could not therefore be sustained at appeal.

Objection received 08.10.2015 (S McLaughlin)

health, wildlife, noise, light flicker, depreciation: All of the above have been discussed in detail above.

Objection received 08.10.2014 (James McCann)

para 2: effect on dairy herd;

para 3: visual impact on home and devaluation own health risks; all of the above have been discussed in detail above.

Objection received 14.10.2015 (P.J McCaffery)

bullet point 1: objector mentions their son's medical condition. The BPG states 'there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health'. paras 1.3.48 and 49 extrapolate on this point. Further guidance 'Update of UK Shadow Flicker Evidence Base' prepared by Parsons Brinckerhoff for the Department of Energy and Climate change' has a paragraph dedicated to their sons condition. I have read same and read with BPG am of the opinion there is no policy/evidence based reasons for refusing on this point.

bullet point 2: noise

noise concerns which have been cited as a reason for refusal;

bullet point 3: size of turbine has been addressed above;

bullet point 4: mentions dPPS18 guidance. I have assessed the application under PPS 18 adopted and have made recommendation below.

bullet point 5: precedent; dealt with above.

bullet point 6; Blackwater basin; NIEA natural were consulted for opinion, a habitats regs assessment was also carried out, NIEA had no concerns from that point of view.

bullet point 7: bats; recommendation of refusal deals with same.

Objection received 08.10.2014 (Richard _)

para 2: busy road; dealt with above.

para 3; objector mentions problems with another turbine. No evidence was provided to substantiate their claim however. In any case, every application is judged on its own individual merits.

para 4: low level noise; this has been added as a reason for refusal;

parag 5 refers to draft guidance which has now been superceded.

para 6 refers to bats which is one of the reasons for refusal;

para 7 (devaluation of property) cannot be used/sustained as a reason for refusal at appeal.

Objection received 16.10.2014 (Margaret McFarland)

Objector refers to medical conditions and says she does not need any more stress. I do not believe that Mid Ulster Council should include a reason for refusal in case this person becomes stressed. The applicant has applied in their own lands and MUC shall determine the proposal against relevant policy. There are no policy based reasons for refusing this application in case the objector becomes stressed.

The bats she mentions have been included as reason for refusal.

Many of the objector's concerns are well founded especially in terms of potential effect in terms of noise pollution and the potential for harm to bats.

I have considered the application against all the relevant policy stated above. I have considered the objections received and in some cases concur with their concerns. My reasoning is also detailed above. Having taken everything into consideration I recommend the application be refused as being contrary to PPS 2 and PPS 18.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend the application be refused for reasons cited below. The applicant has failed to provide any information to illeviate Environmental Health's concerns regarding potential noise issues and NIEA have expressed clear concerns regarding effects on a protected species.

Reasons for Refusal:

1. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that it has not been demonstrated that the development would not, if permitted, have a detrimental impact on the amenity of the nearby residents by reason of an unacceptable degree of noise.
2. The proposal is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH2 (Species protected by law), in that development would, if permitted, be likely to harm bats, a European protected species under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), and insufficient information has been submitted to establish otherwise.
3. The applicant has failed to demonstrate that the proposal would not have an adverse impact on bats, a protected species under Conservation (Nautral Habitats, etc) Regs (NI) 1995 and would therefore be contrary to policy NH5 of PPS 2 (Habitats, Species or Features of Natural Heritage Importance).

Signature(s)

Date:

| ANNEX | |
|--|---------------------|
| Date Valid | 11th September 2014 |
| Date First Advertised | 1st October 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Drumard Cross Road Cohannan Dungannon Alan Willis 16 Drumard Cross Road Drumard Cross Dungannon Mary Willis 16 Drumard Cross Road,Killyman,Dungannon,Co. Tyrone Andrew McClune 17 Drumard Cross Road Drumard Cross Dungannon Richard Ward 35 Bovean Road,Dungannon,Co. Tyrone The Owner/Occupier, 4 Drumard Cross Road Cohannan Dungannon Frances Jennings 40 Drumard Cross Road Bogbane Dungannon Claire Jennings 40a Drumard Cross Road,Killyman,Dungannon,Co. Tyrone,BT71 6RP Noel & Rhonda Green 41A Bovein Road,Dungannon,Co. Tyrone,BT71 6HR Margaret McFarland 43 Bovean Road Bovean Dungannon John Curran 55 Bovean Road Bovean Dungannon P J McCaffery 57 Bovean Road Bogbane Dungannon Siobhan McLaughlin 63 Bovean Road Bogbane Dungannon James McCann 67 Bovean Road Bogbane Dungannon Joseph McCann 69 Bovean Road Bogbane Dungannon I W E Hunter Cohannon Lodge,38 Bovean Road,Dungannon,Co Tyrone,BT71 6HR DD & AJ Watters Mill Brae House,33 Bovean Road,Dungannon,Co. Tyrone,BT71 6HR D D & A J Walters Mill Brae House,33 Bovean Road,Dungannon,Co. Tyrone,BT71 6HR John Hoy Son & Murphy Solicitors William Street,Dungannon,Co Tyrone,BT70 1DX Sarah Carroll | |

| | |
|--|----------------|
| Wyndcroft, 45 Bovean Road, Dungannon, Co Tyrone, BT71 6HR | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | 8th April 2015 |
| ES Requested | No |
| Planning History Ref ID: M/2014/0442/F Proposal: A single electricity generating wind turbine with a hub height of 30m and a blade diameter of 30m, 1 no. hardstanding, 2 electrical kiosks. Address: Lands 450m SW of Cohannon House, Drumard Cross Road, Dungannon, Decision: Decision Date: | |
| Summary of Consultee Responses Recommendation of refusal by two consultees for reasons attached. | |
| Drawing Numbers and Title | |
| Drawing No. 01 Type: Site location plan Status: Approved Drawing No. 02 Type: Site layout plan. Status: Approved Drawing No. 03 Type: Site drainage details. Status: Approved Drawing No. 04 Type: Elevations. Status: Approved | |

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 3rd November 2015 | Item Number: |
| Application ID: M/2014/0529/F | Target Date: 26 February 2015 |
| Proposal: Proposed amendment to previously approved application M/2007/0221/F to provide 5 storey residential development, consisting of 28 no. apartments | Location: Lands at 5 Park Road Dungannon |
| Referral Route: Objection received | |
| Recommendation: | Approve |
| Applicant Name and Address: J and V Construction 30 Creenagh Road Dungannon | Agent Name and Address: Clarman and Co Unit 1 33 Dungannon Road Coalisland BT71 4HP |
| Executive Summary: Apartment development within town centre. Development does not meet with policy in relation to the amount of open space provision and impact on residential amenity. A scheme with more apartments was approved previously by the DoE and there has been no change in that policy. | |
| Signature(s): P Marrion | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--|-------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Non Statutory | NI Water - Multi Units West - Planning Consultations | Substantive Response Received |
| Non Statutory | Protecting Historic Monuments | 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

Land ownership dispute, no details of the portion of land the dispute relates to, agent has submitted title deeds for the majority of the site, no deeds provided for lane to the rear of car wash. No development proposed on this area and it is not a crucial element of the proposal.

Characteristics of the Site and Area

The site is located within Dungannon Town Centre as defined the Dungannon & South Tyrone Area Plan. The main body of the site is relatively flat and enclosed by high walls and fences, it has 2 access points, one onto the Councils car park at Little Scotch Street and one onto Park Road, mid way between the junction with the car park and Perry Street/Church Street. Both accesses slope away from the main body of the site. Church Mews is an extensive building with a 5 storey elevation to the car park and 2 storey where it fronts onto Church Street. It sits at a higher level than this site, is on its NW boundary and is separated from this site by a high wall. The residential block has windows facing into this site and it has a pebble dash finish with a low pitched roof. There is a vacant plot between the car park and this site. To the SE of this site, sited below the level of it, is a large detached 2 storey dwelling with a hipped roof and stone walls, that house has a large garden to the front and it is located close to the boundary with the application site. To the NE of this site, accessed off Park Road, is a Car Wash and vehicle window tinting business, this is a low rise development and its roof is just below the level of the lowest level of the development. There are 2 and 3 storey buildings to the NE of this site, which are to the rear of Church Street. Church Street is mixture of retail uses with Church Mews providing a significant residential element. St Annes Church is a major focal point in the locality.

Planning Assessment of Policy and Other Material Considerations

The application is for the erection of an apartment block with 28 apartments over 5 floors with 24 car parking spaces provided at the ground floor under the building. The building is 20.5 metres in height with low pitch mono-pitched roofs, two tone brick walls of red and yellow brick and extensive glazing areas.

Dungannon & South Tyrone Area Plan 2015

The site is located within Dungannon town centre where policy HOUS2 protects existing housing and supports new housing above existing shops or as an integral part of mixed use development on development opportunity sites. This proposal is neither of these.

Relevant Planning History

A scheme for 30 apartments was approved in 2008, ref M/2007/0221/F and that permission expired on 18th February 2013, 21 months before this application was submitted. A statement has been submitted indicating that development has commenced within the lifetime of the permission. The statement advises a number of buildings were demolished and the site cleared in preparation for development. A number of site investigations were also carried out that would indicate an intent to carry out the development. I would like members to note that I feel this does indeed illustrate that development has commenced on the site. Members should note that extant permission is a significant material consideration in the determination of this application..

Planning Policy Statement 7 – Quality Residential Environments

This policy was published in 2001 and promotes good quality design through site appraisal to identify assets and constraints to inform the design process. A Concept Statement has been submitted in accordance with policy QD2, but it is not clear how this informs the design of the proposed development. Policy QD1 sets out a number of criteria that applications will be expected to conform to. The site does not have any landscape features, archaeological or built heritage interests and as it is located within the town centre necessary local facilities are close by and alternative movement patterns are supported. The proposal, at ground floor level is dominated by the car parking areas and necessary circulation space for the car parking, this results in a very limited amount of open space confined to the periphery of the site. Creating Places, the design guide for housing areas, sets out minimum amounts of open space for this type of development as 10sqm per apartment and it can be either private or communal. This

development, at an absolute minimum, requires 280sqm of open space and only has approx. 200sqm comprised in 1m and 2m wide strips on the site boundaries. I do not consider this to be adequate for this development. The amount of car parking for this development should be 42 spaces, in accordance with the published car parking standards. This may be reduced where it is town centre and highly accessible, while it is clear this is town centre, no information has been presented to illustrate why the number of spaces should be reduced. As a minimum the development should provide at least 1 space per apartment, 28 spaces, the application has 24 in site spaces shown and some spaces in the adjacent car park that has recently transferred to the Council. I do not consider there is adequate parking provided for the development.

The proposed development is located on the SE side of Church Mews, while I did not access any of the apartments, it was obvious from the looking in from the grounds that the windows facing towards the application site are a mixture of bedroom space and living space. The size and scale of the development, its close proximity to Church Mews (ranging from 6 metres to 15 metres) and its orientation to the SE could have a significant impact on the amenity of the existing properties due to overshadowing and loss of light. A drawing submitted in relation to overshadowing shows shadow fall in the afternoon which I consider will be when there is least impact, it does not illustrate how the development will impact on the neighbouring developments over the period of the entire day. The proposal will also result in overlooking of the existing properties from the proposed living rooms along this side of the development as I do not consider the separation distance to be sufficient. The car parking areas at the ground floor are not overlooked and some of the spaces are hidden from any view, even on the ground floor, which I do not consider to promote safety or deter crime.

Planning Policy Statement 3 – Access, Movement and Parking

Transport NI have been consulted and have advised the access to the development is safe and can be approved with conditions.

Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation

Policy OS2 in Planning Policy Statement 8 is relevant to housing applications over 25 units and provides an exception that a reasonable level of communal open space is provided. I do not consider a reasonable level of communal space has been provided.

While it is clear the proposed development does not meet the current planning policies, planning permission has been started for a larger scheme than proposed which can be developed as approved. Members are advised the only legal way to stop that development is by revocation of the permission. This would result in this Council having to pay compensation in relation to the development for a scheme they did not approve.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions

1. All parking areas shall be provided in accordance with drawing no 03 bearing the stamp dated 13 NOV 2014 prior to the occupation of any part of the development hereby approved. The car parking areas as provided shall be permanently retained for the parking of vehicles only.

Reason: To ensure adequate parking is provided for the development.

2. The vehicular access, including visibility splays of 2.0m x 60.0m in both directions shall be provided prior to the commencement of any other works hereby permitted. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained 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. All parking areas shall be provided in accordance with drawing no 03 bearing the stamp dated 13 NOV 2014 prior to the occupation of any part of the development hereby approved. The car parking areas as provided shall be permanently retained for the parking of vehicles only.

Reason: To ensure adequate parking is provided for the development.

Signature(s)

Date:

| ANNEX | |
|---|--------------------|
| Date Valid | 13th November 2014 |
| Date First Advertised | 26th November 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Church Mews Drumcoo Dungannon The Owner/Occupier, 1-7, Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AP, The Owner/Occupier, 10 Church Mews Drumcoo Dungannon The Owner/Occupier, 11 Church Mews Drumcoo Dungannon The Owner/Occupier, 12 Church Mews Drumcoo Dungannon The Owner/Occupier, 12 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AP, The Owner/Occupier, 13 Church Mews Drumcoo Dungannon The Owner/Occupier, 14 Church Mews Drumcoo Dungannon The Owner/Occupier, 15 Church Mews Drumcoo Dungannon The Owner/Occupier, 15 Church Street, Drumcoo, Dungannon, Tyrone, BT71 6AE, The Owner/Occupier, 16 Church Mews Drumcoo Dungannon The Owner/Occupier, 17 Church Mews Drumcoo Dungannon The Owner/Occupier, 17 Church Street, Drumcoo, Dungannon, Tyrone, BT71 6AB, The Owner/Occupier, 18 Church Mews Drumcoo Dungannon The Owner/Occupier, 19 Church Mews Drumcoo Dungannon The Owner/Occupier, 19 Church Street, Drumcoo, Dungannon, Tyrone, BT71 6AB, The Owner/Occupier, 19A Church Street, Drumcoo, Dungannon, Tyrone, BT71 6AB, The Owner/Occupier, 2 Church Mews Drumcoo Dungannon The Owner/Occupier, 20 Church Mews Drumcoo Dungannon The Owner/Occupier, | |

21 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 22 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 23 Church Mews Drumcoo Dungannon
 Diane Hazelton
 23 Ross Park Ballee Ballee
 The Owner/Occupier,
 24 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 25 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 25 Church Street, Killylack Glebe, Dungannon, Tyrone, BT71 6AB,
 The Owner/Occupier,
 26 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 27 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 28 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 29 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 3 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 30 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 31 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 32 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 33 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 34 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 35 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 4 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 5 Church Lane, Drumcoo, Dungannon, Tyrone, BT71 6AA,
 The Owner/Occupier,
 5 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 6 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 6C Church Lane, Drumcoo, Dungannon, Tyrone, BT71 6AA,
 The Owner/Occupier,
 7 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 8 Park Road, Dungannon
 The Owner/Occupier,

8 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AP,
 The Owner/Occupier,
 8 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AP,
 The Owner/Occupier,
 9 Church Mews Drumcoo Dungannon
 The Owner/Occupier,
 9 Park Road, Drumcoo, Dungannon, Tyrone, BT71 7AP,
 The Owner/Occupier,
 Park Road Vehicle Cleaning Services, Park Road, Dungannon, BT71 7AP
 The Owner/Occupier,
 Silvas 11 Restaurant, 3B Park Road, Dungannon

Date of Last Neighbour Notification

23rd April 2015

Date of EIA Determination**NA****ES Requested**

Yes /No

Planning History

Ref ID: M/2007/0613/Q

Proposal: Dungannon Town Centre Health Check Planning Search

Address: Dungannon Town Centre

Decision:

Decision Date:

Ref ID: M/2008/0385/F

Proposal: Change of use from shop to class A2 Business to ground floor of existing premises.

Address: 21 Church Street, Dungannon

Decision:

Decision Date: 16.07.2008

Ref ID: M/1989/0491

Proposal: Extension to shop

Address: 25 CHURCH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/2008/1279/A

Proposal: Fascia sign, projecting sign & individual acrylic letters & logo

Address: 23 Church Street, Dungannon, Co Tyrone

Decision:

Decision Date: 24.08.2009

Ref ID: M/1994/0292

Proposal: Change of use from office to shop
Address: 23/25 CHURCH STREET DUNGANNON
Decision:
Decision Date:

Ref ID: M/2004/1710/F
Proposal: Alterations to front elevation
Address: 25 Church Street, Dungannon
Decision:
Decision Date: 11.04.2005

Ref ID: M/1981/0455
Proposal: CANOPY TO PETROL FILLING STATION
Address: PARK ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1982/0404
Proposal: EXTENSION TO EXISTING PETROL SERVICE STATION
Address: PARK ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1975/0157
Proposal: CAR SALES AT FILLING STATION
Address: PARK ROAD FILLING STATION, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1985/0675
Proposal: NEW STORE TO REPLACE WOODEN STRUCTURE TO BE USED FOR STORAGE PURPOSES
Address: 3 PARK ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1992/0457
Proposal: Change of use from flats to Guest House accommodation
Address: 9 PARK ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2000/1054/O
Proposal: Site for 9 no retail units and associated car parking

Address: Lands between Church Street & Scotch Street Car Park Dungannon
Decision:
Decision Date: 28.11.2001

Ref ID: M/2003/0275
Proposal: Erection of 9 No Retail Units and Associated Car Parking
Address: Lands between Church Street & Scotch Street Car Park, Dungannon
Decision:
Decision Date: 05.03.2003

Ref ID: M/2004/1285/O
Proposal: Erection of 9 No. Retail Units And Associated Car Parking
Address: Lands Between Church Street and Scotch Street Car Park, Dungannon
Decision:
Decision Date: 08.04.2005

Ref ID: M/2007/0221/F
Proposal: Proposed 5 storey residential apartments consisting of 30 apartments
Address: Lands at 5 Park Road, Dungannon
Decision:
Decision Date: 25.02.2008

Ref ID: M/2002/0596/Q
Proposal: Proposed office development
Address: Park Road Dungannon
Decision:
Decision Date:

Ref ID: M/1993/6131
Proposal: Retail Development Church Street Dungannon
Address: Church Street Dungannon
Decision:
Decision Date:

Ref ID: M/2005/2249/F
Proposal: Proposed retail & office accommodation.
Address: To the rear of 9 Park Road, Dungannon.
Decision:
Decision Date: 26.06.2006

Ref ID: M/1979/0632
Proposal: EXTENSION TO PROVIDE OFFICE AND COMMERCIAL SPACE
Address: 11-13 CHURCH STREET, DUNGANNON
Decision:

Decision Date:

Ref ID: M/1982/0465

Proposal: EXTENSION TO PROVIDE OFFICE AND COMMERCIAL SPACE

Address: 9-13 CHURCH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1987/0539

Proposal: SHELTERED HOUSING SCHEME FOR ELDERLY PEOPLE INCLUDING ANCILLARY ACCOMMOD

Address: 7-13 CHURCH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1984/0275

Proposal: SHELTERED HOUSING SCHEME AND ANCILLARY ACCOMMODATION

Address: 7-13 CHURCH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2014/0529/F

Proposal: Proposed amendment to previously approved application M/2007/0221/F to provide 5 storey residential development, consisting of 30 no. apartments

Address: Lands at 5 Park Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2014/0170/F

Proposal: Retention of the commercial premises on the ground floor with a change of use on the first floor, now proposed to become part of the apartment above and new front facade

Address: 21-23 Church Street, Dungannon,

Decision: PG

Decision Date:

Summary of Consultee Responses

TNI – approve with conditions

NI Water – available capacity in network

Drawing Numbers and Title

Drawing No. 01

Type:

Status: Submitted

Drawing No. 02

Type:

Status: Submitted

Drawing No. 03

Type:

Status: Submitted

Drawing No. 04REV1

Type:

Status: Submitted

Drawing No. 05REV1

Type:

Status: Submitted

Drawing No. 06REV1

Type:

Status: Submitted

Drawing No. 07

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: NA


Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 3rd November 2015 | Item Number: |
| Application ID: M/2015/0004/F | Target Date: 21.04.2015 |
| Proposal: Housing development consisting of 41 houses at Marfield Killyman Dungannon, consisting of 8 detached and 33 semi detached associated with site works. | Location: Lands adjacent to and opposite 16 Tamnamore Road Killymand Dungannon |
| Referral Route: Major application; Site area exceeds 2ha. | |
| Recommendation: | Approval |
| Applicant Name and Address: Corove Ltd c/o agent | Agent Name and Address: McAdams Stewart Architects Banbridge Enterprise Centre Banbridge |
| Executive Summary: The application is for a housing development within the settlement of Killyman. No consultees had any objection and no third party representations were received. | |
| Signature(s):  | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--|-------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Add Info Requested |
| Non Statutory | NI Water - Multi Units West - Planning Consultations | Substantive Response Received |
| Non Statutory | Rivers Agency | No Objection |
| Statutory | NI Transport - Enniskillen Office | Advice |
| Statutory | NI Transport - Enniskillen Office | Standing Advice |
| Statutory | NI Transport - Enniskillen Office | Content |

Representations:

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

Summary of Issues

No consultee objection and no letters of objection received.

Characteristics of the Site and Area

Site visit 06.02.2015

Site current plot under development on edge of ongoing development in Killyman. New dwellings to the west, existing farm yard to the NE, adjacent to the main road. Flat site and development ongoing throughout the site.

The area is on the eastern edge of Killyman village, a recently constructed residential development. There is a good mix of house types, the main land use in the immediate vicinity is residential to the west and north and agricultural land to the east.

Planning Assessment of Policy and Other Material Considerations

The proposal lies within the settlement limit of Killyman where there is a presumption in favour of development subject to certain policy provisions:

PPS 7 (Quality residential Environments) is the relevant policy for this type of development in the urban setting.

PPS 7 QD1 - Quality in new residential Development.

All proposals for residential development will be expected to conform to all of the following criteria:

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

case officer is of the opinion that the proposal does respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development; no features of archaeological/built heritage in the landscape here;

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

adequate provision is made for public and private space throughout the development. Public amenity space is provided in the centre of the development and the units comply with Creating Places in terms of private amenity space provision. Back to back separation with existing development is considered satisfactory although consideration should also be given to the boundary with the existing farm yard in terms of planting to protect amenity provision.

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

provision is made for a pedestrian link for quicker access to the main road.

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

the movement pattern has been given thought as mentioned above with the pedestrian/cycle link

and the speed control bends as provided for to reduce speed within the development.

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

Transport NI have been consulted for opinion and enquired about the number of dwellings accessing onto the shared surface as part of the development. This should be discussed, although the proposal is at the extremity of what may be permitted in such circumstances;

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

the design is considered satisfactory on the whole and in keeping with those approved to the west.

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

it is not considered that the design would create conflict in terms of adjacent land uses – (predominantly residential)

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

The public space is 'policed' by the adjacent properties, other private amenity space is protected by the design of the layout;

No third party representations received.

No consultee objection.

I am satisfied that the overall proposal including boundary treatment, proposed planting, layout, private and public amenity space provision, roads issues etc have all been given consideration and that the proposal as stands complies with PPS 7 and should be approved.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal complies with policy and no consultees returned comment of objection. I recommend the application be approved.

Conditions:

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

Reason: Time Limit.

2. No dwelling or apartment hereby approved shall be occupied until the Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company, for all areas beyond the plot curtilage (excepting adopted road/footpath) and referred to in condition 3 below, on drawing No.

02 rev 02 received 21.08.2015. These areas shall be permanently retained as landscape/open space.

Reason: To ensure that open space is provided, maintained and managed in accordance with PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

3. No development shall commence on site until proposed landscaping details, including details for laying out areas of public open space coloured green on drawing no 02 rev 02, have been agreed in writing with the Council, in accordance with drawing number 02 rev 02 date stamp received 21.08.2015 and all such landscaping and open space provision shall be provided in accordance with that written agreement before twenty dwellings on the site are occupied.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted within six months of the original plant dying, at the same place, unless Mid Ulster Council gives its written consent to any variation. All existing trees on the site shall be permanently retained and no tree shall be lopped, topped, felled or removed except where necessary to prevent danger to the public in which case the Council should be notified in writing.

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

5. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on drawing no. 02 rev 02 received 21.08.2015.

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

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 09/8261-900B bearing the date stamp 12 October 2015.

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

7. 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.

Informatives

1. In order to comply with conditions 2 and 3, the arrangements for the future management and maintenance in perpetuity of areas of public open space acceptable to the Council include:

a) a legal agreement transferring ownership of and responsibility for the open space to the local district council; or

b) a legal agreement transferring ownership and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or

c) a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements. Evidence should be submitted to the Council include:

- Articles of Association
- Memorandum of understanding, and
- Evidence of registration of the company

If an alternative approach to those outlined above is to be followed, it should be demonstrated how the approach can meet the policy requirement for open space to be managed and maintained in perpetuity.

In all cases, the developers will be responsible for the laying out and landscaping of public open space required.

2. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from DRD Transportni in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes within the site layout will require approval from Transportni's Street Lighting Consultancy, Hydebank Office, 4 Hospital Road BELFAST BT8 8JL The Applicant is advised to contact Transportni Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical

Certification shall be in accordance with the Department for Regional Development's Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

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

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

It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road, the existing roadside drainage is accommodated and no water flows from the public road onto the site.

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

The developer should note that this planning approval does not give consent to discharge water into a DRD Roads Service drainage system.

Any person who wishes to place or retain apparatus in a street, and thereafter inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, unless that person has a statutory right to do so, is required to be in possession of a Streets Works Licence. This Licence can be obtained on personal application to the Roads Service Section Engineer whose address is Moygashel Depot, Dungannon

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

No Foul sewer within 20m of your proposal, you may wish to apply to NIW to requisition a foul sewer to serve your proposal if it will serve more than 1 property. The use of a Septic Tank, (on the basis of one for each dwelling) is subject to the written consent being obtained from Northern Ireland Environment Agency and the approval of the local District Council Environmental Health section. Where approval to use a septic tank disposal system is granted and the applicant wishes NIW to provide a periodic desludging service the applicant must complete the necessary 'Form of Agreement' and
Available Capacity

No surface water sewer within 20m of your proposal, you may wish to apply to NIW to requisition a surface water sewer to serve your proposal if it will serve more than 1 property to discharge roof drainage.

The following may also apply:-

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

No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457

440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

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

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

To ensure compliance with the Water and Sewerage Service (NI) Order 2006 consultation with NIW is essential at design stage with regard to the following matters;

Site Specific Comments

Northern Ireland Water would make the following site specific comments

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.

REASON: In the interests of public health.

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

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

Consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served. The proposer to contact NI Water if they wish to requisition NIW for a Foul and Surface Water (Storm) Sewer extension to the proposed site.

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

REASON: In the interest of public health

All services within the development should be laid underground.

REASON: In the interests of visual amenity

4. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

5. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

6. Any proposals in connection with the development, either temporary or permanent which

involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

7. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

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

Signature(s)

Date:

| ANNEX | |
|---|-------------------|
| Date Valid | 6th January 2015 |
| Date First Advertised | 21st January 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Marlefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 11 The Hamlet,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 2 Marlefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 22 Tamnamore Road,Laghey,Dungannon,Armagh,BT71 6RJ, The Owner/Occupier, 23 Tamnamore Road,Laghey,Dungannon,Armagh,BT71 6RJ, The Owner/Occupier, 24 Tamnamore Road,Laghey,Dungannon,Armagh,BT71 6RJ, The Owner/Occupier, 42 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 44 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 46 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 48 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 50 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 52 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 66 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 68 Clarefield,Laghey,Dungannon,Tyrone,, The Owner/Occupier, 8 Clarefield Laghey Dungannon Neighbour Adjoining Adjoining Property | |
| Date of Last Neighbour Notification | 26th June 2015 |
| Date of EIA Determination | 8th April 2015 |

| | |
|---|----|
| ES Requested | No |
| <p>Planning History</p> <p>Ref ID: M/2015/0004/F Proposal: Housing development consisting of 41 houses at Marfield Killyman Dungannon, consisting of 8 detached and 33 semi detached associated with site works. Address: Lands adjacent to and opposite 16 Tamnamore Road, Killymand, Dungannon, Decision: Decision Date:</p> <p>Ref ID: M/2010/0640/F Proposal: Proposed change of house type application for 4 number dwellings (Sites 101-107) Address: Lands at 240m South of no.16 Tamnamore Road, Killyman, Dungannon (Clarefields) Decision: Decision Date: 17.11.2010</p> <p>Ref ID: M/2008/0760/F Proposal: Residential development consisting of detached, semi-detached and townhouses with associated parking, landscaping, amenity space and Private Treatment Plant (total 81no. units) (receipt of amended plans including information on trees/tree constraints and protection and further reduction of overall number of units from 84 to 81) Address: Site adjacent to the Meadows, Trewmount Road, Killyman, Dungannon, Co Tyrone Decision: PG Decision Date: 17.12.2012</p> <p>Ref ID: M/2007/1411 Proposal: Residential Development Address: Killyman, Dungannon Decision: Decision Date:</p> <p>Ref ID: M/2006/1890/F Proposal: Housing scheme - Phase 3 consisting of 16 no. houses Address: Opposite 16 Tamnamore Road, Killyman, Dungannon Decision: Decision Date: 01.07.2008</p> <p>Ref ID: M/2006/1880/F Proposal: Housing scheme - Phase 3 consisting of 16 no houses Address: Opposite 16 Tamnmore Road, Killyman, Dungannon Decision:</p> | |

Decision Date:

Ref ID: M/2006/1325/F

Proposal: Phase 2 Housing development consisting of 85 houses

Address: Adjacent to & opposite 16 Tamnamore Road, Killyman, Dungannon

Decision:

Decision Date:

Ref ID: M/2006/1312/F

Proposal: Proposed development of 67 no. dwellings, including 36 no. detached, 7 no. linked detached, 14 no. semi detached and 10 no. aparthomes, garages, carports and associated site works.

Address: Lands adjacent to & opposite 16 Tamnamore Road, Killyman, Dungannon

Decision:

Decision Date: 25.01.2010

Ref ID: M/2004/0904/F

Proposal: Housing Development - 69 Dwellings

Address: Opposite 16 Tamnamore Road Killyman

Decision:

Decision Date: 22.12.2006

Ref ID: M/2003/1572/Q

Proposal: Housing Development

Address: Killyman

Decision:

Decision Date:

Ref ID: M/2003/1258/Q

Proposal: Proposed housing development

Address: 21 Tamnamore Road, Killyman, Dungannon

Decision:

Decision Date:

Ref ID: M/1988/0814

Proposal: 2 Storey Dwelling

Address: OPPOSITE 16 TAMNAMORE ROAD LAGHEY KILLYMAN DUNGANNON

Decision:

Decision Date:

Ref ID: M/1988/0336

Proposal: 2 STOREY DWELLING

Address: OPPOSITE 16 TAMNAMORE ROAD, LAGHEY, KILLYMAN, DUNGANNON

Decision:

| |
|--|
| Decision Date: |
| Summary of Consultee Responses No objection, subject to condition. |
| Drawing Numbers and Title |

Drawing No. 01REV01

Type:

Status: Approved

Drawing No. 02REV02

Type:

Status: Approved

Drawing No. 03

Type:

Status: Approved

Drawing No. 04

Type:

Status: Approved

Drawing No. 05

Type:

Status: Approved

Drawing No. 06

Type:

Status: Approved

Drawing No. 07

Type:

Status: Approved

Drawing No. 08

Type:

Status: Approved

Drawing No. 09

Type:

Status: Approved

Drawing No. 10

Type:

Status: Approved

Drawing No. 11

Type:

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: | Item Number: |
| Application ID: H/2015/0010/F | Target Date: |
| Proposal: Proposed Stables and Tack Store | Location: Approx. 70m NW of 175 Glen Road Maghera |
| Referral Route: This application is being referred to Committee with a recommendation to refuse. | |
| Recommendation: | REFUSE |
| Applicant Name and Address: Mrs J Duffy c/o Agent | Agent Name and Address: CMI Planners Ltd. Unit C5 80-82 Rainey Street Magherafelt BT45 5AG |
| Executive Summary: | |
| Signature(s): MALACHY McCRYSTAL | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-----------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Add Info Requested |
| Non Statutory | NI Water - Single Units West - Planning Consultations | Substantive Response Received |
| Non Statutory | Env Health Magherafelt District Council | No Objection |
| Non Statutory | DARDNI - Coleraine | Substantive Response Received |
| Non Statutory | DARDNI - Coleraine | Substantive Response Received |
| Non Statutory | DARDNI - Coleraine | Considered - No Comment Necessary |
| Non Statutory | DARDNI - Coleraine | |
| Non Statutory | Rivers Agency | Add Info Requested |

Representations:

| | |
|--------------------|---------------|
| Letters of Support | None Received |
|--------------------|---------------|

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

Summary of Issues

No representations have been received in respect of this proposed development.

The critical issue in assessing this proposed development is whether the applicant owns the field in question as detailed in the planning application certificate and whether they have the right to use that land in connection with their farm business.

Description of proposal

The application is for the erection of a stable block with associated tack store and covered area. The stable block is an 'L' shaped block and consists of three stables measuring 12.8m x 5.2m with the covered area and tack store extending another 11.7m x 5.2m. The proposed ridge height is 5.2m and the finishes are brown coloured insulated cladding panels to the roof and walls with like coloured roller shutter door on the tack store while the stable doors are timber sheeted. The proposal is to be sited to the rear of the roadside field and in the north-eastern corner. The access to the stables is proposed along the eastern boundary with a sweeping access onto the Glen Road at the point of the existing agricultural field gate. There is no landscaping proposed around the stable block and the proposed access will necessitate the removal of approximately 50m of the existing road frontage hedge. There are restricted critical views of the site and these are obtained from both the Glen road and the main Glenshane Road.

Characteristics of the site and area

The site is contained within one field measuring 1.87 ha which is a road frontage field along the minor Glen Road but is located close to the junction with the main A6 Glenshane Road. The field has a road frontage of approximately 165m and is the only undeveloped area between the existing commercial units at Sperrin View Business Park and adjacent Fallagloon AOH hall and the settlement of Glen. The field is relatively flat and is about road level. There is a strand of mature beech trees along the south western boundary next to the commercial units with the north-western boundary continuing as a mature hedge. This hedge continues along the northern boundary adjacent to the Fallagloon Burn. The eastern boundary is defined by a semi-mature hedge and this continues along the eastern half of the roadside boundary with the remainder of this boundary being a post and wire fence.

There are two dwellings, single and two storey, located on the opposite side of the Glen Road and these are outside the settlement limits of Glen. The Oakleaf Restaurant and adjacent petrol filling station are located a short distance to the west and on the opposite side of the main Glenshane Road. The area to the rear of Fallagloon AOH hall is largely covered in a hard standing with the access located at a point between the field containing the site and Sperrin View Business Park.

Planning Assessment of Policy and Other Material Considerations

The proposal is contrary to the Magherafelt Area Plan 2015 and in particular to Designation GN01 which defines the settlement limit around Glen. The purpose of the settlement limit is, among other things, to prevent ribboning and urban sprawl into the countryside. The settlement

development limit is also drawn to protect the landscape and visual amenity of this gateway onto the Glenshane Pass and Sperrin Area of Outstanding Natural Beauty. The proposal lies immediately outside the settlement development limit and therefore creates ribbon development and urban sprawl while also having a detrimental impact on the visual amenity of this gateway to the Glenshane Pass and the Sperrin AONB.

As the keeping of horses for private use is not considered to be an agricultural activity it falls to be considered under Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation: Policy OS 3 Outdoor Recreation in the Countryside as advised in paragraph 5.25. This policy states that development proposals for outdoor recreational use in the countryside will be permitted where they meet all of the stated criteria.

The proposed development meets all the criteria of this policy with the exception of the third bullet point as it will have an adverse impact on visual amenity, the character of the local landscape and it cannot be readily absorbed into the landscape.

The second bullet point in this policy requires that the proposal does not result in the permanent loss of best and most versatile agricultural land. The proposal would undoubtedly result in the permanent loss of agricultural land but it is questionable if this is the best and most versatile land.

In relation to the third bullet point, while there are restricted critical views of the site from both the Glen Road and the main Glenshane Road at present, this is partially due to the level of screening provided by the semi-mature hedge along the roadside boundary. The provision of the proposed access will necessitate the removal of approximately 50m of the roadside hedge which will open up views into the site from both the Glen Road and the Glenshane Road. From these vantage points, the site will then suffer from a lack of integration. Furthermore, as the proposed development will then be easily visible from the public road system, it will be viewed very much as an extension of the built form along the Glen Road in a westerly direction thereby resulting in a detrimental impact on the character of the rural area by way of ribbon development. Given that a large extent of the roadside boundary hedge will be removed to provide the necessary access and visibility splays and as the site does not have any sense of enclosure, it cannot be absorbed into the local landscape.

The proposed development must also be assessed under Planning Policy Statement 21 – Sustainable Development in the Countryside and the Strategic Planning Policy for Northern Ireland. The 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.

In relation to Policy CTY 8 – Ribbon Development the proposed development is unacceptable as the stable block will be read as an extension of the existing built form along the Glen Road. All buildings along the northern side of the Glen Road at this point are within the settlement limit of Glen and the dwelling immediately east of the site and fronting onto the Glen Road ie. No.177 is the last dwelling within the settlement limits. Therefore any development on this site would create a ribbon of development at this location as it would be seen as an extension of the built form along the Glen Road when viewed from the public road system.

With regards to Policy CTY 13 – Integration and design of Buildings in the Countryside, the proposed development is unacceptable as it lacks long established boundaries to either the southern or western boundaries and when viewed from the critical viewpoints will suffer from a lack of enclosure and lack of integration. The proposed stables will be even more visible with the removal of the roadside boundary in order to provide the necessary visibility splays. The development will therefore be almost totally reliant on new landscaping to provide a sense of

enclosure and to aid integration. However, the proposal does not include any proposed landscaping other than that to the rear of the visibility splays.

In relation to Policy CTY 14 – Rural Character, as advised above, the proposal is unacceptable as it creates a ribbon of development along this part of the Glen Road.

The proposal is also unacceptable when assessed under Policy CTY 15 – The Setting of Settlements, in that the proposed development would be seen as an extension of the built form along the Glen Road and as it is located outside the settlement limit of Glen, would be seen as extending the limits of the settlement in a westward direction. This would mar the distinction between the settlement and the surrounding rural area.

The site is bounded to the north by the Fallagloon Burn and lying within the fluvial flood plain it must be assessed under PPS 15 Planning and Flood Risk, Policy FLD 1. Rivers Agency have advised that the site lies within/on the periphery of the flood plain. Consequently a flood risk assessment is required in order to allow a more accurate verification of the extent of the flood plain. In accordance with PPS 15 Policy FLD 1 development within the flood plain will not be permitted unless it is considered to be an exception. This proposal is for a new building and introduces a new use on a greenfield site and therefore cannot be considered to be an exception to this policy. As the proposal is contrary to policy and is not acceptable, in my opinion it is unnecessary to put the applicant to the additional expense of undertaking a flood risk assessment without any hope of success.

DARD have been consulted and have advised that although the farm business has been in existence for more than 6 years, the business has not claimed SFP or LFACA or Agri Environment schemes in that time. No evidence has been provided to satisfactorily demonstrate that the farm business is active. Due to this lack of information and in an effort to fully assess the proposed development it was felt that up-to-date farm maps were required as those initially provided were dated 19.12.2012. While amended farm maps were provided, these do not contain any reference to either the applicant nor their farm business. The only revised farm map provided is a download from DARD's on-line viewer which is available to the public. A farm check has revealed no previous approvals on the farm holding or development opportunities which could have been disposed of since 25th November 2008.

The application has been submitted in the name of Mrs J Duffy and the accompanying planning application certificate has been completed and signed stating that the applicant is on actual possession of every part of the land. The P1 was signed and dated on 8th January 2015. The P1C was signed by the applicant on 27th October 2014 with the accompanying farm map indicating that the applicant only farms one field, which is that in which the site is located. This corresponds to the land included within the red line on the site location map as no additional lands are included within a blue line and again this corresponds with Q10 of the P1 which states that the applicant does not own or control any adjoining lands.

However, a land registry check has identified the owner of the land outlined in red on the site location map as Mr Felix P. McCloskey with an application pending since 5th May 2015 for Mr Roger McKenna. The applicant does not appear to have any interest in that regard to this land. Furthermore, the land registry check has identified that an adjoining field, which lies to the rear of no's. 171 to 177 Glen Road is also within the same folio no. and same ownership.

Recommendation

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

| | |
|--|------------|
| Neighbour Notification Checked | Yes |
| Summary of Recommendation: The proposal is considered to be contrary to policy OS3 of PPS 8, Policies CTY 8, CTY 13, CTY 14 and CTY 15 of PPS 21 and Policy FLD 1 of PPS 15. | |
| Refusal Reasons 1. The proposal is contrary to Policy OS 3 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, in that the development would if permitted have an adverse impact on visual amenity and the character of the local landscape as the site lacks a sense of enclosure and would rely on new planting to provide an acceptable level of integration. 2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would if permitted result in the creation of a ribbon of development. 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted create a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside. 5. 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 Glen and the surrounding countryside. 6. The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15, Planning and Flood Risk in that the development lies within an area liable to flooding and it has not been satisfactorily demonstrated that the proposal constitutes an exception to this policy. | |
| Signature(s) Date: | |

| ANNEX | |
|---|-------------------|
| Date Valid | 15th January 2015 |
| Date First Advertised | 26th January 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 177 Glen Road Fallagloon Maghera The Owner/Occupier, 180 Glen Road, Fallagloon, MAGHERA, Co. Londonderry, BT46 5JN The Owner/Occupier, UNIT 1 Sperrin View Business Park Glen Road The Owner/Occupier, UNIT 2 Sperrin View Business Park Glen Road The Owner/Occupier, UNIT 3 Sperrin View Business Park Glen Road The Owner/Occupier, UNIT 4 Sperrin View Business Park Glen Road The Owner/Occupier, UNIT 5 Sperrin View Business Park Glen Road The Owner/Occupier, UNIT 6 Sperrin View Business Park Glen Road The Owner/Occupier, UNIT 7 Sperrin View Business Park Glen Road | |
| Date of Last Neighbour Notification | 26th May 2015 |
| Date of EIA Determination | N/A |
| ES Requested | No |
| Planning History Ref ID: H/2003/1133/O Proposal: Site Of Two Storey Dwelling & Detached Garage. Address: Glen Road, Maghera 300 Metres East Of Glenshane Road Decision: Decision Date: 21.09.2004 Ref ID: H/2006/0024/RM Proposal: 1 No Dwelling & 2 No Garages Address: Glen Road, Maghera (300m East of Glenshane Road) Decision: Decision Date: 26.06.2006 | |

Ref ID: H/2011/0540/O

Proposal: Proposed nursery, after school and community playgroup

Address: Rear of Sperrin View Commercial Unit, Glen Road, Maghera BT46 5LT,

Decision:

Decision Date: 17.02.2012

Ref ID: H/2005/0069/F

Proposal: Erection Of 2 Additional Commercial Units.

Address: Glen Road, Falagloon, Maghera

Decision:

Decision Date: 24.10.2005

Ref ID: H/2002/0291/O

Proposal: Site for depots for plant hire, building contractor & electrical contractor

Address: Glen Road (adjacent to Community Hall), Maghera

Decision:

Decision Date: 11.12.2002

Ref ID: H/2003/0538/F

Proposal: Commercial units to facilitate mix of uses including plant hire, building and electrical contractors under Class 4 & 11 of The Planning (Use Classes) Order (NI) 1989.

Address: Glen Road, Falagloon, Maghera.

Decision:

Decision Date: 18.12.2003

Ref ID: H/2008/0623/F

Proposal: Erection of single storey commercial unit to the rear of existing business park

Address: 1 Sperrin View Business Park, Glen Road, Falagloon, Maghera

Decision:

Decision Date: 21.12.2009

Ref ID: H/1992/6012

Proposal: SITE OF DWELLING GLEN ROAD MAGHERA

Address: GLEN ROAD

Decision:

Decision Date:

Ref ID: H/2000/0656/Q

Proposal: Site of industrial hardware business

Address: Glen Road, Maghera

Decision:

Decision Date:

Ref ID: H/2013/0483/F

Proposal: Proposed 2 storey dwelling and garage

Address: 30m West of 177 Glen Road, Maghera ,BT46 5JN,

Decision: WITHDR

Decision Date: 01.10.2014

Ref ID: H/2015/0010/F
 Proposal: Proposed Stables and Tack Store
 Address: Approx. 70m NW of 175 Glen Road, Maghera,
 Decision:
 Decision Date:

Ref ID: H/2014/0328/F
 Proposal: Erection of commercial unit to rear of existing business park, reconfiguration of extant approval H/2008/0623/F
 Address: 1 Sperrin View Business Park, Glen Road, Falagloon, Maghera,
 Decision: PG
 Decision Date: 18.11.2014

Summary of Consultee Responses

Transport NI requested additional information in relation to the access.

DARD advised that the business has not claimed SFP, LFACA or Agri-environment Schemes within the last 6 years.

Environmental Health and NI Water have no issues.

Rivers Agency – Advise that the site is within/on the periphery of the fluvial flood plain and therefore a flood risk assessment is required.

Drawing Numbers and Title

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

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

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

Drawing No. 04
 Type: Farm Boundary Map
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: | Item Number: |
| Application ID: M/2015/0060/F | Target Date: |
| Proposal: Proposed alterations to previously approved house types (under M/2005/0519/F) TO 22no dwellings at site nos 84-90 and 67-81 inc | Location: Lands to the rear of Knockmoy Park Gortevin Terrace and fronting Gortgonis Terrace Coalisland |
| Referral Route: One letter of objection was submitted | |
| Recommendation: | Approval |
| Applicant Name and Address: J&V Construction 30 Creenagh Road Dungannon | Agent Name and Address: Clarman Ltd McCann Unit 1 33 Dungannon Road Coalisland BT71 4HP |
| Case Officer: Cathy Hughes | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-----------------------------------|---------------------------------|
| Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Statutory | NI Transport - Enniskillen Office | Advice |
| Statutory | NI Transport - Enniskillen Office | Additional Information Required |
| Statutory | NI Transport - Enniskillen Office | Standing Advice |
| Statutory | Rivers Agency | Content |
| Statutory | NI Transport - Enniskillen Office | Content |

Representations:

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

Summary of Issues

One letter of objection highlighted concerns regarding traffic.

Characteristics of the Site and Area

This application site comprises a parcel of land to the rear of Gortview Park in Coalisland. Construction is currently ongoing on the site for residential properties already granted planning permission. The site naturally slopes to the south to where the Torrent River is located along the site the boundary and the difference in levels is approximately 11 metres.

The eastern and southern boundaries of the site are treed with grassland to the east. The western boundary is undefined on the ground with an access leading to Loughview Road. The northern boundary of the site bounds existing dwellings at Gortview Park, Gortview Manor and other dwellings part of the ongoing wider housing development.

The site is located within the development limits of Coalisland to the south east. The surrounding area is predominantly residential in character with a mixture of house types. There are some industrial and commercial uses along the main Gortgongis Road.

The land immediately west of the site is also included within the larger site of M/2005/0519/F which benefits from planning permission for residential development.

The site is mostly zoned as housing land under CH 15 in the Dungannon and South Tyrone Area Plan. The southern portion of the site is whiteland where the southern boundary of the site is the development limit of Coalisland and Local Landscape Policy Area (LLPA) 02 – Torrent River is also.

Proposal Description

This is a full application for a change of house type for 22 dwellings at Site Nos 67-81 and 84-90, which were previously granted planning permission in January 2007 under M/2005/0519/F.

Along the western boundary of the site a terrace of 5 dwellings is proposed. This block measures 35.3 metres in length, is 8.9 metres deep and each dwelling has a ridge height of 8.2 metres FGL. The terrace has a staggered ridgeline due to the topography of the site with a 1.9 metre difference in ridge heights. A covered arch either side of the central dwelling allows access to the rear for the three central properties.

In the north eastern section of the site and north of the internal road, a terrace of 6 dwellings is proposed. Both end dwellings on this terrace have a dual frontage aspect with the dwelling at the western end having a larger footprint than the others.

Another terrace of 6 dwellings which are east facing are proposed west of the internal road. This block measures 36.5 metres in length and is 7.8 metres deep. This has a ridge height of 7.8 metres FGL and a staggered ridgeline varying some 2.3 metres.

These 2 blocks replace a L-shaped terrace of 12 which was previously approved under M/2005/0519/F

A block of 3 south facing dwellings sit in the northern part of the site and a pair of semis in the southern part of the site.

Planning History

Planning application M/2005/0519/F was granted approval on this application site in January 2007 for a housing development consisting of 18 apartments, 119 dwellings & garages & associated site road, including the re-routing of traffic into Gortview Heights & the provision of a RTL & erection (amended scheme).

In May 2013, M/2013/0150/F was granted approval for an Article 28 application to vary condition no. 3 (Road Access Improvements) of planning permission M/2012/0459/F (Change of House Type) and condition no 9 (Road Improvement) of planning permission M/2005/0519/F (Housing Development).

Planning application M/2014/010/F was refused planning permission for a temporary access to public road to link site development road to Loughview Road in February 2015. This was subsequently appealed and this was dismissed under appeal reference 2014/A0252.

Planning Assessment of Policy and Other Material Considerations

Transportni and Rivers Agency were consulted about this development proposal. Transportni initially responded saying the drawings as submitted did not correspond with what was granted approval under M/2005/0519/F and thus requested new Private Street Determination (PSD) drawings including some other changes. Upon receipt of these drawings Transportni were reconsulted and requested more amendments. In relation to the latest drawings submitted they have no concerns subject to conditions regarding Private Streets.

A Drainage Assessment was submitted and Rivers Agency were consulted. They stated the southern part of the site lies within a 100 year flood plain of the Torrent River, however they are satisfied as the affected area is proposed as Open Space associated with the development and thus they have no concerns.

This application was advertised in the local press and letters sent to residents neighbouring this site. One letter of objection to this proposal was received, highlighting concerns over safety due to traffic.

The principle of housing on this site has already been established through the approval of M/2005/0519/F in January 2007. This application is for an amendment to that permission approved which included a larger area and was for 18 apartments & 119 dwellings & garages.

Policy QD1 - Quality in New Residential Development in PPS 7 sets out a list of criteria all proposals for residential development will be expected to conform to.

- This proposal seeks to change the house type to 22 dwellings in a residential area of Coalisland where construction around the site is currently ongoing. This proposal respects the surrounding context and the wider area which is also dominated by residential development.

- There are no archaeological features in the immediate vicinity of the site.

- Each dwelling has private rear amenity space and large areas of open space are proposed in the southern section of the site. I am satisfied that adequate provision is made for public and private open space in this proposal.

- There were no requirements for the provision of neighbourhood facilities when the whole housing development was initially approved, therefore there is no requirement as part of this application.

- The location of this site within the development limits of Coalisland allows for sustainable methods of travel. The inclusion of pedestrian/cycle paths and speed cushions provides a safe environment for pedestrians. The Dungannon and South Tyrone Area Plan has included a key site requirement for the housing zoning of CH 15. This states pedestrian access is provided to link to CH16 to the west and this has been fulfilled.

- All proposed dwellings avail of in-curtalige parking. The dwellings are two or three bedroomed and a total of 48 in-curtilage parking spaces are provided, along with 10 communal space in two separate sections.

Transportni have no concerns regarding the parking arrangements for this proposal.

- The finishes of black concrete roof tiles, Tyrone brick and white uPVC windows and rainwater goods are acceptable in this area.
- The dwellings are positioned and orientated so as to not impact or conflict upon any neighbouring property. This along with sufficient space between the rear gardens means there will be no issues of overlooking or overshadowing.
- There are no concerns regarding deterring crime and promoting personal safety in this proposal.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas states planning permission will only be granted to accommodate new housing where all the criteria set out in Policy QD 1, and all additional criteria are met.

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

I have no concerns about the density of this proposal given the existing densities in this area of Coalisland and that of extant planning permissions.

There is varied house types in the surrounding area with a mixture of two storey terraces and semi-detached dwellings. This change of house type proposal will not be out of keeping with what exists and is proposed in the town. All the dwellings in this proposal meet the minimum space standards as indicated in Appendix A.

Neighbour Notification Checked

Yes

Summary of Recommendation:

A Drainage Assessment was submitted and Rivers Agency are content with this proposal. The letter of objection has been taken into consideration and Transportni have no objections. I am satisfied this application for a change of house type complies with the policy requirements of PPS 7 and therefore approval is recommended.

Conditions:

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

Reason: Time Limit

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

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

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 15REV3 bearing the date stamp 13th August 2015.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details included within Drawing No 03REV3 stamp received 31st July 2015 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwellings and shall be implemented as approved during the first available planting season.

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

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

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

Informatives

1. This notice relates to drawing Nos 01, 04, 05, 06, 07, 08, 10, 11, 12 and 13 which were received on 6th February 2015, drawing Nos 03REV3 and 09REV1 which were received on 31st July 2015 and drawing Nos 14REV1 and 15REV3 which were received on 13th August 2015.

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

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

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

Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads and sewers in accordance with the Private Streets Construction Regulations.

Separate approval must be received from Roads Service in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulation.

Contact Street Lighting Section at 40a Benson St Lisburn, Co Antrim BT28 2BG in order to ensure that the laying of ducts and the erection of columns for street lighting is co-ordinated with the construction of the streets, the applicant should contact the Roads Service Street Lighting Section at 40a Benson St Lisburn, Co Antrim BT28 2BG before any construction work commences.

The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

It is a DRD requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road.
- The existing roadside drainage is accommodated and no water flows from the public road onto the site.
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.
- The developer should note that this planning approval does not give consent to discharge water into a DRD Roads Service drainage system.

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street

Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Regional Development Transportni Section Engineer whose address is 1 Main Street, Moygashel, Dungannon.

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Regional Development's Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

5. Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of Rivers Agency. This should be obtained from the Rivers Agency Western Regional Office, 3A St. Julians Road, Omagh, BT79 7HQ.

6. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

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

Signature(s)

Date:

| ANNEX | |
|--|--------------------|
| Date Valid | 6th February 2015 |
| Date First Advertised | 25th February 2015 |
| Date Last Advertised | 27th February 2015 |
| Details of Neighbour Notification (all addresses) Wendy Devlin 2 Gortview Park Gortgonis Coalisland The Owner/Occupier, 2 Gortview Park, Gortgonis, Coalisland, Tyrone,, The Owner/Occupier, 31 Gortview Park Gortgonis Coalisland The Owner/Occupier, 32 Gortview Park Gortgonis Coalisland The Owner/Occupier, 33 Gortview Park Gortgonis Coalisland The Owner/Occupier, 34 Gortview Park Gortgonis Coalisland The Owner/Occupier, 35 Gortview Park Gortgonis Coalisland The Owner/Occupier, 36 Gortview Park Gortgonis Coalisland The Owner/Occupier, 37 Gortview Park Gortgonis Coalisland The Owner/Occupier, 39 Gortview Park Gortgonis Coalisland The Owner/Occupier, 4 Gortview Park, Gortgonis, Coalisland, Tyrone,, The Owner/Occupier, 41 Gortview Park Gortgonis Coalisland The Owner/Occupier, 6 Gortview Park, Gortgonis, Coalisland, Tyrone,, The Owner/Occupier, 8 Gortview Park, Gortgonis, Coalisland, Tyrone,, | |
| Date of Last Neighbour Notification | 19th February 2015 |
| Date of EIA Determination | |
| ES Requested | Yes /No |

Planning History

Ref ID: M/2013/0145/F

Proposal: Proposed change of house type to previously approved site layout for sites 43-49 and 55-66

Address: Lands to the rear of Knockmoy Park, Gorteven Terrace and Gortview Terrace, Coalisland,

Decision: PG

Decision Date: 24.05.2013

Ref ID: M/2013/0150/F

Proposal: Article 28 application to vary condition no. 3 (Road Access Improvements) of planning permission M/2012/0459/F (Change of House Type) and condition no 9 (Road Improvement) of planning permission M/2005/0519/F (Housing Development).

Address: lands to the rear of Knockmoy Park, Gortview Terrace and fronting Gortgonis Terrace, Coalisland,

Decision: PG

Decision Date: 24.05.2013

Ref ID: M/2014/0317/F

Proposal: Proposed alterations to house types to previously approved housing development (M/2013/0145/F) from 2 bedroom to 3 bedroom dwelling types, including the omission of 1 no. dwelling site at site at lands to the rear of Knockmoy Park, Gortevin Terrace and fronting Gortgonis Terrace, Coalisland

Address: Site nos. 43-49 and 63, 64 Gortview Park, Gortgonis Road, Coalisland,

Decision: PG

Decision Date: 28.07.2014

Ref ID: M/1975/0062

Proposal: PUBLIC AUTHORITY HOUSING

Address: GORTGONIS, COALISLAND

Decision:

Decision Date:

Ref ID: M/1998/0816

Proposal: Erection of 6 No. Dwellings and Site Road (Sites 1, 2, 3, 4, 8 and 9 Lands adjacent to Gortview Gortgonis Road Coalisland

Address: Lands adjacent to Gortview Gortgonis Road Coalisland

Decision:

Decision Date: 20.05.2002

Ref ID: M/2001/0311/F

Proposal: Housing development (21 houses) 1 - 6 100 - 114 and associated sewerage and road works

Address: Lands off Ballynakelly Road to the rear of Regents Court Coalisland

Decision:

Decision Date: 21.10.2004

Ref ID: M/2005/0519/F

Proposal: Proposed housing development consisting of the re-routing of traffic into Gortview Heights & provision of A.R.T.L & erection of 18 apartments & 119 dwellings & garages & associated site road (amended scheme)

Address: Lands to the rear of Knockmoy Park, Gortview Terrace and fronting Gortgonis ,Terrace, Coalisland

Decision:

Decision Date: 17.01.2007

Ref ID: M/1998/0075

Proposal: Proposed Housing Development and 2 No. Estate Roads

Address: APPROX. 160M EAST OF GREENAGH BRIDGE NEWTOWNKELLY COALISLAND

Decision:

Decision Date:

Ref ID: M/2014/0101/F

Proposal: Proposed temporary access to public road to link site development road to Loughview Road, Coalisland

Address: Land located between 1 Regents Court and 1 Pinebank, Loughview Road, Coalisland,

Decision: RL

Decision Date:

Ref ID: M/2000/0436/Q

Proposal: Housing Development

Address: Ballynakelly Road Coalisland

Decision:

Decision Date: 22.05.2001

Ref ID: M/1998/0665

Proposal: Proposed Housing Development

Address: 160M E OF GREENAGH BRIDGE NEWTOWNKELLY COALISLAND

Decision:

Decision Date:

Ref ID: M/1995/0102

Proposal: Erection of 4 No. Dwellings and Estate Road

Address: ADJACENT TO NO. 29 GORTGONIS ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/1988/0518

Proposal: 6 No Semi_detached Dwellings and Site

Layout Road(Amended Layout)

Address: REAR OF 29 GORTGONIS ROAD, GORTGONIS, COALISLAND

Decision:

Decision Date:

Ref ID: M/1997/0137

Proposal: Erection of 6 no. dwellings

Address: SITES 7,9,16,18,20 AND 22, GORTVIEW GORTGONIS ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2015/0060/F

Proposal: Alterations to 22 house types at sites 84-90 and 67-81 inc.

Address: Lands to the rear of Knockmoy Park, Gortevin Terrace and fronting Gortgonis Terrace, Coalisland,

Decision:

Decision Date:

Summary of Consultee Responses

Transportni have no concerns subject to conditions regarding Private Streets.

A Drainage Assessment was submitted and Rivers Agency were consulted and are satisfied as the affected area within the floodplain is proposed as Open Space associated with the development and thus they have no concerns.

Drawing Numbers and Title

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

Drawing No. 02
Type: Existing Plans
Status: Submitted

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

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

Drawing No. 06
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 07
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 08
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 09
Type: Cross Sections
Status: Submitted

Drawing No. 10
Type: Cross Sections
Status: Submitted

Drawing No. 11
Type: Roads Details
Status: Submitted

Drawing No. 12
Type: Roads Details
Status: Submitted

Drawing No. 13
Type: Roads Details
Status: Submitted

Drawing No. 08
Type: Proposed Floor Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 3/11/2015 | Item Number: |
| Application ID: LA09/2015/0029/O | Target Date: |
| Proposal: Proposed dwelling and garage | Location: 40m North of 23 Ballynorthland Park Dungannon |
| Referral Route: Three letters of objection have been received. | |
| Recommendation: | Approval |
| Applicant Name and Address: Philip McCarter 23 Ballynorthland Park Dungannon BT71 6DY | Agent Name and Address: McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE |
| Case Officer: Cathy Hughes | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|---------------------|---|-----------------------------------|
| Advice and Guidance | Environmental Health Mid Ulster Council | Considered - No Comment Necessary |
| Statutory | NIEA | Advice |
| Statutory | NI Transport - Enniskillen Office | Content |
| Non Statutory | NI Water - Single Units West - Planning Consultations | No Objection |

Representations:

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

Summary of Issues

There are concerns regarding overlooking, the increase in traffic volume and land ownership issues with the proposed access.

Characteristics of the Site and Area

This application site is located in the garden of No 23 Ballynorthland Park in Dungannon which is a two storey dwelling on a large plot. It measures approximately 35 metres wide and 35 metres deep and is proposed to be accessed via a laneway north west of the site and not from the same access as No 23 Ballynorthland Park.

The site sits above No 23 with the north eastern boundary comprising a conifer hedge which separates it from a two storey dwelling at No 22 Ballynorthland Park. The north western boundary is a treed hedge and adjacent and north of this is No 21 Ballynorthland Park which is a two storey. The western boundary is well treed and sits above a two storey dwelling to the west at No 16 Ballynorthland Park.

The southern boundary of the site is approximately 15 metres from the applicant's dwelling No 23 Ballynorthland Park and is undefined on the ground. The proposed access runs alongside that of No 16 for part to where it joins it and goes northwards, with the boundaries of No 15 to the west and No 21 to the east.

Area Characteristics

The site is located within the development limits of Dungannon within the established residential area of Ballynorthland Park which sits west of the A29 Protected Route. Approximately 80 metres to the west of the site is Dungannon Park Lake which is included within Local Landscape Policy Area (LLPA) 05 in the Dungannon and South Tyrone Area Plan 2010, and this site lies on whiteland.

Although the immediate area surrounding the site is residential, there are some commercial and community facilities nearby.

There is no planning history on this site.

Proposal Description

This is an outline application for dwelling and garage on land 40 metres north of No 23 Ballynorthland Park, Dungannon.

Representations and Consultations

The Environmental Health section of Mid Ulster Council have no objections to this application. The Historic Buildings Unit of NIEA are content this proposal would not have any impact on the nearby Dungannon Park Lake Dam which is an archaeological site.

The Water Management Unit (WMU) of NIEA are concerned this proposal has the potential to adversely affect the surface water environment. The sewerage loading associated with this proposal may have an environmental impact if transferred to the Dungannon Waste Water Treatment Plant and they recommend consulting NIW to see if there is available capacity. If NIW have no concerns, WMU would have no objections subject to conditions.

Transportni were consulted and state the residential roadway adjoining this application site is unadopted and not in compliance with the DOE's Creating Places Policy and therefore it will remain private. They have no objection to this proposal and recommend informatives indicating the private status of the internal access be included if approval is granted.

A total of eight neighbours were notified about this proposal and three letters of objection were received.

The resident at No 21 Ballynorthland Park which sits adjacent to and north of this site and to the east of the proposed access is concerned about overlooking from this site into the rear of their

property.

A letter of objection was received from No 15 Ballynorthland Park which is west of the proposed access. Their concerns regard the existing internal access which is already unsafe due to its narrow nature and the current volume of traffic.

The resident of No 16 Ballynorthland Park which sits adjacent and to the west of the site also has concerns about this proposal. This objector stated the P1 form as submitted indicated that notice was served to No 15 Ballynorthland Park as owning part of the application site, when they own the access in question. The proposed access up to where it joins the internal residential roadway is owned by this objector and is controlled by electronic gates at the end which the objector does not wish to share. They also have concerns that the existing unadopted laneway accesses five properties already and thus is very congested.

Following the receipt of this objection letter, the agent was informed and Certificate C of Question 23 on the P1 form was amended to include this objector and notice was served.

Planning Assessment of Policy and Other Material Considerations

This outline application will deal with the principle of residential development on this site.

Policy QD1 in PPS 7 - Quality Residential Environments sets out a list of criteria all proposals for residential development will be expected to conform to.

Policy QD1 states all proposals for residential development will be expected to conform to a number of criteria:

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

As this site lies within the development limits of Dungannon and an existing residential area, it is favourable for residential development. The immediate area surrounding the site is predominantly characterised by detached dwellings on large plots in an informal layout.

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

The Historic Buildings Unit of NIEA are content this proposal would not have any impact on the Dungannon Park Lake Dam and have no objections.

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

There would be sufficient space within the site outlined in red to provide adequate private amenity space for a single dwelling.

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

Given the nature of this proposal for a single dwelling, there is no requirement to provide local neighbourhood facilities as part of this application.

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

The location of this site within the development limits of Dunagannon and off the A29 allows for sustainable methods of travel.

f) adequate and appropriate provision is made for parking;
There is sufficient space within the site for parking and turning associated with a single dwelling.

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

The issues of design will be assessed at Reserved Matters stage if this application were approved.

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

This site is surrounded on all four sides by individual residential properties. Although the dwellings in Ballynorthland Park are not sited in a uniform manner, the three properties not owned by the applicant are approximately 10-13 metres from the boundary of this site due to the positioning of their dwellings. The applicant's dwelling sits approximately 17 metres from the southern boundary of the site.

Although the site is well vegetated on all sides except on the southern boundary, any dwelling on this site would need to take into consideration any potential overlooking issues for the three adjacent properties and the applicant's main dwelling. I would be of the opinion to condition any dwelling on this site in terms of its siting, footprint and ridge height.

i) the development is designed to deter crime and promote personal safety.
There are no concerns about this regarding this proposal.

The Addendum to PPS 7 also sets out a set of criteria which must be met in established residential areas for the infilling of vacant sites including gardens under Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity;

a) The proposed density is not significantly higher than that found in the established residential area.

Although Ballynorthland Park is characterised by varied plots sizes and house types, the density remains low and I do not think a dwelling on this site would significantly impact on the density.

b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area.

The pattern of development of dwellings in Ballynorthland Park is not uniform. Due to the large plots sizes there are some examples of infilling garden areas with an additional dwelling, therefore this proposal is not out of character in this area of Dungannon.

c) All dwelling units and apartments are built to a size not less than those set out in Annex A.

This can be determined at Reserved Matters Stage.

PPS 3 – Access, Movement and Parking sets out the policies for vehicular and pedestrian access, transport assessment, protection of transport routes and parking.

Transportni state the residential roadway adjoining this application site is unadopted and not in compliance with the DOE's Creating Places Policy and therefore will remain private. They have no objection to this proposal and recommend informatives indicating the private status of the internal access be included if approval is granted.

| | |
|--|------------|
| Neighbour Notification Checked | Yes |
| Summary of Recommendation: Environmental Health and Transportni have no concerns with this proposal and the issues highlighted by the objectors have been taken into consideration. I am of the opinion this proposal for a dwelling and garage within the development limits of Dungannon meets the policy requirements of PPS 7 and therefore approval is recommended, subject to conditions. | |
| Conditions 1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:- i. the expiration of 5 years from the date of this permission; or ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved. Reason: Time Limit 2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called ""the reserved matters""), shall be obtained from the Council, in writing, before any development is commenced. Reason: To enable the Council to consider in detail the proposed development of the site. 3. Full particulars, detailed plans, proposed and existing cross sections and levles of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved. Reason: To enable the Council to consider in detail the proposed development of the site. 4. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of both and hard and soft landscape works have been submitted to and approved in writing by the Council and these works shall be carried out as approved. These details shall include: (proposed finished levels/existing and proposed contours/means of enclosure/car parking layout/vehicle and pedestrian access and circulation areas/hard surface materials. Reason: To ensure the provision of amenity afforded by appropriate landscape design. 5. During the first available planting season after the occupation of the dwelling, trees shall be planted along the southern boundary of the site in accordance with a scheme submitted to and approved by the Council. Reason: In the interest of visual amenity. 6. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape. | |

7. The dwelling hereby permitted shall not be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans and works for the disposal of sewage have been provided on the site to serve the development hereby permitted.

Reason: In the interests of public health.

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

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

9. No development should take place on-site until the method of sewage disposal has been agreed in writing with NIW or a consent to discharge has been granted.

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

10. The building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the building is occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

11. Prior to the occupation of the dwelling, a hedge shall be planted and maintained at a level of no less than 1.5 metres in height as indicated in yellow on the approved plan, date stamped 30th March 2015.

Reason: In the interest of privacy and to preserve the amenity and privacy of the adjacent dwellings.

12. The proposed dwelling shall have a ridge height of not more than 6.5 metres above finished floor level.

Reason: In the interest of privacy and to preserve the amenity and privacy of the adjacent dwellings.

Informatives

This notice relates to drawing No 01 which was received on 30th March 2015 and drawing no 02REV1 which was received on 21st October 2015.

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

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

The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department has not considered, these areas to constitute a "street" as defined in The Private

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

Responsibility for the access way and parking areas rests solely with the developer.

EXISTING WATER AND SEWER INFRASTRUCTURE

A. The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.

B. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.

C. House Owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.

D. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads etc.

E. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

F. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

PROPOSED DEVELOPMENT NOT SERVICED BY EXISTING WATER AND SEWER INFRASTRUCTURE

G. It is the responsibility of the developer/house builder to find out about the nearest public watermain, foul sewer and storm sewer/watercourse that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service.

H. Guidance can be given to developers/house builders about how the proposed development can be served by a public watermain or sewers. To find out how proposed development can be serviced with water and sewer infrastructure, developers and house builders can submit a Pre-Development Enquiry.

I. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and

sewers.

If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team.

Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopers.asp and Forms.

Signature(s)

Date:

| ANNEX | |
|---|-----------------|
| Date Valid | 9th April 2015 |
| Date First Advertised | 23rd April 2015 |
| Date Last Advertised | 23rd April 2015 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 14 Ballynorthland Park Ballynorthland Demesne Dungannon The Owner/Occupier, 15 Ballynorthland Park Ballynorthland Demesne Dungannon Orr 15, Ballynorthland Park, Dungannon, Tyrone, Northern Ireland, BT71 6DY The Owner/Occupier, 16 Ballynorthland Park Ballynorthland Demesne Dungannon Aidan Lafferty 16, Ballynorthland Park, Dungannon, Tyrone, Northern Ireland, BT71 6DY The Owner/Occupier, 21 Ballynorthland Park Ballynorthland Demesne Dungannon Kieran McCaughey 21, Ballynorthland Park, Dungannon, Tyrone, Northern Ireland, BT71 6DY The Owner/Occupier, 22 Ballynorthland Park Ballynorthland Demesne Dungannon The Owner/Occupier, 24 Ballynorthland Park Ballynorthland Demesne Dungannon The Owner/Occupier, 25 Ballynorthland Park Ballynorthland Demesne Dungannon The Owner/Occupier, 26 Ballynorthland Park Ballynorthland Demesne Dungannon | |
| Date of Last Neighbour Notification | 23rd April 2015 |
| Date of EIA Determination | NA |
| ES Requested | No |
| Planning History Ref ID: LA09/2015/0029/O Proposal: Proposed dwelling and garage Address: 40m North of 23 Ballynorthland Park, Dungannon, Decision: Decision Date: | |

Ref ID: M/1992/0175

Proposal: Extension to Dwelling

Address: DRUMCREE, BALLYNORTHLAND PARK DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0207/F

Proposal: replacement dwelling

Address: 16 Ballynorthland Park, Dungannon

Decision:

Decision Date: 28.05.2004

Ref ID: M/1998/0606

Proposal: Extension to Dwelling

Address: SOUTH HOUSE BALLYNORTHLAND PARK DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/0107

Proposal: ERECTION OF DWELLING HOUSE

Address: BALLYNORTHLAND PARK, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/010701

Proposal: ERECTION OF A PRIVATE HOUSE

Address: BALLYNORTHLAND PARK, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/010702

Proposal: ERECTION OF PRIVATE HOUSE

Address: BALLYNORTHLAND PARK, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1988/0831B

Proposal: Dwelling Car port and Garage

Address: BALLYNORTHLAND PARK (SOUTH OF DRUMCREE) DUNGANNON

Decision:

Decision Date:

Ref ID: M/1988/0831

Proposal: Dwelling house and garage

Address: BALLYNORTHLAND PARK (SOUTH OF DRUMCREE)

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health have no objections.

NIEA – Historic Buildings Unit are content this proposal would not have any impact on the Dungannon Park Lake Dam.

NIEA – WMU have no objections subject to conditions

Transportni have no objection and recommend informatives indicating the private status of the internal access be included in any approval.

Drawing Numbers and Title

Drawing No. 02REV1

Type: Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 3 rd November 2015 | Item Number: |
| Application ID: LA09/2015/0120/F | Target Date: |
| Proposal: Retention of existing shed | Location: 16 Mullaghteigue Road Bush Dungannon |
| Referral Route: A letter of objection has been received | |
| Recommendation: | Approval |
| Applicant Name and Address: Trevor Falloon 16 Mullaghteigue Road Bush Dungannon BT71 6QU | Agent Name and Address: Bell Design Services 123 Crosskeys Road Armagh BT60 3LD |
| Case Officer: Cathy Hughes | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Statutory | NI Transport - Enniskillen Office | Advice |
| Non Statutory | Health & Safety Executive for NI | No Objection |
| Non Statutory | DETI - Geological Survey (NI) | No Objection |
| Non Statutory | Environmental Health Mid Ulster Council | Substantive Response Received |

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is an irregular parcel of land at No 16 Mullaghteigue Road, Bush which is utilised for car sales and repairs. It sits approximately 155 metres west of and

above the Mullaghteigue Road and is accessed via a private laneway which is tree lined in parts. The northern boundary of the site is treed and hedgerow as is the eastern boundary. South of the site sits the applicant's two storey dwelling and a number of outbuildings. Within the site there are 2 sheds close to the northern boundary and a port-a-cabin close to the southern boundary. The remainder of the site is used for the storage/parking of cars for sale.

Area Characteristics

The site sits outside of and approximately 150 metres west of the development limit of The Bush, with the majority of the access lying within the development limit. The site is surrounded on all sides by open fields and it was defined as greenbelt in the Dungannon and South Tyrone Area Plan.

Planning History

This is some planning history associated with this application site.

There were some enforcement cases on this site which have since been closed.

- M/2005/0040/CA - Unauthorised change of use of land to vehicle storage.
- M/2007/0136/CA - Unauthorised car repair, car storage and hair salon.
- M/2009/0062/CA - Change of Use.

Enforcement case M/2014/0073/CA for an authorised shed is ongoing, pending the outcome of this application.

Proposal Description

This is a full application for the retention of existing shed at No 16 Mullaghteigue Road, Bush. The shed measures 16.2 metres long and is 7.1 metres wide, with a ridge height of 4.5 metres FGL. The southern elevation has a door to access a store and 3 galvanised roller doors measuring 3 metres by 3 metres. The only other opening is a pedestrian door on the eastern elevation. This provides an additional 115 metres squared of floorspace for car repairs and the building material is green cladding.

Representations and Consultations

A letter of objection was received from a neighbouring resident. They state that as the site lies outside of the development limit of The Bush they question the applicant's agricultural credentials and the use of the shed. The objector has also questioned if the existing business on the site benefits from planning permission or a Certificate of Lawful Use or Development (CLUD).

DETI and Environmental Health have no concerns regarding this proposal. Transportni have no objections subject to informatives.

Planning Assessment of Policy and Other Material Considerations

The proposal is within the open countryside therefore falls to be assessed under PPS21. For industrial proposals such as this, policy CTY1 of directs us to PPS 4 – Planning and Economic Development.

Policy PED 2 - Economic Development in Countryside in PPS 4 states that proposals for economic development uses in the countryside will be permitted in 4 circumstances. In the instance of this application, PED 3 – Expansion of an Established Economic Development Use is applicable as the closure of enforcement cases indicated above confirm the use on this site is established and immune from enforcement action.

PED 3 states that a proposal will be permitted where the scale and nature does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

This application does not propose any increase in the area of the site, therefore it complies with PED 3.

A proposal for economic development use, in addition to the other policy provisions of PPS 4 will be required to meet all the following criteria under Policy PED 9 General Criteria for Economic Development;

- This development proposal is compatible with the immediate surrounding land use which is car sales and repair. There is another car sales business located where the access of this proposal meets the road at the end of the laneway. Although the site is surrounded by agricultural fields, its location just outside of the development limits of The Bush means there are a variety of land uses close by, with residential the dominant use.
- The nearest dwelling to this proposal is that of the applicant. The objector resides approximately 280 metres east of the site. Environmental Health do not have any concerns about this proposal, therefore I am of the opinion this proposal would not harm the amenities of nearby residents or create a noise nuisance.
- There are no natural or built heritage issues affected by this proposal;
- The site is not located within any designated flood plain and therefore will not cause or exacerbate flooding;
- Transportni have no concerns regarding this application, therefore there are no issues about road safety.
- This proposal is not visible from the public road network and the existing vegetation on the northern boundary aids integration into the landscape.

Neighbour Notification Checked

Yes

Summary of Recommendation:

There were no objections received from DETI, Environmental Health and Transportni are having taken this and the letter of objection into consideration, I am satisfied this proposal complies with the policy requirements of PPS 4 and therefore recommend approval.

Conditions:

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

Reason: Retrospective application

2. The development hereby permitted shall only be used in conjunction with the existing car sales and repairs business on the site.

Reason: To prohibit a change to an unacceptable use.

Informatives

This notice relates to drawing No 01 which was received on 24th April 2015.

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

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

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

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

It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road, the existing roadside drainage is accommodated and no water flows from the public road onto the site and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

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

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by the Council BEFORE any such signs are erected.

Signature(s)

Date:

| ANNEX | |
|---|-----------------|
| Date Valid | 24th April 2015 |
| Date First Advertised | 11th May 2015 |
| Date Last Advertised | 14th May 2015 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Mullaghteigue Road, Bush, Dungannon BT71 6QU Keith Boyd 12A Mullaghteigue Road, Bush, Dungannon, Tyrone, BT71 6QU | |
| Date of Last Neighbour Notification | 5th May 2015 |
| Date of EIA Determination | N/A |
| ES Requested | No |
| Planning History Ref ID: M/2001/0390/Q Proposal: Proposed housing for private single storey dwellings and garages Address: Mullaghteigue Road The Bush Dungannon Decision: Decision Date: 25.09.2001 Ref ID: M/1993/0334 Proposal: Replacement Farm Dwelling Address: 16 MULLAGHTEIGE ROAD BUSH DUNGANNON Decision: Decision Date: Ref ID: M/2007/0262/F Proposal: Proposed demolition of existing dwelling and replacement with 1no. detached dwelling. (amended plan) Address: 12 Mullaghtiege Road, Bush, Dungannon. Decision: Decision Date: 19.10.2007 | |

Ref ID: M/2004/0243/O
Proposal: Mechanics garage - amended plans
Address: 12 Mullaghteigue Road, Bush, Dungannon
Decision:
Decision Date: 12.01.2005

Ref ID: LA09/2015/0120/F
Proposal: Retention of existing shed
Address: 16 Mullaghteigue Road, Bush ,Dungannon,
Decision:
Decision Date:

Summary of Consultee Responses

DETI, Environmental Health and Transportni have no objections regarding this proposal.

Drawing Numbers and Title

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

Notification to Department (if relevant)


Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0265/F | Target Date: 02.09.2015 |
| Proposal: Erection of dwelling and detached garage in substitution for previously approved dwelling | Location: 90 metres North West of 15 Finglush Road Finglush Caledon |
| Referral Route: Application submitted by spouse of Council planning staff member. | |
| Recommendation: | Approval |
| Applicant Name and Address: Mr P Ewart c/o Agent O'Callaghan Planning | Agent Name and Address: O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH |
| Executive Summary: The proposal is for change of house type of dwelling approved in 2009. Development has already commenced on the site. The dwelling proposed is largely the same as that approved in terms of massing, design, scale and finishes. No consultee objection. No third party representations. | |
| Signature(s):  | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-----------------------------------|-------------------------------|
| Non Statutory | Rivers Agency | Substantive Response Received |
| Statutory | NI Transport - Enniskillen Office | Advice |
| Non Statutory | Rivers Agency | 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

A Flood Risk and Drainage Assessment Report was requested as party of the western side of the site is shown as surface water flood zoning. Rivers Agency were consulted on receipt of same and had no objection.

Characteristics of the Site and Area

This application is for a change of house type to that approved under M/2009/0105F on 12.05.2009.

I have inspected the site and can confirm that development has commenced in accordance with the 2009 approval above. Foundations have been dug and an access provided in accordance

with approved plans. There is a 2m grass verge along site frontage and an access created and hardcored in accordance with the previously approved application. The site remains flat with substantive vegetation along its northern and western boundaries. The foundations have also been dug out towards the rear of the site as required.

The area is a rural area north west of Caledon village, agricultural land is the main land use type with scattered single residential dwellings along road side.

The predominant land use is agricultural grazing land in the vicinity.

Planning Assessment of Policy and Other Material Considerations

The proposal lies outside of any settlement limit as defined in the Dungannon _ South Tyrone Area Plan 2010. PPS 21 - Sustainable Development in the Countryside remains the applicable policy consideration.

M_2009_0105_F was approved on 12.5.09 with a standard 5 year time commencement condition, amongst others. I have inspected the site and can confirm that development has commenced in accordance with the 2009 approval above. Foundations have been dug and an access provided in accordance with approved plans. The design of the dwelling approved is as follows: ridge height 5.92m, depth of main body of dwelling 8.2m, and rear return 13.2m. A small detached garage 7m x 4.5m was also included to be sited in the back left hand side of the site. Finishes were brown roughcast render finish and grey slate roof. The single chimney was mounted on the ridge and windows had vertical emphasis. Landscaping was proposed along the front of the curtilage and the front of the site was shown as agricultural land.

The design of the proposed dwelling in its own right is considered acceptable as are the finishes, scale and massing. The proposal will add a first floor to the dwelling, the overall height of the dwelling still remains at 6.2m, not critical given the excellent boundaries to the north and west of the site. Windows also retain a vertical emphasis. In terms of the site itself, as mentioned above an approval was granted 6 years ago. Nothing has changed in the intervening period in terms of policy consideration.

Accordingly I am therefore examining only the differences in that dwelling approved and the one before me. I consider that in terms of CTY 13 (integration and design of buildings in the countryside) that the proposal before me would satisfy the policy requirements of same, given the characteristics of the site on the ground. I am also mindful of the fall back position of the original approval and the fact that development has commenced on that site which could be implemented.

Such are the similarities in the dwellings that I consider that the design could be approved.

PPS 15 - Planning and Flood Risk.

FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

The western 12-20m of the site are shown as having the potential to suffer from surface water flood risk. Whilst no flood risk assessment nor drainage assessment is required under policy FLD 3 of PPS 15 the applicant is required to demonstrate what if any impact the proposal will have on surface water drainage and what mitigation measures they propose if required. A drainage assessment was provided and Rivers Agency consulted on same. They returned comment of no objection overall.

No third party representations were received and no consultations were deemed necessary as

work had commenced on the previous approval.
I recommend the application be approved.

Neighbour Notification Checked

Yes

Summary of Recommendation:

As the proposal largely reflects the scale and massing of the dwelling originally approved I recommend the application be approved. No consultees returned comment of objection and no third party representations were received.

Conditions:

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

Reason: Time Limit.

2.All proposed landscaping as indicated on the 1:500 scale block plan on drawing No 01, bearing the stamp dated 16 JUN 2014, 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.

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

Reason: In the interests of visual amenity.

4.The depth of under building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

5.Notwithstanding the provisions of Article 3 and Schedule 1, Part 3 (A) of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no gates, walls, gate pillars, fences or other means of enclosure shall be erected or constructed at the access point onto the public road without the prior agreement in writing of the Council.

Reason: To preserve the amenity of the countryside.

6.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)

Makayla

Date:

20/10/18.

| ANNEX | |
|--|----------------------------|
| Date Valid | 20th May 2015 |
| Date First Advertised | 1st June 2015 |
| Date Last Advertised | 05 th June 2015 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Finglush Road Finglush Caledon | |
| Date of Last Neighbour Notification | 26th May 2015 |
| Date of EIA Determination | |
| ES Requested | No |
| Planning History Ref ID: M/2009/0105/F Proposal: Private dwelling house and garage Address: 140m North West of 19 Finglush Caledon Decision: Decision Date: 14.05.2009 Ref ID: M/2005/0261/O Proposal: Dwelling and garage Address: 140m North West of 19 Finglush Road, Finglush, Caledon Decision: Decision Date: 22.04.2005 Ref ID: M/1988/0632 Proposal: 11 KV Spur Address: FINGLUSH,DUNGANNON Decision: Decision Date: Ref ID: LA09/2015/0265/F Proposal: Erection of dwelling and detached garage in substitution for previously approved dwelling Address: 90 metres North West of 15 Finglush Road, Finglush, Caledon, | |

| |
|---|
| Decision: Decision Date: |
| Summary of Consultee Responses No objection. |
| Drawing Numbers and Title |
| Drawing No. 02REV01 Type: Proposed Plans Status: Approved Drawing No. 01 Type: Site Location Plan Status: Approved |
| Notification to Department (if relevant) Date of Notification to Department: Response of Department: |



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 3 rd November 2015 | Item Number: |
| Application ID: LA09/2015/0283/F | Target Date: |
| Proposal: Proposed extension to spares department | Location: 127 Ballynakilly Road Coalisland BT71 6HE |
| Referral Route: One letter of objection has been received | |
| Recommendation: | Approval |
| Applicant Name and Address: Euro Springs 127 Ballynakilly Road Coalisland BT71 6HE | Agent Name and Address: PMC 95A Derryalla Road Coalisland BT71 4QS |
| Case Officer: Cathy Hughes | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Non Statutory | Health & Safety Executive for NI | Consulted in Error |
| Statutory | NI Transport - Enniskillen Office | Advice |
| Non Statutory | Environmental Health Mid Ulster Council | No Objection |
| Non Statutory | Health & Safety Executive for NI | Consulted in Error |
| Non Statutory | DETI - Geological Survey (NI) | Substantive Response Received |
| Statutory | NI Transport - Enniskillen Office | Advice |

Representations:

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

Summary of Issues

Objector has questioned buildings already on the site and when Greenbelt land was released.

Characteristics of the Site and Area

This application site is located at No 127 Ballynakilly Road along the A45 road between Coalisland and Tamnamore. The site is a flat parcel of land which sits west of the road and is currently occupied by Eurosprings which is a spring manufacturing business.

The application site appears to have been a cut out of a larger field and it sits adjacent to the established part of the site which has a building sitting perpendicular with the road and another to its rear. Within the application site there is another building which sits parallel to the main building which does not appear to be currently in use.

The south eastern boundary of the site is undefined on the ground as it dissects the site of the business through a concreted yard area. An overhead power line is close to this boundary in between the two sheds and continues to the rear of the site in a westerly direction. The main building of the business sits adjacent and south east of this boundary. The rear south western boundary is undefined on the ground as is the north western boundary, beyond which is an agricultural field. The north eastern roadside boundary comprises a shared concreted entrance with a gate. At present the roadside boundary is low hedgerow.

Area Characteristics

The site is located in the rural countryside in the Dungannon and South Tyrone Area Plan. It is less than 1 kilometre south of the village of Ballynakilly and 2 kilometres south of Coalisland. The site sits approximately 100 metres south east of a lake where another engineering business is located directly adjacent to it in the north west and within the development limits of Ballynakilly.

Planning History

M/2007/0847/F was granted planning permission in December 2008 for the demolition of an existing factory and the construction of a new factory to include car parking and alterations to the existing entrance.

In November 2010, planning permission was granted for a change of use to create office floorspace and a change to front elevation (additional windows) under M/2010/0643/F.

Application M/2011/0042/F was granted approval in February 2011 for a rear extension for additional work floor space on the site.

A store to rear of 127 Ballynakilly Road for stock (wire coiled) due to engineering demand was approved in October 2013 under M/2013/0349/F.

M/2014/0194/F was granted planning permission for an extension to yard with office workshop for spares department for existing business in September 2014.

Proposal Description

This is a full application for an extension to spares department at Eurosprings, 127 Ballynakilly Road, Coalisland.

This extension is proposed on an existing hardstanding area which was previously approved as a parking area in application M/2014/0194/F.

The extension is proposed to the rear of the existing building along the north western gable. Currently this building is 15 metres wide and 30 metres long with a ridge height of 6.1 metres

FGL. It has two large windows at the front corner of the building

This application would extend the building some 45 metres in a south westerly direction. It would see the addition of a pedestrian door and 2 roller shutter doors measuring 3.5 metres wide and 4 metres high on the south eastern elevation. The rear south western gable would have no openings nor would the north western elevation.

The finishes of smooth render block work for the lower walls and grey cladding for the upper walls and roof would match the existing building.

Representations and Consultations

There was 1 letter of objection received from a neighbouring resident. In this, the objector states the building subject of this application was erected prior to the submission of the proposal in May 2015.

This is not correct as the building currently on site avails of planning permission as do the 2 others which sit adjacent to the site.

The objector raised an issue regarding clay making which occurred in that field and enquired about a certificate of suitability. It is not a requirement of the Council to request information on whether or not a site is suitable for development, unless it feels the need upon advice received from relevant consultees.

The objector also queried when Greenbelt land was released.

The applicant in response to the letter of objection reiterated that the building that is referred to does benefit from planning permission and there is a sizeable distance of approximately 70 metres from the objector's dwelling.

The Geological Survey of NI section of DETI have no concerns about this application, nor do Environmental Health.

Transportni responded with concerns as the entrance arrangement was unacceptable and requested a Transport Assessment Form also.

Following the submission of this information, Transportni have no concerns subject to a number of conditions that no operations can commence on the site until all hard surfaced areas for parking and servicing and the visibility splays of 4.5 metres by 120 metres are provided and constructed as indicated in Drawing No 04REV1 date stamp received on 25th August 2015.

Planning Assessment of Policy and Other Material Considerations

This proposal is within the open countryside therefore falls to be assessed under PPS21 and for industrial proposals such as this, policy CTY1 of directs us to PPS 4 – Planning and Economic Development.

Policy PED 2 - Economic Development in Countryside in PPS 4 states that proposals for economic development uses in the countryside will be permitted in 4 circumstances. In the instance of this application PED 3 – Expansion of an Established Economic Development Use is applicable. It states that a proposal will be permitted where the scale and nature does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

This application proposes to increase the site by approximately 20 metres. Under current policy and application M/2014/0194/F, it was considered acceptable to extend the initial site to double its size. Therefore this increase of approximately 20 metres to the rear is considered acceptable as it will read with the existing buildings and the established site to the south.

A proposal for economic development use, in addition to the other policy provisions of PPS 4 will be required to meet all the following criteria under Policy PED 9 General Criteria for Economic Development;

- The immediate surrounding area is rural however the use is mixed due to its proximity to the settlement of Ballynakilly. Another engineering business is located north of the site but within the development limit. The presence of the existing business within and adjacent to the site, make this proposal compatible with the surrounding land uses;
- There was 1 letter of objection from a resident approximately 100 metres west of the site and their concerns were addressed above. Environmental Health have no objections to this proposal, therefore I do not have any concerns regarding the amenities of nearby residents;
- There are no natural or built heritage issues affected by this proposal;
- The site is not located within any designated flood plain and therefore will not cause or exacerbate flooding;
- Environmental Health have been consulted and have no objections to the proposal., therefore i have no concerns regarding noise nuisance;
- Transportni were consulted and initially responded with concerns as the entrance arrangement was unacceptable and requested a Transport Assessment Form. A 24 metre diameter turning circle along with adequate access arrangements and parking areas were provided. Following the submission of this information and amendments, Transportni have no concerns subject to a number of conditions that no operations can commence on the site until all hard surfaced areas for parking and servicing and the visibility splays of 4.5 metres by 120 metres are provided and constructed as indicated in Drawing No 04REV1 date stamp received on 25th August 2015.
- As this site is located just outside of the development limits of Ballynakilly and close to Coalisland, public transport is available and the site is very accessible by car.
- A 90 metre section of roadside hedge is to be removed to provide the required visibility splays and reinstated behind them. Trees are proposed along the boundaries of the wider site and an area of shrub vegetation is proposed at the front beside the designated parking areas. These will aid assisting the proposal to integrate into the landscape.

Neighbour Notification Checked

Yes

Summary of Recommendation:

There were no objections received from Environmental Health and Transportni are satisfied with amendments made. Having taken this and the letter of objection into consideration, I am satisfied this proposal complies with the policy requirements of PPS 4 and therefore would recommend approval.

Conditions:

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

Reason: Time Limit

2. The vehicular access, including visibility splays of 4.5 metres by 120 metres, and any forward sight distance shall be provided in accordance with Drawing No 04Rev1 bearing the date stamp 25th August 2015, 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. No retailing or other operations in or from any building hereby permitted shall commence on the site until all hard surfaced areas have been constructed and permanently marked in accordance with Drawing No 04REV1 date stamp received on 25th August 2015 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 adequate provision has been made for parking, servicing and traffic circulation within the site.

4. All hard and soft landscape works shall be carried out in accordance with Drawing No 04Rev1 bearing the date stamp 25th August 2015 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season following the occupation of the building.

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

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

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

Informatives

This notice relates to drawing No 01 and 05 which were received on 22nd May 2015 and drawing No 04REV1 which was received on 25th August 2015.

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

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

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

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

It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road, the existing roadside drainage is accommodated and no water flows from the public road onto the site and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

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

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by the Council BEFORE any such signs are erected.

Signature(s)

Date:

| ANNEX | |
|---|----------------|
| Date Valid | 22nd May 2015 |
| Date First Advertised | 8th June 2015 |
| Date Last Advertised | 12th June 2015 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 121 Ballynakilly Road, Ballynakilly, Coalisland, Tyrone, BT71 6HE The Owner/Occupier, 126 Ballynakilly Road, Ballynakilly, Coalisland, Tyrone, BT71 6HE E.W Harris 126 Ballynakilly Road, Ballynakilly, Coalisland, BT71 6HE | |
| Date of Last Neighbour Notification | 4th June 2015 |
| Date of EIA Determination | N/A |
| ES Requested | No |
| Planning History Ref ID: M/2013/0349/F Proposal: Proposed store to rear of 127 Ballynakilly Road. Store to be use for stock (wire coiled) due to engineering demand. Address: 127 Ballynakilly Road, Coalisland BT71 6HE, Decision: PG Decision Date: 16.10.2013 Ref ID: M/2007/0847/F Proposal: Proposed demolition of existing factory, construction of a new factory to include carparking and alterations to existing entrance Address: Opposite 126 Ballynakilly Road, Dungannon Decision: Decision Date: 16.12.2008 Ref ID: M/1980/0042 Proposal: EXTENSION TO EXISTING JOINERY WORKSHOP Address: BALLYNAKELLY, COALISLAND Decision: Decision Date: | |

Ref ID: M/2010/0643/F

Proposal: Change of use to create office floorspace & change to front elevation (additional windows) to approved plans.

Address: 127 Ballynakelly Rd, Dungannon

Decision:

Decision Date: 10.11.2010

Ref ID: M/2011/0042/F

Proposal: Proposed rear extension for additional work floor space to previously approved plans

Address: 127 Ballynakilly Road, Coalisland.,

Decision:

Decision Date: 23.02.2011

Ref ID: M/1980/0603

Proposal: 11 KV O/H LINE

Address: BALLYNAKILLY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/0010/F

Proposal: Retention of boundary fence at 111 Ballynakilly Road, Coalisland

Address: 111 Ballynakilly Road, Coalisland

Decision:

Decision Date: 11.11.2003

Ref ID: M/2011/0198/F

Proposal: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.

Address: Tamnamore Grid Substation Drumkee Road Dungannon and townlands of Drumkee, Drumnaspil, Cavan, Coash, Lederg and Keenaghan,

Decision:

Decision Date: 08.12.2011

Ref ID: M/2014/0194/F

Proposal: Proposed extension to yard with office workshop for spares department for existing business

Address: Adjoining site to 127 Ballynakilly Road, Coalisland,

Decision: PG

Decision Date: 29.09.2014

Ref ID: LA09/2015/0283/F

Proposal: Proposed extension to spares department

Address: 127 Ballynakilly Road,

Decision:

Decision Date:

Summary of Consultee Responses

Transportni requested amendments and Transport Assessment Form and following the submission of this have no objections.

The Geological Survey of NI section of DETI have no concerns about this application, nor do Environmental Health.

Drawing Numbers and Title

Drawing No. 01

Type: Block/Site Survey Plans

Status: Approved

Drawing No. 02

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 03

Type: Existing Floor Plans

Status: Submitted

Drawing No. 04REV1

Type: Block/Site Survey Plans

Status: Approved

Drawing No. 05

Type: Proposed Floor Plans

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0339/F | Target Date: 15/9/15 |
| Proposal: 2No. Dwellings (semi detached) | Location: Between 6 and 10 Martinvale Park Maghera BT46 5BF |
| Referral Route: Objections were recieved to the proposed development. | |
| Recommendation: | Approve |
| Applicant Name and Address: Tom Scullion 2 Fallaghloon Road Maghera BT46 5JS | Agent Name and Address: M J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX |
| Executive Summary: | |
| Signature(s): <i>N. Hasson</i> | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--|-----------------------------------|
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Non Statutory | NI Water - Multi Units West - Planning Consultations | Substantive Response Received |
| Non Statutory | Environmental Health Mid Ulster Council | Considered - No Comment Necessary |
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |

Representations:

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

Summary of Issues

Three objections to the development proposal were received by the council. The objection letters related to the following issues:

- Layout and siting of the proposal is inappropriate and unsympathetic to the appearance and character of the surrounding area.

- Loss of residential amenity – overlooking, lack of privacy and visually overbearing.
 - Proposed development will lead to overdevelopment of the site.
 - Negative Impact of proposed development on water and sewage.
 - Site accesses are not in accordance with acceptable standards and are a potential road safety hazard.
 - Increase in traffic volumes.
- All of these issues will be addressed within the report.

Characteristics of the Site and Area

The site is located within the settlement development limit of the town of Maghera, in accordance with the Magherafelt Area Plan 2015.

The proposed development is located within an existing housing development, and the land is zoned for housing within the Area Plan (Zone MA 02/02). The site is a vacant corner plot with a detached chalet style one and a half storey dwelling on each side of the plot. The south western boundary that is shared with No. 6 Martinvale Park is defined by a mature leylandii hedgerow and the eastern boundary shared with No. 10 Martinvale Park is defined by a wooden fence with the addition of some shrubs. The rear boundary is defined by hedgerow and some trees. To the north of the site is a further residential development which sits at a lower level. Martinvale Park has a distinctive style of dwelling all being detached chalet type.

Planning Assessment of Policy and Other Material Considerations

Proposal:

The proposal is a full application for two semi-detached dwellings.

Site History:

H/1991/0123 and H/1992/0481 relate to planning approvals for the housing development that is known as 'Martinvale Park'.

Development Plan and Key Policy Considerations:

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 3 - Access, Movement and Parking
- PPS 7 – Quality Residential Environments
- PPS 7 Addendum – Safeguarding the character of established residential areas
- PPS 12 – Housing in Settlements
- DCAN 8 – Housing in existing urban areas

The site is on land that is zoned for housing in the Magherafelt Area Plan. It is situated within an established residential area known as Martinvale Park and is located within the settlement limit of Maghera. Martinvale Park is primarily characterised by chalet style detached dwellings, though there is another pair of semi-detached dwellings within Martinvale Park to the south west of the application site which are similar in design to the dwellings. Furthermore, a pair of similar semi-detached dwellings were recently granted planning permission in the opposite corner of the development, approximately 80 metres to the south east.

The proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of the buildings. The surrounding area is characterised primarily by detached chalet style dwellings, which are mainly a storey and a half. The design of the proposed dwellings are reflective of the style of the existing surrounding development, with similar features and finishes. This is a relatively large site when compared with the other plot sizes in the area and a pair of semi-detached dwellings will fit neatly into this plot. The proposal is compatible with the general housing density of the surrounding area therefore I consider that this proposal will not contribute to overdevelopment. It is my opinion that the proposed development will not result in damage to the local character or environmental quality of the area.

The gable walls of the proposed dwellings are orientated in the direction of the adjacent neighbouring dwellings, however they include only one window of obscured glass. The gable walls of both neighbouring dwellings also have an obscure glass window, therefore there is no adverse effect on any of the properties in terms of overlooking. The boundary with No. 6 Martinvale Park is defined by a mature leylandii hedgerow, which provides effective screening. The boundary with No. 10 Martinvale Park is defined by an existing wooden fence which also provides an effective screen. It is my opinion that the proposed dwellings will not impinge on the privacy of the residents of either No. 6 or 10. In addition, there is a separation distance of approximately 3 metres between the proposed dwelling and the common boundary with No. 6 and a distance of approximately 4.5 metres between the proposed building and the common boundary with No. 10. In the immediate vicinity of the site, dwellings are as little as 1 metre from the common boundary with the adjacent dwelling and at most 5 metres. Thus a separation distance of 3 and 4.5 metres with the common boundary is not out of character with this area. I consider there is no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Ample space is provided for car parking and Transport NI have no objection to the proposal, subject to conditions and informatives. The objection letters raised concerns in relation to water and sewage, however NI Water and Mid Ulster Council Environmental Health have no objections to the development, subject to informatives.

Recommendation:

Having assessed all the information it is my opinion that the proposal fulfils planning policy and I recommend an approval of this planning application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

It is my opinion that the proposal fulfils planning policy and I recommend an approval of this planning application.

Conditions/Reasons for Refusal:

Time, Access, Landscaping

Signature(s) N.Hasson

Date: 21/10/15

| ANNEX | |
|---|----------------|
| Date Valid | 2nd June 2015 |
| Date First Advertised | 15th June 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Mckenna Rise Moneymore Maghera The Owner/Occupier, 10 Martinvale Park Moneymore Maghera The Owner/Occupier, 12 Martinvale Park Moneymore Maghera The Owner/Occupier, 13 Martinvale Park Moneymore Maghera The Owner/Occupier, 15 Martinvale Park Moneymore Maghera The Owner/Occupier, 17 Martinvale Park Moneymore Maghera The Owner/Occupier, 18 Martinvale Park Moneymore Maghera The Owner/Occupier, 19 Martinvale Park Moneymore Maghera Stephen and P McCloskey 19, Martinvale Park, Maghera, Londonderry, Northern Ireland, BT46 5BF The Owner/Occupier, 2 Martinvale Park Moneymore Maghera The Owner/Occupier, 20 Martinvale Park Moneymore Maghera The Owner/Occupier, 21 Martinvale Park Moneymore Maghera The Owner/Occupier, 22 Martinvale Park Moneymore Maghera The Owner/Occupier, 23 Martinvale Park Moneymore Maghera The Owner/Occupier, 24 Martinvale Park Moneymore Maghera The Owner/Occupier, 25 Martinvale Park Moneymore Maghera The Owner/Occupier, 26 Martinvale Park Moneymore Maghera The Owner/Occupier, 3 Martinvale Park Moneymore Maghera The Owner/Occupier, 3 Mckenna Rise Moneymore Maghera The Owner/Occupier, | |

4 Martinvale Park Moneymore Maghera
 The Owner/Occupier,
 4 Mckenna Rise Moneymore Maghera
 The Owner/Occupier,
 44 Station Road Moneymore Maghera
 The Owner/Occupier,
 46 Station Road Moneymore Maghera
 The Owner/Occupier,
 47 Station Road Moneymore Maghera
 The Owner/Occupier,
 48 Station Road Moneymore Maghera
 The Owner/Occupier,
 49 Station Road Moneymore Maghera
 The Owner/Occupier,
 5 Mckenna Rise Moneymore Maghera
 The Owner/Occupier,
 50 Station Road Moneymore Maghera
 The Owner/Occupier,
 51A Station Road, Moneymore, Maghera, Londonderry, BT46 5EY,
 The Owner/Occupier,
 52 Station Road Moneymore Maghera
 The Owner/Occupier,
 54 Station Road Moneymore Maghera
 The Owner/Occupier,
 56 Station Road Moneymore Maghera
 The Owner/Occupier,
 57 Station Road Moneymore Maghera
 The Owner/Occupier,
 6 Martinvale Park Moneymore Maghera
 The Owner/Occupier,
 6 Mckenna Rise Moneymore Maghera
 Mark and Margaret Lynch
 6, Martinvale Park, Maghera, Londonderry, Northern Ireland, BT46 5BF
 The Owner/Occupier,
 7 Mckenna Rise Moneymore Maghera
 The Owner/Occupier,
 9 Mckenna Rise Moneymore Maghera
 Declan Walls
 Decwalls@hotmail.com

| | |
|--|-----|
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | /No |

Planning History

Ref ID: H/1988/0046

Proposal: SITE OF FARM DWELLING

Address: ADJ TO 30 MAGHERAFELT ROAD TOBERMORE

Decision:

Decision Date:

Ref ID: H/1992/0077

Proposal: BUNGALOW WITH GARAGE

Address: SITE 2 STATION ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1988/0273

Proposal: DETACHED BUNGALOW WITH DOUBLE GARAGE

Address: SITE 1 STATION ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1989/0403

Proposal: HOUSE WITH GARAGE

Address: SITE 1 STATION ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1987/0461

Proposal: SITE OF 6 DWELLINGS

Address: STAION ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1995/0547

Proposal: AMENDMENTS TO HOUSING ROADS LAYOUT

Address: MARTINVALE STATION ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1991/0123

Proposal: HOUSING DEVELOPMENT PHASE 2

Address: STATION ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1992/0481
Proposal: HOUSING DEVELOPMENT
Address: STATION RD MAGHERA
Decision:
Decision Date:

Ref ID: H/1981/0276
Proposal: HOUSING DEVELOPMENT - POSITIONING OF ROAD
Address: STATION ROAD, MAGHERA
Decision:
Decision Date:

Ref ID: H/1974/0317
Proposal: DWELLING HOUSE
Address: STATION ROAD, MAGHERA
Decision:
Decision Date:

Ref ID: H/1992/0625
Proposal: AMENDED ACCESS TO HOUSING DEVELOPMENT
Address: MCKENNAS RISE STATION RD MAGHERA
Decision:
Decision Date:

Ref ID: LA09/2015/0339/F
Proposal: 2No. Dwellings (semi detached)
Address: Between 6 and 10 Martinvale Park, Maghera, BT46 5BF,
Decision:
Decision Date:

Summary of Consultee Responses

Consultations:
Transport NI, NI Water and Mid Ulster Council EHO were all consulted on the application. None of the consultees had any issues of concern.

Drawing Numbers and Title

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

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0364/O | Target Date: |
| Proposal: Proposed Dwelling and Garage. | Location: Lands adjacent to 57 Luney Road Desertmartin Magherafelt |
| Referral Route: Request by the Planning Manager | |
| Recommendation: | Approve |
| Applicant Name and Address: Adrian Walls N/A | Agent Name and Address: CMI Planners Ltd 80-82 Rainey Street Desertmartin Magherafelt BT45 5JP |
| Executive Summary: | |
| Signature(s): Sean Diamond | |

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues. Principle of Development, Personal Circumstances, Integration, Rural Character, Access and Residential Amenity.

Characteristics of the Site and Area

The application site is situated adjacent to and south of No 57 Luney Road, Magherafelt within the open countryside as defined by the Magherafelt Area Plan 2012. The site is a small corner portion of a larger agricultural field and includes the dwelling and domestic curtilage known as 57

Luney Road. The northern and western site boundaries are defined by modest thorn hedgerows no more than 1-1.5 metres in height, the remaining site boundaries are undefined. In terms of topography the site is predominantly flat and sits at road level.

Planning Assessment of Policy and Other Material Considerations

Detail of the proposal:

The application seeks outline planning permission for a detached dwelling and garage.

Relevant Site History:

H/2012/0170/O - Proposed dwelling and garage. Refused 28th May 2013, Appeal Dismissed 03rd February 2014.

Representations:

No notifiable neighbours

No letter of representation have been received

Development Plan and Key Policy Consideration:

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

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.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 indicates that a dwelling based on special personal or domestic circumstances will be acceptable in accordance with Policy CTY 6;

Policy CTY 6 - Personal and Domestic Circumstances sets out that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicants personal or domestic circumstances and provided:

a. Satisfactory evidence can be provided to show that a dwelling is a necessary response to the circumstances of the case and genuine hardship would be caused if permission were refused, and

b. There are no alternative solutions to meet the circumstances of the case such as an extension or annex to the existing dwelling; conversion or reuse of another building within the curtilage of the property or use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

Paragraph 5.29 sets out 5 categories of information on which sufficient details are expected to be submitted to enable a proper assessment to be made.

Criterion a) puts the onus on the applicant to provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. The application was accompanied with a statement from the agent and a letter from Dr Harkin, Draperstown Surgery outlining the applicant's personal circumstances. Unfortunately I am unable to elaborate on the evidence before me due to its sensitive contents. I have discussed in detail the evidence with the Planning Manager and it is accepted that genuine hardship would be caused if planning permission were to be refused.

It the Committee wish to discuss the medical evidence presented in this application, it is my view this should occur in closed session.

Criterion b) encourages that a number of alternative solutions such as an extension or annex, the reuse of another building within the curtilage and a mobile home for a limited period should be considered. The extension to his parent's dwelling was rejected due to the inadequate size of the accommodation that could be provided and for reasons related to the need for private family life and the impact on the applicant's parent's health and impact on the applicant's brother's wellbeing.

There are no building within the curtilage suitable for conversion and a temporary mobile home would not be suitable alternative for the long terms need of the applicant and his family. Furthermore, I am content that policy tests in relation to integration in the countryside (CTY 13) and impact on rural character (CTY 14) have been met. The proposal should be conditioned to a single storey dwelling with a ridge height of less than 5.7m.

Other Policy and Material Considerations

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Neighbour Notification Checked

Yes

Summary of Recommendation: That Planning permission is approved subject to the following conditions

Conditions

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Department within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

Reason: Time Limit

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

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

3. The dwelling shall be occupied by Mr Aidan Walls and members of his family and dependents residing with him.

Reason: The site is located within the rural area and the consent hereby permitted, is granted solely because of the applicants special circumstances.

4. The proposed dwelling shall have a ridge height of less than 5.7 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development integrates into the landscape.

5. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, fences or other structures, other than the development permitted by subsequent approval of reserved matters shall be erected within the site or on the site boundary without the written consent of the Council.

Reason: To preserve the amenity of the countryside.

6. The existing natural screenings along the northern and western boundaries of the site, shall be permanently retained and let grow to a height of not less than 2 metres and trees allow to grow on, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 14 days.

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

7. The dwelling hereby permitted shall not be occupied until all new boundaries of the site have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area

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

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

Informatives

1. This approval relates to drawing No 01 Revision 1 which was received on 22/10/2015.

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

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

4. Consent of the Department of Environment Water Pollution Control Branch in relation to the discharge of effluent from the septic tank in accordance with the provision of the Water Act (NI) 1972 may apply. Application under the Water Act should be made to the Environmental Health (Rivers) Inspector.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 3rd November 2015 | Item Number: |
| Application ID: LA09/2015/0412/F | Target Date: 28 th September 2015 |
| Proposal: Retrospective application for retention of 2 existing sheds and extension of domestic curtilage Shed 1 domestic and agriculture storage, Shed 2 domestic garage | Location: 15 Drumaspil Road Dungannon |
| Referral Route: Objection received | |
| Recommendation: | Approve |
| Applicant Name and Address: Mr Robin Burke 15 Drumaspil Road Dungannon BT71 6HZ | Agent Name and Address: McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD |
| Executive Summary: This application was presented to the Planning Committee on 6 th October 2015 with an opinion to approve and the Planning Committee agreed to issue the approval. The DARD(NI) comments considered were not for this scheme and as such the Committee were not in receipt of the full facts of the case. For this reason the application has been brought back to the Planning Committee before any decision issues. The correct DARD(NI) comments have now been received and considered in relation to this application. | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|----------------|----------|
| Statutory | DARDNI - Omagh | Advice |

Representations:

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

Summary of Issues

Objections
Unauthorised development

Characteristics of the Site and Area

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

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

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

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

The second shed (shed 2) is located adjacent to the wall/shared boundary with No 19 Drumaspil Road and is 4.8 metres by 3.5 metres in width and 3.2 metres in height. Both sheds are constructed in dark green polyester coated steel profiled cladding to the roof and walls and have

roller shutter main doors and shed 1 has several windows in either side elevation. Shed 1 is to be used as a domestic and agricultural store and shed 2 is to be used as a domestic store.

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

Planning Assessment of Policy and Other Material Considerations

Site History - Planning permission was granted on this site for a dwelling in 1991, under M/2007/0449/F planning permission was granted for the Retention of tractor garage to provide secure storage for tractor, trailer and grass cutting equipment. There is an on-going enforcement case on this site under reference M/2015/0005/CA relating to the 2 no unauthorised sheds and unauthorised extension to curtilage.

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

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

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

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

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

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

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

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

Shed 2 by comparison is small in scale and is used for domestic storage, it lies adjacent to the boundary of the site and has a similar appearance in terms of finish and colour as the larger shed '2'. This shed is located adjacent to the boundary of this site which is defined with a block

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

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

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

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

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

Mr Burke has supplied a P1c form and DARD have been consulted on this application as it has been noted on the plans that Shed 1 is used for domestic / agricultural storage. DARD have advised a Category 3 business id was issued on 20 May 2015 and that this is not an established or active farm business. Mr Burke informed me that although he does not have any livestock, he may in the future decide to keep several sheep in the field to the rear of his dwelling and will be required to use Shed 1 for storage of straw etc and some farming equipment. Given the scale of agricultural activity at the site is not likely to be significant and that in either case neither building is suitable for housing livestock I am satisfied that the use of both sheds will be primarily for domestic purposes.

Approval Recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions

1. This planning permission takes effect from the date of this decision notice.
Reason: Development has commenced on this site.

Informatives

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

Signature(s)

Date:

Date:

| ANNEX | |
|---|----------------|
| Date Valid | 15th June 2015 |
| Date First Advertised | 29th June 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 13 Drumaspil Road, Drumaspil, Dungannon, Tyrone, BT71 6HZ The Owner/Occupier, 19 Drumaspil Road Drumaspil Dungannon The Owner/Occupier, 19 Drumaspil Road, Dungannon, Tyrone, Northern Ireland, BT71 6HZ The Owner/Occupier, 19A Drumaspil Road, Drumaspil, Dungannon, Tyrone, BT71 6HZ, The Owner/Occupier, 21 Drumaspil Road Drumaspil Dungannon The Owner/Occupier, 21A Drumaspil Road, Drumcrow, Dungannon, Tyrone, BT71 6HZ, Anon . Unknown | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | No |
| Planning History M/2007/0449/F Retention of tractor garage to provide secure storage for tractor, trailer and grass cutting equipment 15 Drumaspil Road, Killyman, Dungannon PERMISSION GRANTED 22.06.2007 | |
| Summary of Consultee Responses DARD NI Response advise the farm business is cat 3 and is not currently active and established. | |
| Drawing Numbers and Title | |

Drawing No. 01
Type:
Status: Submitted

Drawing No. 02
Type:
Status: Submitted

Drawing No. 03
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0416/F | Target Date: 1/10/15 |
| Proposal: Single storey front extension for porch and sitting room, single storey side extension for sun lounge, single storey rear extension for boiler, utility room and toilet. Detached domestic garage and relocation of existing access to provide sight lines. | Location: 90 Ballynagarve Road Magherafelt |
| Referral Route: Applicant is a relative of a member of staff. | |
| Recommendation: | Approve |
| Applicant Name and Address: Philip Doyle 1a Meadowvale Drive Magherafelt BT45 6EQ | Agent Name and Address: M.J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX |
| Executive Summary: | |
| Signature(s): N. Hasson | |

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No issues

Characteristics of the Site and Area

The site is located approximately 3 km south east east of Magherafelt in the open countryside, as defined by the Magherafelt Area Plan 2015. The site is currently a single store detached dwelling located approximately 100 metres from the Ballynagarve road. The existing laneway is also used to access agricultural outbuildings, which are currently in a state of disrepair. The site is elevated relative to the road and the rear boundary is defined by mature evergreen trees approximately 10-12 metres in height. The front boundary is defined by a wooden fence. The surrounding area is characterised by predominately agricultural land uses, interspersed with single dwellings and farm buildings. A large scale electricity pylon passes the site approximately 150 metres to the north.

Planning Assessment of Policy and Other Material Considerations

Proposal:

The proposal is a full application for a single storey front extension for porch and sitting room, single storey side extension for sun lounge, single storey rear extension for boiler, utility room and toilet, a detached domestic garage and relocation of existing access to provide sight lines. The proposal includes new external finishes to the whole dwelling, specifically white render walls, black roof tiles, black uPVC windows, black wooden doors and black rainwater goods.

Site History:

No planning history on the site.

Representations:

No representations were made.

Development Plan and Key Policy Considerations:

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 3 Access, Movement and Parking
- PPS 21 Sustainable Development in the Countryside
- Addendum to PPS 7 Residential extensions and alterations

The 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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. An alteration to a dwelling is considered acceptable where it is in accordance with the addendum to PPS 7. This policy relates specifically to residential extensions and alterations.

The proposal involves three separate extensions/alterations to the existing dwelling at the front, side and back in addition to a detached garage as well as the relocation of the site access.

The extensions are considered to be subordinate to the existing dwelling. In addition to this the proposed alterations would generally complement the proportions of the dwelling. The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. The design of the extension is sympathetic and will integrate effectively with the existing property.

The proposed detached garage is considered to be subordinate to the existing dwelling and complements the proportions, design and external materials of the dwelling and proposed extension. The proposed garage does not weaken the appearance or character of the surrounding area. The design of the garage is sensitive to the rural location and will integrate successfully with the existing dwelling.

There are no neighbours in close proximity to the site therefore the proposed extensions and garage do not adversely affect the privacy and amenity of neighbouring residents. The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environment quality and sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and

manoeuvring of vehicles.

The proposed access will not prejudice road safety or significantly inconvenience the flow of traffic therefore complying with policy AMP2 of PPS 3 and the proposal does not conflict with policy AMP 3 relating to Protected Routes. Transport NI were consulted on the proposed development and have no objections, subject to conditions relating to the provision of visibility splays. In terms of policy CTY 13 of PPS 21, I am content that the proposed access will integrate in the countryside location. The proposed access road will run straight to the road as opposed to the current access which bends and runs alongside the hedge at present. The proposal does involve the removal of some hedgerow along the roadside to provide the splays, however the proposal involves the reinstatement of the hedgerow. In terms of CTY 13, the new access will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development. It is my opinion that permitted development rights relating to boundary features such as gates, fencing etc are removed via a planning condition for this development, as these features can often be visually obtrusive, especially in a sensitive countryside location.

Two neighbours were notified of the development and there were no representations. Transport NI were the only consultee and they had no objections to development.

Recommendation:

I recommend approval for this development as it satisfies the policy tests of the SPPS, PPS 3, PPS 7 Addendum and PPS 21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend approval for this development as it satisfies the policy tests of the SPPS, PPS 3, PPS 7 Addendum and PPS 21.

Conditions:

Time

Signature(s) N.Hasson

Date: 21/10/15

| ANNEX | |
|--|----------------|
| Date Valid | 18th June 2015 |
| Date First Advertised | 29th June 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 39 Loves Road Ballynagarve Magherafelt The Owner/Occupier, 41 Loves Road Ballynagarve Magherafelt The Owner/Occupier, 89 Ballynagarve Road Ballynagarve Magherafelt The Owner/Occupier, 93 Ballynagarve Road Ballynagarve Magherafelt | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Planning History Ref ID: LA09/2015/0416/F Proposal: Single storey front extension for porch and sitting room, single storey side extension for sun lounge, single storey rear extension for boiler, utility room and toilet. Detached domestic garage and relocation of existing access to provide sight lines. Address: 90 Ballynagarve Road, Magherafelt, Decision: Decision Date: | |
| Summary of Consultee Responses Consultation: Transport NI were consulted on this application. Transport NI had no objections to the development, subject to conditions and informatives. | |
| Drawing Numbers and Title | |

Drawing No. 02
Type: Existing Floor Plans
Status: Submitted

Drawing No. 03
Type: Floor Plans
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 05
Type: Garage 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

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

Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0419/F | Target Date: 01/10/2015 |
| Proposal: Mobile Office for Cookstown Homing Pigeon Society | Location: Approx 130m NE of 73 Dungannon Road Cookstown |
| Referral Route: | Contrary to policy |
| Recommendation: | Refusal |
| Applicant Name and Address: Cookstown HPS 266 Orritor Road Cookstown BT80 9NE | Agent Name and Address: Alan McKeown 266 Orritor Road Cookstown BT80 9NE |
| Executive Summary: | |
| Signature(s): <i>Pear Hughes</i> 22-10-15 | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-----------------|
| Statutory | NI Transport - Enniskillen Office | Standing Advice |
| Statutory | Environmental Health Mid Ulster Council | No Response |

Representations:

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

| | |
|---|-----------------------|
| Number of Petitions of Objection and signatures | No Petitions Received |
|---|-----------------------|

Summary of Issues

No overriding reason why proposal cannot be located in the settlement limit.
 Contrary to PPS 3 AMP 2
 Contrary to PPS 3 AMP 3
 Contrary to PPS 3 AMP 7

Characteristics of the Site and Area

The site comprises a small thin rectangular plot of land located along the side of the main Dungannon Cookstown Road, the land is accessed via a stone lane which rises up parallel to the roadside and meets an agricultural gate before the site opens into a long narrow plot of hardstanding. It is bounded on all sides by rows of tall mature trees and a newly erected post and wire fence. Due to the surrounding vegetation the site is well enclosed and there are only broken views in or out.

The site lies just outside and due south of the cookstown settlement limit, Loughry college campus is located on the opposite side of the road, there are a scattering of single dwellings also present in the vicinity and the remained of the land could be described as rural agricultural land.

The proposal seeks planning permission for a small mobile unit to be used as a club house for Cookstown Homing Pigeon Society.

Planning Assessment of Policy and Other Material Considerations

The proposal lies just outside the development limit of Cookstown as depicted in the Cookstown Area Plan 2010.

Relevant planning policies relating to the proposal include: -

1. Shaping Our Future - Regional Development Strategy for Northern Ireland 2025.
2. The Cookstown Area Plan 2010.
3. Planning Policy Statement 1 - General Principles.
4. Planning Policy Statement 3 - Access, Movement and Parking.
5. Planning Policy Statement 21 – Sustainable development in the countryside.
6. Strategic Planning Policy Statement for NI – Planning for Sustainable Development.

The Council has the important task of guiding appropriate developments to the right places, while preventing developments that are not acceptable. In exercising its planning role, it must make provision for necessary developments, such as workplaces, houses, schools and roads, and at the same time protect the natural and built environment. It must secure economy and efficiency as well as amenity in the use of land. It must integrate a variety of complex economic, social, environmental and other factors, many of which have implications beyond the confines of the land-use planning system. The key themes that underlie the Councils approach to planning are sustainable development, mixed use, quality development and design. These themes are set out here and more detailed policies are contained in the other Planning Policy Statements and the SPPS. With this application PPS 3 and PPS21 are applicable.

PPS 3

Planning Policy Statement 3 - Access, Movement and Parking sets out the main planning considerations that the Council will take into account in assessing: the provision made for access, movement and parking in proposals for new development; proposals for car parks; and proposals which affect routes afforded protection for future transport proposals. The provisions will prevail unless there are other overriding policy or material considerations which outweigh them and justify a contrary decision.

PPS 3 - AMP 2

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic;
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Transport NI were consulted and have opposed the application stating that "if permitted, the proposal would prejudice the safety and convenience of road users since the width and gradient of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Councils Development Control Advice Note 15."

PPS 3 - AMP 3

As the proposal involves an access onto a public route policy AMP3 is particularly prevalent. Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Transport NI have been consulted and have opposed the application stating "the proposal would, if permitted, result in the creation of the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety."

PPS 3 – AMP 7

Policy AMP 7 deals with car parking and service arrangements and therefore is also relevant. It states that "Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements..... Proposals should not prejudice road safety or significantly inconvenience the flow of traffic."

Transport NI were consulted and have stated that "if the proposal were to be permitted, it would prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site. Such as the pigeon transport lorry.

PPS 21 CTY1

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. In addition other types of development will be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. In this case the application is applying for a non-residential use (mobile office for HPS) in the open countryside.

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.

The proposed development is for the Cookstown Homing Pigeon Society, whom have leased the land and propose to locate a mobile office on site to serve as a club room. It is intended that the members will meet twice weekly for 90 minutes between the months of April and September. The HPS has been established since 1956, however it has not been made clear where the current meeting place is and as to why they require a new premises.

This application does not fall within any of the above categories and the applicant has not demonstrated any overriding reason why it cannot be located within the settlement limit therefore refusal recommended

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

PPS21 CTY13

It is my opinion that there is sufficient landscaping and trees to assist with integration of the proposed building into the landscape. The design, size and scale of the building would allow the building to blend in successfully with its immediate and wider surroundings. I have no concerns for integration.

PPS21 CTY14

It is my opinion that the proposal is of a size and scale that will not have a detrimental impact on the rural character of this area and will not offend policy CTY14.

Recommendation

CTY1

AMP2

AMP3

AMP7

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal – Contrary to policies:

PPS 21 - CTY1

PPS 3 - AMP2

PPS 3 - AMP3

PPS 3 - AMP7

Reasons for Refusal:

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

2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

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

4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width and gradient of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Councils Development Control Advice Note 15.

Signature(s)

Date:

| ANNEX | |
|---|----------------|
| Date Valid | 18th June 2015 |
| Date First Advertised | 29th June 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Killycolp Road, Gallanagh, Tullyhogue, Cookstown, Tyrone, BT80 9AD, The Owner/Occupier, 2 Killycolp Road, Gallanagh, Tullyhogue, Cookstown, Tyrone, BT80 9AD, The Owner/Occupier, 3 Killycolp Road, Gallanagh, Tullyhogue, Cookstown, Tyrone, BT80 9AD, The Owner/Occupier, UNIT 1, 3A Killycolp Road, Gallanagh, Tullyhogue, Cookstown, Tyrone, BT80 8UL, The Owner/Occupier, UNIT 2, 3A Killycolp Road, Gallanagh, Tullyhogue, Cookstown, Tyrone, BT80 9AD, The Owner/Occupier, UNIT 3, 3A Killycolp Road, Gallanagh, Tullyhogue, Cookstown, Tyrone, BT80 9AD, | |
| Date of Last Neighbour Notification | 24th June 2015 |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Planning History Ref ID: I/2002/0629/F Proposal: Installation of mobile stone crushing plant Address: Cookstown Cement Works and Quarry, Sandholes Road, Cookstown Decision: Decision Date: 16.01.2003 Ref ID: LA09/2015/0419/F Proposal: Mobile Office for Cookstown HPS Address: Approx 130m NE of 73 Dungannon Road, Cookstown, Decision: Decision Date: | |

Summary of Consultee Responses

Environmental Health – No concerns
 Transport NI – Contrary to policy AMP2, AMP3, AMP7.

Drawing Numbers and Title

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

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

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 3/11/2015 | Item Number: |
| Application ID: LA09/2015/0569/O | Target Date: 5 th November 2015 |
| Proposal: Site for dwelling | Location: 137 Mullaghmore Road Dungannon |
| Referral Route: Refusal is recommended | |
| Recommendation: | Refusal |
| Applicant Name and Address: E Daphne Murphy Greenhaven 137 Mullaghmore Dungannon BT70 1RD | Agent Name and Address: |
| Case Officer: Cathy Hughes | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site occupies a garden area associated with No 137 Mullaghmore Road, Donnaghmore. It is a rectangular portion of land approximately 0.12 hectares, sitting south of No 137 which is a roadside bungalow that sits below the road. The northern boundary of the site is defined by a low concrete wall, beyond which is a concreted area for parking. The eastern and southern boundaries comprise well established trees and the western roadside boundary is a low hedge.

The site is whiteland in the Dungannon and South Tyrone Area Plan. It is located in the rural countryside just outside of the village of Donnaghmore. There are a number of dwellings on the opposite side of the road and a large treed area is located to the east and south of the site. There is no other planning history on this site apart from the initial permission for the dwelling.

Details of proposal

This is an Outline application for a dwelling on land within the curtilage of No 137 Mullaghmore Road, Donnaghmore.

Representations and Consultations

Transportni have no objections and state any subsequent application must provide visibility splays of 2.4 metres by 90 metres in both directions which would require hedge line removal. This application was advertised in the local press and neighbours were notified, there were no objections received.

Planning Assessment of Policy and Other Material Considerations

This site is located outside of any settlement limits in the countryside as defined in the Dungannon and South Tyrone Area Plan 2010, therefore PPS 21 - Sustainable Development in the Countryside is applicable.

Policy CTY 1 states a range of instances where a dwelling in the countryside may be allowed. The application does not meet the policy tests in relation to a Dispersed Rural Community (CTY 2) nor would it meet the criteria of a CTY 2a - New Dwelling in an Existing Cluster. There is no replacement opportunity on the site (CTY 3) and no option for the Conversion and Reuse of Existing Buildings as in CTY 4. No case been offered as to why it meets the essential needs of a Non- Agricultural Business (CTY 7) or a dwelling on a farm (CTY 10).

Policy CTY 8 does allow for an infill opportunity where there are three or more buildings along a road frontage and where the gap could accommodate no more than two dwellings. This application could not be assessed as an infill site as there is a large gap to the north between Nos 137 and 143 Mullaghmore and there aren't three or more buildings fronting onto the road. To the south there is a huge distance between No 137 and the next building which is No 2 and fronts onto the Tullydraw Road. Therefore this site would not meet the criteria of this policy as it cannot be considered as an infill opportunity.

This application would also fail to meet the policy requirements of CTY 14 in that a building on this site would further erode the rural character along the Mullaghmore Road as it would result in a suburban style of build-up when viewed with existing buildings.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Given the close proximity of this site to the village of Donnaghmore and that there has been no case put forward as to why this proposal should be located on this application site, I would recommend refusal as it fails to comply with policies CTY 1, CTY 8 and CTY 14 in PPS 21.

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute an infill 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 and approved buildings along Mullaghmore Road and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Informatives

This refusal notice relates to drawing No 01 which was received on 23rd July 2015.

Signature(s)

Date:

| ANNEX | |
|--|------------------|
| Date Valid | 23rd July 2015 |
| Date First Advertised | 10th August 2015 |
| Date Last Advertised | 14th August 2015 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 130 Mullaghmore Road Annaghbeg Dungannon The Owner/Occupier, 137 Mullaghmore Road, Annaghbeg, Dungannon, Tyrone, BT70 1RD, | |
| Date of Last Neighbour Notification | 5th August 2015 |
| Date of EIA Determination | |
| ES Requested | No |
| Planning History Ref ID: M/1998/0664 Proposal: Proposed dwelling Address: ADJACENT TO 137 MULLAGHMORE ROAD DONAGHMORE Decision: Decision Date: Ref ID: M/1974/0575 Proposal: 2 NO. SINGLE-STOREY DWELLINGS Address: ANNAGHBEG, DONAGHMORE, DUNGANNON Decision: Decision Date: Ref ID: M/1974/057501 Proposal: ERECTION OF TWO PROFESSIONAL RESIDENCES Address: ANNAGHBEG, DONAGHMORE Decision: Decision Date: Ref ID: LA09/2015/0569/O Proposal: Site for dwelling Address: 137 Mullaghmore Road, Dungannon, Decision: Decision | |

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| <p>Summary of Consultee Responses</p> |
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| <p>Transportni have no objections to this proposal.</p> |
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| <p>Drawing Numbers and Title</p> |
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| <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> |
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| <p>Notification to Department (if relevant)</p> |
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| <p>Date of Notification to Department: Response of Department:</p> |
|--|



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0612/F | Target Date: 31/07/2015 |
| Proposal: Retention of Re-Orientated Modular Dwelling | Location: Opposite No 30 Annaghmore Road Moortown |
| Referral Route: | Contrary to policy |
| Recommendation: | Refusal |
| Applicant Name and Address: John and Paula Quinn c/o Agent | Agent Name and Address: APS Architects llp Unit 4 6 Derryloran Industrial Estate Cookstown BT80 9LU |
| Executive Summary: | |
| Signature(s): <i>Paula Hughes</i> 22-10-15. | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-----------------|
| Statutory | NI Transport - Enniskillen Office | Content |
| Statutory | Environmental Health Mid Ulster Council | Standing Advice |

Representations:

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

Summary of Issues

Aerial photographs dated 14/05/08, 23/03/11 and 26/03/12 show a larger building on the site which is located further west, adjacent the western boundary. Google Street View photographs dated July 2009 and April 2011 also show this larger building on the site. This building appears to be made from the same materials but is much longer and sited differently than the current building on site. The Street View photographs also show domestic toys, bins, etc. on the site as well as a trailer. The 2011 Street view photographs show a boat stored on the site. This same boat can be seen in the photograph I took on site on 20/10/15. It would appear that this larger building was used for residential purposes. As this is a different building I do not think that immunity has been reached.

CTY1 – No case has put forward no case of need as to why the dwelling is needed nor does the proposal fit in with other criteria

CTY13 - Integration

CTY14 – Build up

Characteristics of the Site and Area

The site comprises a small square plot of land located opposite of number 30 Annaghmore Road, Cookstown. The site is relatively flat with undefined boundaries on the South and East. There is a mature hedgerow to the North along the roadside and the West. The front part of the site has a mix of stone and hard cored ground cover with grass to the rear portion. The mobile is situated parallel to the Western boundary. The site also includes a heaped mound of topsoil, a boat and a number of cars at the time of site visit. It must also be noted that the red line of the site location plan does not follow the boundaries on the ground. A section of the neighbouring dwellings garden and driveway is in the east corner of the proposed sites red line. (as shown in the above orthographic photo.)

The pre-fab or modular building is located opposite and south of number 30 Annaghmore Road, Cookstown and west of number 26. The area around the site is fairly flat and is characterised by dispersed rural dwellings.

The proposal seeks planning permission for the retention of and re-orientation of a modular dwelling.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

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

Site history

I/2000/0744/O - Site for dwelling refused.

I/2014/0075/CA - Current enforcement action

PPS 21 - Sustainable Development in the Countryside:

CTY1 of PPS21 allows for residential development in the countryside, provided it meets with the criteria set out in one of Policies CTY2 to CTY10. In this case the applicant has put forward no case of need as to why the dwelling is needed nor does the proposal fit in with other criteria i.e. infill, clustering etc.

In light of this it is considered that the proposal is unacceptable in policy terms.

PPS21 also requires new development to be sited so as not to detract from the rural appearance of the countryside and as such must meet with policies CTY13 and CTY14. Road Traffic Engineers, from Transport NI, have advised the access to the dwelling is substandard and would require the removal of the hedge along the frontage of the site to allow a safe access to be provided. This would open up public views even further, this modular dwelling is located along the existing hedge line, however, the proposal seeks to re-orientate and re-site so that it sits more central in the site and away from the boundary and would in this position be more prominent in the site and visible from both directions along the Tamlaghtmore Road.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the design of the proposed building is inappropriate for the site and its locality.

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 nos 26 and 30 Tamlaghtmore Road and would therefore further erode the rural character of the area.

Since the submission of this application the Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 21 are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area.

No CLUD has been submitted to the council to establish the lawfulness of the building. On the basis of the information presented I recommend this application for refusal and note this is an unauthorised modular dwelling which is the subject of a valid enforcement case. The enforcement team issued a warning letter on the 19th May 2005.

Recommendation Refusal

CTY 1

CTY13

CTY14

Neighbour Notification Checked

Yes

Summary of Recommendation:**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the design of the proposed building is inappropriate for the site and its locality.
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 and approved buildings and would therefore further erode the rural character of the countryside.

Signature(s)



Date:

22-10-15.

| ANNEX | |
|--|------------------|
| Date Valid | 31st July 2015 |
| Date First Advertised | 17th August 2015 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 26 Annaghmore Road Annaghmore Ardboe The Owner/Occupier, 30 Annaghmore Road Annaghmore Ardboe The Owner/Occupier, 33 Annaghmore Road, Annaghmore, Ardboe, Cookstown, Tyrone, BT80 0JA, | |
| Date of Last Neighbour Notification | 13th August 2015 |
| Date of EIA Determination | |
| ES Requested | No |
| Planning History Ref ID: I/2000/0309/O Proposal: Site for Dwelling Address: 50m south east of 30 Annaghmore Road Cookstown Decision: Decision Date: 04.09.2000 Ref ID: I/2001/0021/RM Proposal: Proposed domestic dwelling Address: 50m South East of 30 Annaghmore Road Cookstown Decision: Decision Date: 26.02.2001 Ref ID: I/2000/0744/O Proposal: Site for new dwelling Address: Site opposite no 30 Annaghmore Road Coagh Cookstown Decision: Decision Date: 21.03.2001 Ref ID: LA09/2015/0612/F Proposal: Retention of Re-Orientated Modular Dwelling Address: Opposite No 30 Annaghmore Road, Moortown, | |

Summary of Consultee Responses

Environmental Health – No objections subject to conditions

Transport NI – pointed out that the vehicular access is substandard.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location

Status: Submitted

Drawing No. 02

Type: Detailed Drawings

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Cornhairle Ceantair
Lár Uladh
Mid Ulster
District Council

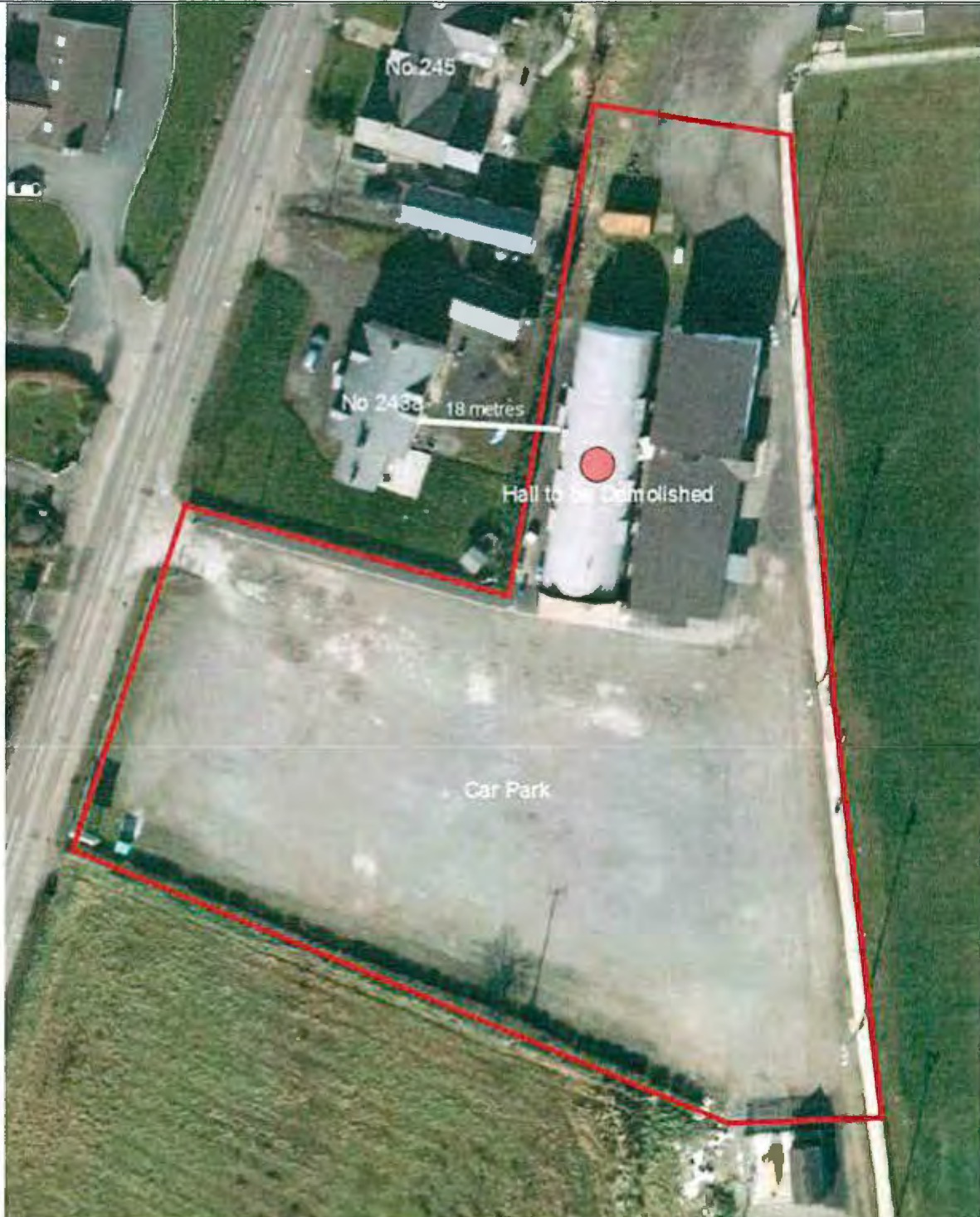
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0646/F | Target Date: |
| Proposal: Replacement of the existing community hall and internal alterations to the existing changing, kitchen and meeting rooms | Location: Ballymaguigan GAA Club Shore Road Magherafelt BT45 6LH |
| Referral Route: Request from Planning Committee Member, Councillor McPeake, to be brought in front of the Planning Committee. | |
| Recommendation: | Approve |
| Applicant Name and Address: Ballymaguigan GAA Shore Road Ballymaguigan BT45 6LW | Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG |
| Executive Summary: | |
| Signature(s): Sean Diamond | |

Case Officer Report

Site Location Plan



Consultations:

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

| | | |
|---|---|--------------|
| Non Statutory | NI Water - Single Units West - Planning Consultations | No Objection |
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | None Received | |
| Number of Support Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and signatures | No Petitions Received | |
| Summary of Issues: Principle of Development, Design and Layout, Car Parking, Access and Residential Amenity. | | |
| Characteristics of the Site and Area The site is located within the development limits of Ballymaguigan in accordance with the Magherafelt Area Plan 2015. The site is located at 243 Shore Road Ballymaguigan and comprises of Ballymaguigan GAA ground made up of a hall, community centre, changing rooms, car park and large and small football pitches. The site and the surrounding area is relatively flat. The nearest dwelling, No 243a a one and half storey dwelling abuts the site along the western boundary and a 3m high evergreen hedge defines the boundary between both No 243a and the building to be replace. | | |
| Planning Assessment of Policy and Other Material Considerations Detail of the proposal: The proposal is a full application for the replacement of an existing community hall and internal alterations to the existing changing rooms, kitchen and meeting rooms. An old 'Nissan' hut style building will be demolished and replaced with a modern pitched roof building sited on the existing footprint. The length of the building will increase by 6m and the width of the building will remain relatively the same. The height of the building will increase from approximately 6m to 11m at the ridge. The existing changing rooms and the two storey community building are to be retained and incorporated into the design to provide one building. The wall finished are smooth rendered painted white and smooth aluminium panels and the roof finishes are smooth aluminium panels. | | |
| Relevant Site History: No relevant site history. | | |
| Representations: 7 neighbour notification letters were sent to the occupiers of 240, 243a, 244, 244a, 245, 246 and 248 Shore Road, Ballymaguigan, Ballyronan No letter of representation have been received. | | |
| Development Plan and Key Policy Consideration: Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. | | |
| <u>Magherfelt Area Plan 2015:</u> The site is located within the development limits of Ballymagugian and is identified as white land. There are no other designations on the site. | | |
| <u>SPPS – Strategic Planning Policy Statement for Northern Ireland:</u> 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.

PPS 8: Open Space, Sport and Outdoor Recreation: sets out planning policy for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

The proposed development is located within the development limits and therefore Policy OS 4 Intensive Sports Facilities of PPS 8 is applicable. The policy indicates that a range of facilities are considered acceptable within the development limits. Paragraph 5.37 states intensive sports facilities, for the purposes of this PPS, include stadia, leisure centres, sports halls, swimming pools and other indoor and outdoor sports facilities that provide for a wide range of activities. Policy OS 4 goes on to state that all developments of intensive sports facilities will be required to meet the following criteria:

1. there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;
2. there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
3. buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
4. the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport
5. the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal

Neighbourhood Amenity

A sports facility located within a development limit can generate issues around noise, overshadowing and dominance. The fact the site is an existing sports facility, noise is unlikely to have a significant impact on nearby residents except during the construction stage. The issues regarding overshadowing and dominance is likely to have some impact, especially on the closest residential property, No 243a because of the proposed increase in ridge height. The approximate height of the existing hall is estimated at around 6m, the proposed height of the new hall is 11m at the ridge with an eaves height of 7.5m on its western elevation. Whilst the property at No 243a will experience some early to mid-morning overshadowing to the rear of its private amenity area, on balance the level of overshadowing is not considered sufficient to warrant refusing the proposal. Similarly the issue regarding dominance is not considered sufficient to have a detrimental impact on the amenity of the residents at No 243a due the proposed separation distance of 18m between both properties and modest increase in the visual impact of the proposal.

Nature Conservation, Archaeology and Built Heritage.

The proposal will have no adverse impact on nature conservation, archaeology or built heritage.

Design and Layout

It is considered that the proposal and the internal alterations are designed to a high standard and

are of a scale appropriate to the local area. The proposal replaces an old and unsightly 'Nissan' hut type building with a modern and stylish building. The proposal will be incorporated into the retained built form to provide one large building.

Takes into account the needs for people with disabilities and is accessible to the local community

The proposal will need to comply with current Disabled Access Regulations under the DDA (Disability Discrimination Act). The regulations are enforced by the Council's Building Control Department. It is anticipated the building will be accessible for all members of the local community.

Access and Road Safety

Transport NI has raised no objection to the proposal, subject to conditions. It is considered that the proposed development complies with Policy AMP 2 of PPS 3 and that the proposal will not lead to a significant deterioration in road safety. Ample car parking is provided within the area outlined in red.

Neighbour Notification Checked

Yes/

Summary of Recommendation: That planning permission is approved subject to the following conditions.

Conditions

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

Reason: Time Limit.

2. The vehicular access, including visibility splays of 2.4m x 120m in both directions, shall be in place in accordance with drawing No 02 which was received on 07th August 2015, prior to the commencement of any other works or other development hereby permitted.

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

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

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

Informatives

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

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

3. The applicant's attention is drawn to the relevant provisions of the Disabled Access Regulations (Disability Discrimination Act 1995).

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

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

6. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

7. The proposed development must satisfy the requirements of the Food Hygiene Regulations (NI) 2006.

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

9. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Regional Development is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.

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

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

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

13. It is the responsibility of the developer to ensure that:

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a DRD Transportni drainage system.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 3/11/2015 | Item Number: |
| Application ID: LA09/2015/0695/F | Target Date: 30/11/2015 |
| Proposal: Installation of a 20m high lattice tower with 6 antennas and 2 dishes. The development includes installation of 6 no. equipment cabinets, ancillary development within 2.2 metre high fencing and new access lane | Location: Land to the rear of 39 Carricklongfield Road Aughnacloy |
| Referral Route: One letter of objection was received. | |
| Recommendation: | Approval |
| Applicant Name and Address: Arqiva Ltd c/o Agent The Harlequin Group | Agent Name and Address: The Harlequin Group Cathedral Quarter 1st Floor 25 Talbot Street Belfast BT1 2LD |
| Case Officer: Cathy Hughes | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Non Statutory | Environmental Health Mid Ulster Council | Substantive Response Received |

Representations:

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

Summary of Issues

A letter of objection to this telecommunications mast was submitted from Muldoon Transport. They have three planning applications in proximity to the site which they claim development has commenced on. They raised a number of concerns regarding health effects, noise disturbance, lack of landscaping, proximity to Carrick Lough and Carricklongfield Quarry SLNCIs, ecological impacts and damage to the landscape quality and amenity of the area.

Characteristics of the Site and Area

This application site is located on land approximately 220 metres East of No 39 Carricklongfield Road, Aughnacloy. It proposes to be accessed off an existing concrete laneway which serves No 39 and then a new access proposes to cross a field along the hedgerow to its location in the host field.

The host field which is an irregular bow shape measures approximately 2 hectares. The site occupies an elevated position in this field where the land then falls to the north. All the field boundaries are hedged with some trees also. The site sits in the eastern corner of the field

approximately 6 metres from an evergreen hedge approximately 1.5 – 2 metres in height which runs along a stone agricultural laneway. This laneway is off the Carricklongfield Road and continues to the north east of the site and it serves agricultural sheds and outbuildings approximately 200 metres from the site.

This site lies within the rural countryside approximately 3 kilometres east of Carntee and 5 kilometres south west of Eglis. The surrounding area and immediate locality is characterised by a winding road network with agriculture the dominant land use in this undulating topography. A dispersed pattern of development exists with individual dwellings and farm holdings located along the roadside along laneways.

The site is undefined in the Dungannon South Tyrone Area Plan.

Planning History

There is no planning history on this application site. However the objector has three planning permissions south and east of the site.

M/2005/2410/F was granted permission in November 2006 for a dwelling at 400m South West of 53 Carricklongfield Road. In April 2008, M/2007/1587/RM was granted approval for a dwelling at approximately 420m West of 53 Carricklongfield Road and at 460m south west of 53 Carricklongfield Road, a replacement dwelling was approved under M/2008/0836/RM in October 2008.

Proposal Description

This application seeks full planning permission for the installation of a 20m high lattice tower with 6 antennas and 2 dishes. The development includes the installation of 6 no. equipment cabinets, ancillary development within 2.2 metre high fencing and a new access lane. A compound measuring 7 metres by 7 metres with close board fencing 2.2 metres high would surround the mast and associated cabinets. A single 1 metre high cabinet is located outside of the compound.

The proposed access will measure 3 metres wide and 235 metres in length.

Representations and Consultations

This proposal was advertised in the local press and two adjacent properties were notified.

A letter of objection was submitted from Muldoon Transport who have three planning applications in proximity to the site, on which they claim development has commenced. They raised a number of concerns regarding health effects, noise disturbance, lack of landscaping, proximity to Carrick Lough and Carricklongfield Quarry SLNCIs (Site of Local Nature Conservation Importance), ecological impacts and damage to the landscape quality and amenity of the area.

With regards to health concerns raised by the objector about emissions associated with mobile telecommunications, The Department of Health, Social Services and Public Safety (DHSSPS) considers that the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure to electromagnetic fields, as accepted by the World Health Organisation are based on the best evidence available to date. It is the view of DHSSPS that if the proposed development meets the ICNIRP guidelines in all respects it should not be necessary to consider this aspect further in the decision making process.

An ICNIRP certificate was submitted declaring that this proposal when operational will meet the ICNIRP guidelines.

Although there may be some noise disturbance during the initial construction of this proposal, I would not have concerns regarding any noise disturbance created by this proposal. Environmental Health have no concerns with this proposal.

No landscaping scheme was submitted as part of this application however, in order to address concerns over the landscape of the area, this could be attached as a requirement in a condition if this proposal were granted approval.

Carrick Lough SLNCI is a low altitude lake with unenriched water chemistry and is located 600 metres to the north of this proposal. Carricklongfield Quarry SLNCI are located approximately 450 metres from this proposal. A Habitats Assessment was conducted for this application and it was not deemed necessary to consult any external bodies regarding these features.

Regarding the objector's planning applications, the dwelling approved under M/2005/2410/F is approximately 140 metres from this proposal, and expired in November 2011. Application M/2007/1587/RM is sited approximately 60 metres from this proposal and expired in April 2010. There is no evidence that any development has commenced on any of these sites and the objector has not provided any information to demonstrate this, therefore these two applications have expired and any development on these sites would require new planning applications. The replacement dwelling granted approval under application M/2008/0836/RM expired in October 2013, however the structure to be replaced remains on the site so a new subsequent application for a replacement dwelling on this site would take this history into consideration. Currently there are no live planning permissions in proximity to this proposal as is claimed by the objector.

Planning Assessment of Policy and Other Material Considerations

This development proposal aims to develop a base station as part of the Government's Mobile Infrastructure Project (MIP) which is funded by the Department of Culture, Media and Sports (DCMS).

The proposed structure will be utilised by the four main network providers – Vodafone, O2, Three and EE and will provide network coverage for a rural area which currently has no or poor coverage and is known as a "not spot".

This proposal is required in order to meet the increased public demand and service expectations which have inflated with the continued growth of mobile telecommunication usage by increasing and improving connectivity.

The RDS aims to promote achieving sustainable economic development and social inclusion. It recognises the need for modern efficient telecommunication infrastructure and seeks to improve telecommunication services in smaller rural areas in order to minimise the urban/rural divide.

Policy PSU13 in the Rural Strategy seeks to balance the need and demand for maintaining and developing telecommunication systems while protecting amenity.

Following the publication of the Strategic Planning Policy Statement (SPPS) in September, PPS 10 - Telecommunications is retained, apart from Policy TEL 2.

PPS 10 explains it is not a requirement to query the need of any such development. Policy TEL 1 – Control of Telecommunications Development in PPS 10 requires that all proposals for telecommunications equipment be designed and sited to minimise visual impact or demonstrate no harm to environmentally sensitive features and locations.

The applicant is required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

Policy TEL 1 states proposals for the development of a new telecommunications mast will only be considered acceptable where the above requirements are met and it is reasonably demonstrated that:

- (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or
- (b) a new mast represents a better environmental solution than other options.

Paragraph 6.19 in Policy TEL1 reiterates the need for all applications for new masts to be accompanied by evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored and should outline the specific reasons why this course of action is not possible.

The applicant has explained that mast sharing is not an option for this development proposal as there are no Mobile phone Network Operator (MNO) base stations within the "not spots", hence the need for this proposal at this location. The site for this proposal must be on an elevated position, so high obstacles don't block transmission signals. If this proposal were approved it would be a shared mast.

The applicant detailed that due to the aim of this development proposal and the wider project, the search area for the siting of the mast was limited as it needs to be located within an "not spot" which are characteristically socially and economically disadvantaged areas due to the lack of an adequate or any telecommunication network. Subsequently this constrained the potential location for the mast due to the existing geographical locations of these "not spots".

A total of seven possible sites were identified and investigated for this development proposal and a map was provided showing their location. They were discounted by the agent as they were not viable due to a mixture of reasons – coverage issues, lack of screening, unwilling landowners and topography issues.

The proposal on this site would benefit from the thick vegetated hedgerow existing along the southern boundary of the host field along agricultural laneway.

Although it would be impossible to completely disguise this proposal, additional planting close to the base compound may add integration in some way into the landscape.

Paragraph 6.12 in Policy TEL1 states that in countryside areas, operators should also seek to use existing lanes or tracks to provide access to their sites as a new access road may cause greater visual impact or environmental damage than the actual installation.

This application will utilise an existing concrete access onto the Rehaghy Road and the additional new proposed track will run along the hedgerow, thus being less intrusive.

DCAN 14 advises in Paragraph 3.26 that masts seen against the sky are best left in their galvanised state or painted pale grey, as is this proposed tower.

The permeable design of the lattice tower aids integration and combined with the undulating topography and the road network of the surrounding area, long range views of the proposal are minimised.

The Black Lough Area of Special Scientific Interest (ASSI) sits over 1 kilometre south west of this proposal. The potential impact of this proposal on this European designated site has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 as amended. This proposal would not be likely to have a significant effect on the features, conservation objectives or the status of this ASSI.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having taken into consideration the objector's concerns, I would recommended this proposal for approval subject to conditions as it satisfies the requirements of Policy TEL 1 in PPS 10.

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. Within 6 months of the cessation of the use of this proposal, all above ground structures shall be removed and the site restored to a condition which is as close as possible to its original state and to a standard in accordance with a scheme to be submitted to and agreed with the Council prior to the commencement of any decommissioning works

Reason: In the interests of visual amenity, to restore the site and maintain the landscape quality of the area.

3. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full details of a landscaping scheme have been submitted to and approved in writing by the Council and these works shall be carried out as approved.

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

Informatives

1. This notice relates to drawing Nos01, 03, 04 and 06 which were received on 17th August 2015.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

| ANNEX | |
|---|--------------------------------|
| Date Valid | 19th August 2015 |
| Date First Advertised | 31st August 2015 |
| Date Last Advertised | 4 th September 2015 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 37 Carricklongfield Road, Aughnacloy, The Owner/Occupier, 39 Carricklongfield Road, Aughnacloy, Justin Muldoon Muldoon Transport Ltd, 181 Clonmore Road, Dungannon, BT71 6HX | |
| Date of Last Neighbour Notification | 20th October 2015 |
| Date of EIA Determination | N/A |
| ES Requested | No |
| Planning History Ref ID: LA09/2015/0695/F Proposal: Installation of a 20m high lattice tower with 6 antennas and 2 dishes. The development includes installation of 6 no. equipment cabinets, ancillary development within 2.2 metre high fencing and new access lane Address: Land to the rear of 39 Carricklongfield Road, Aughnacloy, Decision: Decision Date: | |
| Ref ID: M/2004/1393/F Proposal: Proposed dwelling & garage Address: 270m South West of 39 Carricklongfield Road, Aughnacloy Decision: Decision Date: 10.03.2005 | |
| Ref ID: M/2003/0477/O Proposal: Proposed 2 storey dwelling and garage Address: 270m South West of 39 Carricklongfield Road, Aughnacloy Decision: Decision Date: 17.06.2003 | |
| Summary of Consultee Responses Environmental Health have no concerns about this proposal. | |


| Drawing Numbers and Title |
|---|
| Drawing No. 01 Type: Site Location Plan Status: Submitted |
| Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted |
| Drawing No. 03 Type: Proposed Plans Status: Submitted |
| Drawing No. 04 Type: Proposed Plans Status: Submitted |
| Drawing No. 05 Type: Proposed Plans Status: Submitted |
| Drawing No. DOC1 Type: Technical Specification Status: Submitted |
| Notification to Department (if relevant) Date of Notification to Department: Response of Department: |



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2015/0738/F | Target Date: 11.12.2015 |
| Proposal: Material change of use from retail premises to a café premises | Location: 49 Irish Street Dungannon (Amended address) |
| Referral Route: An application for planning permission where the application is made by an elected member of the Council. | |
| Recommendation: | Approval |
| Applicant Name and Address: Denise Mullan c/o Agent Colm Donaghy Chartered Architect | Agent Name and Address: Colm Donaghy Chartered Architect 24 Killyman Street Moy BT71 7SJ |
| Executive Summary: The proposal is for a change of use from retail to a café within the town centre of Dungannon. The proposal complies with current policy. No consultee objection. No third party representations received. | |
| Signature(s):  | |

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Environmental Health recommended standard conditions be attached. Transport NI attached informatives. No third party representations received.

Characteristics of the Site and Area

The site lies on Irish Street, Dungannon, a busy one way thoroughfare feeding traffic from Donaghmore side of town into the centre of town. The streetscape is two storey on either side, the street rises moderately in an easterly direction towards town centre. There are a mix of land use types at ground floor level and offices/residential at first floor level.

Planning Assessment of Policy and Other Material Considerations

SPPS - Planning for Sustainable Development.
 PPS1 - General principles
 DCAN 4 - Restaurants, Cafes and Fast Food Outlets
 Dungannon and South Tyrone Area Plan 2010.

The SPPS document, released September 2015, deals specifically with Town Centres and Retailing. It emphasises the need for planning to support and sustain vibrant town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

PPS 1 requires that one must assess the impact of the proposal on neighbouring properties and neighbourhood, it reminds us that the planning system is not here to protect the private interests of one person against the activities of another but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

In the Dungannon and South Tyrone Area Plan 2010, the site is within an Area of Townscape Character, an Area of Archaeological Potential and within the town centre. The proposal is for a change of use in an existing building on Irish Street, so no building works are proposed. Any proposed signage would require a separate application. NIEA were not consulted in terms of the area of archaeological potential as no new building works were proposed.

The site is to be located in Irish Street, Dungannon, a one way traffic system is in place on the street. The street has remained vibrant throughout the recession thanks due to the good mix of land use types found there. There is no one particular land use prevalent. One can find bars, cafes, bookmakers, chemists at ground floor level with a mix of residential and office space at first floor level.

The proposal is in keeping with the surrounding land uses. Environmental Health were consulted for opinion and returned comment of no objection, subject to condition. Transport NI also returned comment of no objection.

No third party representations were received.

I recommend the application be approved as it complies with all relevant policy for this town centre location.

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

Summary of Recommendation:

Environmental Health returned comment of no objection, subject to condition and informatives. Transport NI returned comment of no objection subject to informatives.

No third party representations received.

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. Suitable ventilation and filtration equipment shall be installed to suppress and disperse odours created from operations on the premises.

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

3. The outlet from any extract ventilation ducting shall terminate at a height not less than 1 metre above the ridge eaves height (of the main building or nearest building) and it should be directed away from sensitive properties.

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

4. A suitably silenced mechanical ventilation system is required such that internal noise will not escape nor air handling tones are perceptible. The outlet from any such system should be directed away from noise sensitive premises.

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

5. The premises shall not remain open for business prior to 08:00hrs or after 23:00hrs.

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

6. Plant shall not be operated between 23:00hrs and 07:00hrs

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

7. Deliveries to the property shall not be made before 07:00hrs or after 23:00hrs

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

Informatives

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

2. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by the Department BEFORE any such signs are erected.

3. The applicant's attention is drawn to:

i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and

ii. the Code of Practice for Access for the Disabled to buildings.

4. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for People with Disabilities"" available from Divisional Planning Offices.

5.

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

required.

- Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.
- Provision shall be made to the satisfaction of Roads Service, to ensure that surface water does not flow from the site onto the public road.

Signature(s)

M McLaughlin:

Date:

20/10/15.

| ANNEX | |
|---|---------------------|
| Date Valid | 28th August 2015 |
| Date First Advertised | 7th September 2015 |
| Date Last Advertised | 21st September 2015 |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, 41 Irish Street Drumcoo Dungannon The Owner/Occupier, 45 Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 45a Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 45b Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 45c Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 47 Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 48-50 Irish Street Drumcoo The Owner/Occupier, 48A Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 49 Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 49 Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 51 Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 51A Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 51B Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DB, The Owner/Occupier, 52 Irish Street,Drumcoo,Dungannon,Tyrone,BT70 1DQ, The Owner/Occupier, 57 Irish Street, Drumcoo, Dungannon, Tyrone, BT70 1DB The Owner/Occupier, FLAT A,1 Greers Road,Drumcoo,Dungannon,Tyrone,BT70 1DR, The Owner/Occupier, FLAT B,1 Greers Road,Drumcoo,Dungannon,Tyrone,BT70 1DR, The Owner/Occupier, FLAT C,1 Greers Road,Drumcoo,Dungannon,Tyrone,BT70 1DR, The Owner/Occupier, | |

| | |
|--|--------------------|
| Flat A,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat Above 'Beauty Secrets' , Irish Street, Dungannon. The Owner/Occupier, Flat B,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat C,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat D,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat E,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat F,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat G,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat H,3 Greers Road,Drumcoo,Dungannon,Tyrone,, The Owner/Occupier, Flat I,3 Greers Road,Drumcoo,Dungannon,Tyrone,, | |
| Date of Last Neighbour Notification | 9th September 2015 |
| Date of EIA Determination | |
| ES Requested | No |
| Planning History Ref ID: M/2009/0614/F Proposal: Environmental improvements including revised road & parking layout, improved public space with market sq & grass terrace seating, new street lighting, tree planting, seating, litter bins & an improved setting for the cenotaph Address: Market Square (BT70 1AB, BT70 1JD, BT70 1JH) Castle Hill (BT70 1JP) Church Street (BT71 6AB) Irish Street (BT70 1DB), Dungannon Town Centre Decision: Decision Date: 18.02.2010 Ref ID: M/2007/0613/Q Proposal: Dungannon Town Centre Health Check Planning Search Address: Dungannon Town Centre Decision: Decision Date: Ref ID: M/1998/0068 Proposal: Demolition of existing stores and erection of new stores and toilet facilities to rear of existing shop units Address: 47-49 AND 51 IRISH STREET DUNGANNON Decision: | |

Decision Date:

Ref ID: M/1987/0612

Proposal: CONVERSION OF EXISTING STORES ABOVE SHOP UNITS TO OFFICE ACCOMMODATION

Address: 47, 49, 51 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1982/0020

Proposal: CONVERSION OF COMMERCIAL PROPERTY 1ST AND 2ND FLOORS TO 3 NO FLATS

Address: 47, 49, AND 51 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1980/0674

Proposal: CHANGE OF USE FROM SHOP TO OFFICES

Address: 51 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2015/0738/F

Proposal: Material change of use from retail premises to a café premises

Address: 48 Irish Street, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

No objections.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Location Plan

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

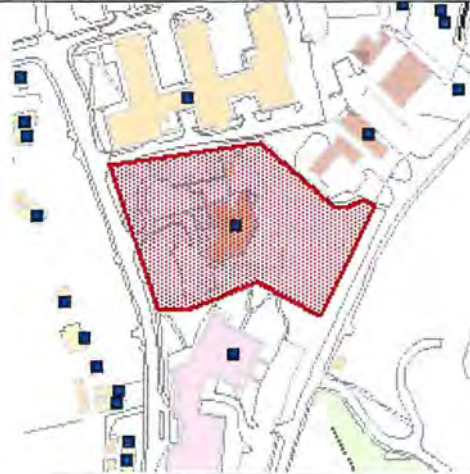
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 3 rd November 2015 | Item Number: |
| Application ID: LA09/2015/0767/F | Target Date: 18.12.2015 |
| Proposal: The installation of new structural openings and windows as shown on DWG 1480-204 | Location: Mid Ulster District Council Dungannon Office Building 44 Circular Road Co Tyrone |
| Referral Route: Applicant is Mid Ulster District Council | |
| Recommendation: | Approval |
| Applicant Name and Address: Mid Ulster District Council Burn Road Cookstown BT80 8DT | Agent Name and Address: |
| Executive Summary: | |
| Signature(s): <i>Caoimhe O'Callaghan . 21.10.15 .</i> | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|-----------|----------|
|-------------------|-----------|----------|

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site to be developed lies at Mid Ulster District Council - Dungannon Office Building - 44 Circular Road, Dungannon.
The building is a large structure which is constructed in red brick and has a flat roof and large glazed areas.

The building lies within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and lies within the Town Centre. The site lies adjacent to the existing leisure centre, there are mature trees along the northern boundary of the site.

The proposal is for the addition of a first floor window which will 'wrap-around' the corner of the building towards the LHS when viewed from Circular Road.

The window will be double glazed PPC aluminium with reinzinc boxed-out surround. Three additional smaller windows are proposed in the side elevation of the building measuring 1.3 metres by 0.9 in width. On the front elevation the corner window will have a section of fibre cement boarding adjacent to the glass (within the reinzinc surround frame). Another small window is proposed in this front elevation.

Planning Assessment of Policy and Other Material Considerations

This application is for a minor change to the facade of the council building and the proposal has been assessed under the Strategic Planning Policy Statement and DES 2 of the Planning

Strategy for Rural Northern Ireland.

The proposal will not result in any conflict with the principles contained within the SPPS which seeks to ensure high quality design in town centres in order to provide sustainable, attractive, accessible and safe environments.

The proposal is appropriate in terms of design as required within Policy DES 2 as the proposed alterations will respect the scale and form of the existing building and the proposed detailing and materials will be in keeping with those of the original building. The proposed works will enhance the appearance of the building and will be in keeping with the overall character of the building and the surrounding area.

Approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Planning permission to be granted subject to the approval of Planning Committee

Conditions

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

Reason: Time Limit.

Signature: Caoimhe O'Callaghan,

Date: 21.10.15.

| ANNEX | |
|---|---------------------|
| Date Valid | 4th September 2015 |
| Date First Advertised | 21st September 2015 |
| Date Last Advertised | N/A |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 22a Killymeal Road, Dungannon, Co Tyrone The Owner/Occupier, 24 Killymeal Road, Dungannon, Co Tyrone The Owner/Occupier, 26 Killymeal Road, Dungannon, Co Tyrone The Owner/Occupier, Bus Depot Killymeal Road Drumcoo The Owner/Occupier, Dungannon College Of Further Education 19 Circular Road Drumcoo The Owner/Occupier, Dungannon Leisure Centre Circular Road Dungannon, BT71 6DT | |
| Date of Last Neighbour Notification | 16th September 2015 |
| 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 Location Plan Status: Submitted Drawing No. 02 Type: Proposed Plans & Elevations Status: Submitted Drawing No. 03 Type: Existing Plans and Elevations Status: Submitted |
| Notification to Department (if relevant) Date of Notification to Department: Response of Department: |

D



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Mid Ulster
District Council

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

Deferred Consideration Report

| Summary | |
|--|--|
| Case Officer: Phelim Marrion | |
| Application ID: M/2014/0021/F | Target Date: 9 June 2014 |
| Proposal: Proposed amendment to previously approved planning application (M/2007/1244/F) to provide 13 no. additional apartments making an overall total of 19 apartments | Location: 11 Laureen Moy Road Dungannon |
| Applicant Name and Address: Colin McKee 54 Ballymacawley Road Seaghan | Agent name and Address: Clarman Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP |
| Summary of Issues: This scheme was recommended for approval and deferred by Dungannon & South Tyrone Borough Council on 8 September 2014. Following an office meeting with the objectors and Councillors it was presented back to DSTBC on 9 February 2015 and the Council asked for it to be held for 5 days. Melvin Bowman met with Lord Maguinness, Chris Bryson, Mr Bewster and Winston Duff (on behalf of Tom Elliott MLA) following the Council Meeting. A revised scheme has been submitted for consideration, this has moved one part of the development further away from the trees. Issues raised by objectors relate to: <ul style="list-style-type: none">- impact on trees, due to the location of the development and underground parking affecting the water table- impact on users of Dungannon Park, particularly pedestrian users- impact on traffic on the Protected Route- out of character with the surrounding area- other apartments that are not sold in the locality | |

- impact on flora and fauna
- no EIA determination carried out

Summary of Consultee Responses:

TNI - approve with conditions
 NI Water - Available capacity

Characteristics of the Site and Area:

The site was the grounds of a large detached dwelling, Laureen, located off the Moy Road in Dungannon. It had extensive grounds with trees around it that are protected by a Tree Preservation Order. The dwelling is now a shell as it was recently damaged by fire. The site is within the settlement limits of Dungannon and located between the Moy Road and Dungannon Park and beside a designated Local Landscape Policy Area.

Development immediately surrounding the site is detached dwellings with a mixture of styles and sizes. In the locality there is a mix of uses with Dungannon Park a large council owned recreational area on the opposite side of Ballynorthland Demesne Road, there is a BP filling station and shop on the opposite side of Moy Road and Gerry McVeigh Car Sales is at the junction of Gortmerron Link Road and Cunninghams Lane close by.

Moy Road and the application site are elevated above the park and grounds to the south and west

Deferred Consideration:

The impact on the trees has been assessed by an Arboriculturalist, who has indicated there is no adverse impact by the development if a perched water table is not in existence. A perched water table is where water is trapped in a higher level of the ground than the surrounding water table. The agent has submitted a report by a structural engineer that states there is no perched water table. Additionally a revised scheme has been tabled that moves one part of the development further away from the trees that are protected under the Order. The proposed development has illustrated that it can be accommodated on site without adversely impacting on the trees that are protected by a TPO. I feel it is important to attached conditions to protect the areas around the protected trees during the construction phase. Furthermore I consider it is necessary to attach a condition requiring a landscape management plan to be submitted and agreed prior to the commencement of any development on the site. I feel this will provide an added mechanism to ensure the trees on the site are properly survey and manged ensuring the long term retention of them.

The impact on pedestrians is not considered to be adverse as it proposes crossing points to TNI standards where the access meets Ballynorthland Demesne Road. The proposed development will result in additional traffic using the access off Park Road, however the access width and visibility standards are acceptable to Transport NI, any conflict can be managed as with any other crossing with due care and attention by any road users and pedestrians. On the advice of TNI Engineers I do not consider the development will result in a road safety concern.

The proposal is not intensifying an access onto the Protected Route, it is intensifying an access onto a road maintained by DRD and part of the roads network. As the proposed development does not directly access onto a Protected Route, AMP3 of PPS21 is not a determining factor. The increase in traffic using the signalised junction where Park Road meets the A29 caused by 19 apartments is circa 190 vehicle movements per day. Transport NI have advised the junction will be able to accommodate this additional traffic.

As advised, the immediate character of the area is large dwellings on extensive plots with some undeveloped land and commercial activity. The proposed development will have the appearance of 2 large dwellings when viewed from Park Road. It is important to note the Addendum to PPS7 – Safeguarding the Character of Established Residential Areas indicates the preference for higher density development where it is located along key and link transport corridors. This was

considered at great length in the appeal decision relevant to this site and it was concluded this exception is relevant in this case and that higher density development is appropriate, provided there are no other adverse impacts on amenity of residents or environmental concerns. I do not consider the development as now proposed will adversely impact the amenity of the neighbouring properties given the significant vegetation screening the site and the orientation of the buildings within the site.

Laureen, the dwelling located on this site, has been extensively damaged by fire with the majority of the roof structure removed. It is therefore highly unlikely this is used by bats for roosting. If there are any bats here, this will not in itself prevent development and NIEA can issue a license for the movement of bats and require the developer to accommodate them within the locality. This does not necessarily require a planning condition. The existing grounds have not been maintained and are somewhat overgrown, there is nothing to suggest there are any European protected species within the site, other than what would ordinarily be located within a domestic garden within the urban area. This will not significantly change and the developer has a duty to ensure if any protected species are on the site then he must notify the relevant authorities.

An Environmental Impact Assessment has been carried out and a nil determination has been recorded, therefore there is no requirement to provide an Environmental Statement with this application.

My recommendation to the committee is that planning permission should be granted with conditions.

Conditions

1. As required by Section 61 of the Planning Act (NI) 2011, the development hereby approved shall be begun within 5 years of the date of this decision.

REASON: Time Limit

2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.02 Rev.03 dated 28 AUG 2015 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 to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. All tree works required before or during the construction phase of the development shall be carried out in accordance with BS 3998:2010 Tree work – Recommendations

REASON: To ensure the protection of trees that are protected by a Tree Preservation Order.

5. All tree works prior to and during the construction phase shall be carried out in accordance with the Arboriculturalist's Methodology Statement, Appendix 4 of the Arboricultural Impact Assessment (Phase 2 – Submission Document) 11 Laureen, Moy Road, Dungannon, by Mr Paul Hawsford, Arbor Consulting, dated 21 June 2013.

REASON: To ensure the protection of trees that are protected by a Tree Preservation Order.

6. The Root Protection Area (RPA) around retained protected trees shall be maintained by the erection of temporary protective fencing as per figure 2 of Appendix 5 of the Arboricultural Impact Assessment (Phase 2 – Submission Document) 11 Laureen, Moy Road, Dungannon, by Mr Paul Hawsford, Arbor Consulting, dated 21 June 2013. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery. The fence shall not be removed until the site works and development have been completed.

REASON: To ensure the protection of trees that are protected by a Tree Preservation Order.

7. All temporary ground protection methods shall be installed in accordance with a plan to be submitted and agreed in writing with Mid Ulster Council.

REASON: To ensure the protection of trees that are protected by a Tree Preservation Order.

8. A landscape management plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas and existing retained trees shall be submitted to and approved in writing by the Council prior to the occupation of the development or any part of the development, whichever is the sooner. The landscape management plan shall be carried out as approved.

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

9. During the first available planting season following the occupation of any part of the development hereby approved, the landscaping scheme as detailed on drawing No 02 REV 03 bearing the stamp dated 28 AUG 2015 shall be implemented as shown in accordance with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Signature(s):
P Marrion

Date 23 October 2015



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Addendum to
Development Management Officer Report
Committee Application**

| Summary | |
|---|--|
| Committee Meeting Date: 3 November 2015 | Item Number: |
| Application ID: M/2014/0340/F | Target Date: 16 October 2014 |
| Proposal: Proposed development of a 500kw centralised anaerobic digestion (CAD) plant, combined heat and power plant (CHP) to include change of use of existing building to facilitate feedstock storage, upgrade of existing access and ancillary site works | Location: Lands immediately adjacent and South of 111 Ballynakilly Road Coalisland |
| Referral Route: Applications attracting valid planning objections, where the officer's recommendation is to approve. | |
| Recommendation: | Approve |
| Applicant Name and Address: Callan Renewables c/o Clyde Shanks | Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA |
| Executive Summary: Members are advised this application was deferred at the Committee Meeting on 1 September 2015 attached is a report of the study trip and site visit that have occurred as well as a detailed planning history of the site as requested by Cllr Cuthbertson. | |
| Signature(s): P. Marrion | |

Case Officer Report of Study Tour and Site Visit

Study Trip and Site Visit on Friday 11 September 2015

Planning Committee members in attendance:

Cllrs M Kearney, G Bell, C Cuthbertson, Sharon McAleer, C Mallaghan, D McKinney, W Robinson, S Clarke.

Planning Official in attendance:

Team lead for Dungannon and Clogher Valley, P Marrion

The above members and official met with John Toner and Mark Geddis from William's Industrial Services Ltd at an operating Anerobic Digester outside Dromore Co Down. I understand Mr Toner and Mr Geddis and the owner of the AD Plant have no involvement or interest with the proposal at Ballynakilly. Williams Industrial Services is one of NI's largest Environmental Engineering Companies, of which Mr Toner is Chairman and joint Managing Director and Mr Geddis is Head of Renewables. Mr Toner and Mr Geddis showed the committee members and official around the plant, explaining the components of the plant and the technology associated with the plant. Committee members were given the opportunity to experience an active AD plant and ask further questions to understand the process involved and other factors that they wished to know about the AD plant and process.

Following the study tour the committee members and planning officer visited the site at Ballynakilly. Committee members were advised there are current investigation ongoing in relation to some unauthorised activity in and around the site. An update is attached to this report that clearly details the current situation on this site and the adjoining lands. Committee members were also advised of the approved storage and distribution use on the site which could result in the operation of fork lifts and the movement of a considerable number of vehicles to and from the site without restriction. The members were escorted around the site and the elements of the proposed scheme and their location were identified, including the buildings that are to be used for the silage clamps and how these would be adapted for the development. Committee members were shown the existing houses that are located around the site and the location of the play park.

At no time during the visit to the site were the committee members in contact with any representatives from the objectors or from the applicant.

Members are also asked to note the following additional condition that is considered necessary to attach in relation to this development:

Prior to the commencement of any of the development hereby permitted, the storm water storage and drainage system as detailed on drawing numbers Figure 6.1 and C301 contained in the Drainage Assessment, shall be provided as indicated. The surface water drainage system shall be connected to this prior to the plant becoming operational. Reason: To ensure the hard surfaces from the development do not create any additional run off from the site.

Signature(s) P. Marrion

Date: 22.10.2015

Planning History relating to Enforcement Case Reference M/2012/0108CA

Planning Application History - Appendix 4 (A)

| Ap Reference | Application Description | Notes | Decision | Date |
|---------------------|---|--|------------------------------|-------------|
| 1980/0398/F | Agricultural Shed | | Approved | 18/07 |
| 2002/0063/F | Change of use to provide storage for domestic freezers and fridges awaiting disposal. | The approved drawings suggest that this approval covered the entire site and all buildings within it including buildings 1 – 6. | Approved | 19/04 |
| 2003/0010/F | Retention of boundary fence at 111 Ballynakilly Road, Coalisland | | Approved | 11/11 |
| 2005/1583/F | Housing development to consist of detached, semi-detached, townhouses & small shop. | | Invalid Application Returned | 16/01 |
| 2005/2181/F | Proposed Materials Recovery Site. | | Invalid Application Returned | 30/03 |
| 2006/1138/F | Housing development to consist of detached, semi-detached, townhouses & small shop. | | Application Withdrawn | 23/07 |
| 2007/1571/F | Alteration and upgrade of existing access to commercial premises. | Approved drawing no. 2 shows the existing buildings on site labelled as “commercial storage”. It also shows that the largest building (building 1) was to be demolished and a turning circle was to be provided for articulated vehicles. This demolition was not conditioned and building 1 remains in place on site. The P1 form details the present use of the land as “Commercial premises used to provide storage”. | Approved | 14/08 |

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|-------------|--|--|------------------------------|--------|
| 2009/0102/F | 5 no. townhouses, two and three storey with private gardens and parking to rear of site and associated access. | Approved drawing no. 2 shows all the buildings (buildings 1 – 6) on site labelled as either “silos” or “cattle shed”. The P1 form details the present use of the land as “Vacant land zoned for development”. | Approved | 22/12, |
| 2010/0348/F | Re-building of existing commercial premises due to fire damage. | Approved drawing no. 3 shows the buildings (buildings 1 – 6) labelled “existing commercial storage (Unusable)”. The building and yard approved is east of the current location of building 1. The P1 form details the present use of the land as “Waste ground adjacent to commercial premises”. This approval was never implemented. | Approved | 14/09, |
| 2013/0146/F | Retention of use of 5 buildings as general engineering workshops. | This application was submitted based on the service of a Submission Notice, ref: EN/M/2012/0108/CA/01, which was served on 07/03/13 relating to the current enforcement case, ref: M/2012/0108CA. The Department of Environment felt at this stage that this was the most appropriate way forward regarding the breach. The Submission Notice was recommended at an internal Group meeting on 06/03/13. The fee of £820 specified on the Submission Notice was incorrect. At that time the correct fee should have been £17,805. The agent, representing the site owner was advised of the above error but as the difference in the required fee was not paid the planning application was returned. | Invalid Application Returned | |

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| 2014/0340/F | <p>Proposed development of a 500kw centralised anaerobic digestion (CAD) plant, combined heat and power plant (CHP) to include change of use of existing building to facilitate feedstock storage, upgrade of existing access and ancillary site works (Reduced waste codes - plant tissues/slurries only).</p> | <p>Through this application it is proposed that the existing access via the Ballynakilly Road to the present enforcement site would be upgraded. Part of the current site and buildings 3 – 6 are incorporated into the proposal. If approved buildings 3 – 6 would potentially be used for silage storage clamps. The main element of this proposal would be located to the south of building 3 outside the site of this current enforcement case. Both digester tanks and the storage tank are located to the south of the enforcement site.</p> | Live Application | |
|-------------|---|--|------------------|--|

Planning History relating to Enforcement Case Reference M/2012/0108CA

Enforcement Case History – Appendix 4 (B)

| Case Ref: | Case Description | Notes | Closed/Live | D: |
|-------------|--|---|-------------|----|
| 2002/0077CA | Opened on 24/10/02 in relation to dismantling of fridges and freezers. | The case was closed upon permission, ref: M/2003/0010/F for “Retention of boundary fence at 111 Ballinakilly Road, Coalisland” being approved. Evidence of dismantling of fridges and freezers as well as a possible recycling use was found on site. The above planning approval did not cover the breach of planning control. However, the case was closed. | Closed | |
| 2005/0037CA | Opened on 11/04/05 in relation to storage of waste materials. | The use related to the Dutch barn buildings (buildings 3 – 6) and most of the site. After appropriate enforcement action the case was closed on 26/02/08 as the unauthorised use ceased and all waste material was cleared from the site. | Closed | |
| 2005/0098CA | Opened in relation to unauthorised infilling of rubble. | The infilling seems to have taken place on the site in the area in front (east) of building 1. After appropriate enforcement action the | Closed | |

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| | | case was closed on 14/05/07 as the breach was largely remedied. | | |
| 2010/0072CA | This case was opened on 07/07/10 in relation to an unauthorised waste transfer facility. | The site report based on a site visit on 23/07/10 stated that a haulage business was operating from the site and that the site and some of the buildings were used for the parking of vehicles/lorries. The case was closed on 26/08/10 as no breach relating to waste was found. | Closed | |
| 2012/0108CA | This case is the subject of this report to Mid-Ulster Council and relates to the unauthorised industrial activity at 111 Ballynakilly Road and buildings 1 – 6 on the attached site location map. | The attached report outlines this case in detail. However, it is the view of Planning that the industrial use is unauthorised and the most appropriate way of dealing with the breach of planning control is through the service of an Enforcement Notice requiring the cessation of the unauthorised use on site and that the yard area to the north of building 2 and further parking area to the south of buildings 1 and 3 be restored to their former condition. | Live Case | |
| 2014/0033CA | The case was opened on 16/05/14. The complaint mainly related to a breach of condition 3 of approval ref: M/2012/0517/F (Proposed alterations, extension and change of use from former licensed | Approval ref: M/2012/0517/F related to number 20 Coash Road which is north of this site. Other issues that were included in the compliant related to an | Closed | |

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|-------------|--|--|--------|--|
| | premises to a workshop for the maintenance and repair of commercial vehicles) which was approved on 20/06/13. Condition 3 related to hours of operation. | unauthorised car mechanics, steelwork and power washing of lorries. The power washing related to Edgar Transport who used building 2 (for parking lorries) and the northern part of building 1 (for washing bird cages). It was investigated under a separate case ref: M/2015/0016CA and was closed after the unauthorised use ceased. The steelwork relates to the current unauthorised industrial fabrication use on this site and in buildings 1 - 6. A car mechanics operates in a building behind number 20 Coash road and this is being investigated under case ref: LA09/2015/0137CA. This case, ref: M/2014/0033CA was closed on 25/06/14 as no evidence of a breach was found and the Department were unable to carry out site inspections outside normal working hours. | | |
| 2014/0048CA | This case was opened on 25/06/14 and related to unauthorised commercial activity to the rear and adjacent 20 Coash Road. The activity was detailed on the complaint form as unauthorised commercial activity | A site visit took place on 17/06/14 and from the photographic record the visit included number 20 Coash Road, the mechanics operating behind it and the current site which | Closed | |

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|-------------|---|---|--------|--|
| | including working at cars and power washing of lorries. | includes buildings 1 – 6. Despite this the case was closed on 31/07/14. | | |
| 2015/0014CA | The case was opened on 18/02/2015 and related to operating hours and noise amenity issues at 20 Coast Road, Coalisland. | This case was closed on 13/05/15 as the issues were already being investigated under enforcement case references M/2012/0108CA and M/2015/0016CA. | Closed | |
| 2015/0016CA | This case related to noise levels and amenity issues due to an engineering firm and bird cage washing operation adjacent 111 Ballynakilly Road, Coalisland. | Enforcement case ref: M/2012/0108CA (This present case) was already dealing with the engineering and industrial use so case ref: M/2015/0016CA focused on the bird cage operation. This use related to Edgar Transport who were using building 2 for parking of lorries and the northern most part of building 1 for the washing of bird cages. The case was closed on 05/06/15 as the unauthorised use on the site ceased. | Closed | |

Map 1: Appendix 3

/2012/0108/CA
06/2013

ed Area

akilly Settlement Limit



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Mid Ulster
District Council

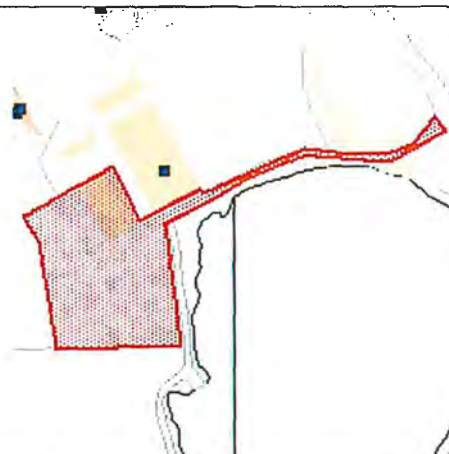
Mid-Ulster
Local Planning Office
Magherafelt Council
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 9th February 2015 | Item Number: |
| Application ID: M/2014/0340/F | Target Date: 16 th October 2014 |
| Proposal: Proposed development of a 500kw centralised anaerobic digestion (CAD) plant, combined heat and power plant (CHP) to include change of use of existing building to facilitate feedstock storage, upgrade of existing access and ancillary site works (Reduced waste codes - plant tissues/slurries only) | Location: Lands immediately adjacent and South of 111 Ballynakilly Road Coalisland |
| Referral Route: Application that has received objections | |
| Recommendation: | Approve with conditions |
| Applicant Name and Address: Callan Renewables c/o Clyde Shanks | Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA |
| Executive Summary: A significant number of objection have been received to this application from residents who live in close proximity to the development. All these objections have been considered and the development is considered to be acceptable. | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-----------------------------------|
| Non Statutory | DARDNI - Veterinary Service | No Response |
| Non Statutory | HQ Special Studies Minerals Unit | Error |
| Non Statutory | Land and Resource Management | Add Info Requested |
| Non Statutory | Health & Safety Executive for NI | Substantive Response Received |
| Non Statutory | DARDNI - Veterinary Service (Animal By-Products) | No Objection |
| Non Statutory | Land and Resource Management | Add Info Requested |
| Non Statutory | NIE - EIS Applications | Substantive Response Received |
| Non Statutory | Env Health Dungannon and South Tyrone Borough Council | Substantive Response Received |
| Non Statutory | NI Transport - Enniskillen Office | Substantive Response Received |
| Non Statutory | Water Management Unit | Add Info Requested |
| Non Statutory | Natural Heritage | No Objection |
| Non Statutory | Industrial Pollution & Radio Chemical Inspectorate | Considered - No Comment Necessary |
| Statutory | NI Transport - Enniskillen Office | Advice |
| Statutory | Rivers Agency | Advice |

Representations:

| | |
|--|-----------------------|
| Letters of Support | 1 |
| Letters of Objection | 484 |
| Number of Support Petitions and signatures | No Petitions Received |
| Number of Petitions of Objection and signatures | No Petitions Received |
| Summary of Issues <ul style="list-style-type: none"> - impact on quality of life due to smell/odours - bioaerosols - cross-contamination between slurry and digestate - not located close to source - traffic on rural roads - close to children's playpark - impact on visual amenity - impact on air quality due to venting gases - vermin and flies - noise - risk of explosion - impact on wildlife and river courses - loss of property value - waste codes will be changed once planning permission has been granted - speculative proposal with no details of where feeds coming from - no details of how waste from the facility will be dealt with - will result in loss of rural character when viewed from Coash Road - will need further expansion to allow storage of feedstocks and digestate - inadequate storage of digestate - no economic or social benefits - G/2012/0448/F, similar scheme was refused - at risk due to mines <p>Elected and public representatives have made representations in relation to this application:</p> <ul style="list-style-type: none"> - Sandra Overend MLA has objected - Neill Somerville MLA has objected - Patsy McGlone MLA, opinion is the proposal meets planning policy - Tom Elliott MP has objected - Lord Morrow MLA has objected and has meet the Planning Manager with a delegation to put forward objections to the application | |
| Characteristics of the Site and Area <p>This site is an existing building, yard and part of an agricultural field adjacent to and south of Ballynakilly. The building and yard are within the settlement limit for Ballynakilly and has a mixed planning history with the most recent permission on the site for replacement of a fire damaged building, M/2010/0348/F, this planning permission was for storage and distribution purposes only. There is an engineering business being carried out on site and the Councils Planning Enforcement Section are aware of this. The field is in grass and lies in the rural area. Access to the site is via an existing access onto Ballynakilly Road, beside a small lake. Approximately 90 metres north of the application site is 'Cranebrook' a housing development of 31 dwellings which has a recently developed a new children's playground that is closer to the application site than any of the houses. Other dwellings are located to the north and west of the application site.</p> | |
| Planning Assessment of Policy and Other Material Considerations | |

The proposal is for a Centralised Anaerobic Digester plant with proposed feedstock to be limited to plant tissues/slurries only. It proposes to use existing buildings on site for the storage of silage and the location of a solid feed hopper within the existing buildings to feed the plant. New buildings proposed are: 2 large circular tanks (primary and secondary digesters) with domed roofs that rise and fall and can extend to 12m in height, these are connected together by a smaller pump house; a circular tank with a conical roof approx. 9metres high for storage of the up to 6 months digestate liquid; a containerised combined heat and power unit which is 4.8m high with a stack on top that extends to 10m in height; a 4.5m high building housing an office and the control panels; a 7.4m high silo to provide a pasteurisation tank; a below ground slurry reception tank; a 5m high emergency gas flare stack for burning off excess gases; a weighbridge and wheelwash facilities. The new boundaries of the site to the south and west will be defined by a 1.05m high earth bund topped with landscaping and a 2.4m high mesh fence. It is also proposed to provide an improved access to the site with a right hand turning lane on the Ballynakilly Road and new landscaping along the new access and to the rear of the visibility splays. Connection to the electricity grid is via an underground cable to an existing Electricity Sub Station adjacent to Cranebrook Crescent.

Dungannon & South Tyrone Area Plan 2010

The site straddles the settlement limits for Ballynakilly, the existing buildings and yard are inside the limits and the proposed development sits outside in the rural area.

PPS21 is the policy for development in the countryside and within it CTY 1 is an overarching policy for development in the countryside that sets out types of development that are acceptable in principle in the countryside, provided it integrates sympathetically and meets with the other published planning policies. In this case the policies relating to Anaerobic Digestion facilities are found in PPS11 – Planning and Waste Management and PPS18 – Renewable Energy, with PPS18 being the most recent policy expression by the Department of The Environment. These policies do have a significant cross over with other policies that are found in PPS2 – Natural Heritage, PPS3 - Access, Movement and Parking and PPS6 – Planning, Archaeology and the Built Heritage.

Members are directed to Policies WM1 and WM2 of PPS11 which sets out a comprehensive set of criteria which must be met before planning permission can be granted for this type of facility. Northern Ireland Environment Agency and the Councils Environmental Health officers have been consulted and have provided expert advice on human health and effects on the environment. EHO have indicated the Council will not have a role in licensing this facility, this will be regulated by NIEA. EHO was concerned about how feedstocks other than silage or slurries would be stored, this concern has now been removed as the waste codes have been reduced to plant tissue/slurries. It should be noted the slurry will be contained within an underground tank and any displaced air will be directed through the CHP unit where it will be deodorised by the high temperatures. The silage clamps and the hopper that feeds the silage to the plant are proposed within an existing building, the building will be modified to mitigate against unacceptable odours. These modifications include closing up the openings on the NE and NW elevations, provision of fast closing doors on the openings on the SW elevation and keeping the building under negative pressure by locating 2 extraction fans in the roof which will vent untreated air from the building into the air for dispersal. Our EHO has made no specific comment on the acceptability of these changes, but has drawn attention to the fact the site will be licensed by NIEA. NIEA state that they will issue a waste authorisation license imposing conditions on the site to ensure there are no unacceptable environmental impacts. If they occur the authorisation will allow them to remove the impact which may involve cessation of the waste activity generating the impact. It is noted objectors feel the reduction in the waste codes as currently proposed for the site is only to get approval for the plant, with a new application being submitted later. Council can only consider the proposals before it and must make a consideration of this application on the basis of waste

codes for plant tissue/slurries only. I do not think it is unreasonable to consider that odour from the storage of the feedstocks within the clamps and the tanks as likely to have a detrimental effect on the neighbouring residential properties or the open space/amenity area adjacent to the site.

NIEA Water Management Unit initially requested information in relation to the sources for the feedstuffs and where the digestate will be spread, however when advised this was not available and would be subject to a Waste Management License and Nitrates Action Programme Regulations, NIEA advised they are content. The responses from NIEA gives assurances that the type of waste will not pose a serious environmental risk to air, water or soil.

The application was the subject of a drainage assessment which illustrates the proposed development is not at risk from flooding and that it will not cause flooding elsewhere. DARD Rivers Agency have not raised any concerns in relation to the assessment and are content provided the consent to discharge is for greenfield run off only. This means the development will have no greater impact on flooding than is currently the case.

The site is not identified as of any archaeological interest, nor are there any listed buildings identified in close proximity to it. NIEA Natural Heritage has indicated they have no objections to the development. Objections relating to the impacts on rivers, including the Torrent River are noted however I consider Water Management Unit comments which direct the developer to best practice to ensure no pollution of the water environment has adequately addressed this concern. I therefore conclude there is no adverse impact on nature conservation or archaeological/built heritage interests.

There are no rail or water links to the area and the access to the site is directly off the A45, which carries a significant volume of traffic. Transport NI Traffic Engineers have advised the proposed improved access to the site, which increases visibility and provides a right turn facility, meets with their requirements. The Transport Assessment Form sets out the basis of the calculations for the feed for the proposed development. It states, on average there will be a maximum of 4 vehicular movements per day. Objections have specifically raised this matter and that this will result in a significant increase in traffic to serve the site. Taking account of the calculations provided in the TAF, I do not consider there will be a significant amount of additional traffic using the access or the adjoining road network.

A further consideration is the design and compatibility of the proposed development with the surrounding area and adjacent land uses. From the amount of objections received, members may be under the impression this development is of a massive scale and located on a very prominent location within the settlement of Ballynakilly. The site, as previously stated is beside existing industrial buildings with residential areas around it. The closest dwelling to any part of the development, is approx. 100 metres to the north of the existing buildings that will be used for storage of silage and the feed hopper. This dwelling is located in Cranebrook Crescent, a small housing development where the new playground is located, these are separated from the application site by a large industrial building. Views of the site from the public road network are limited due to the generally flat landscape and the significant amount of vegetation between the site and any viewpoints. The height of the new structures is not significantly in excess of the existing buildings on the site with the tops of the main digester tanks, when fully extended approx. 2 metres above these. The approved use on the site is for storage and distribution purposes, I do not consider this plant would adversely impact on the approved use, indeed all the guidance of this type of facility indicate that it is acceptable to site them beside industrial buildings.

While this development does not easily fit with the locational criteria specified in WM2, I consider its use of the existing buildings, location adjacent to them and additional landscaping proposals is in the spirit of the policy and will ensure the development is satisfactorily integrated into the

landscape.

Policy RE1 of PPS18 is the most recent expression of policy by DoE for this type of development, and a guide specifically for Anaerobic Digesters was published in draft form in June 2013. The policy is permissive provided it is demonstrated the development does not result in unacceptable adverse impact on stated acknowledge interests. This duplicates a lot of the considerations already addressed under PPS11, with some additional considerations put in place.

One such consideration is that 'Proposals will be expected to be (my emphasis) located at, or as close as possible to the source of the resource needed for that particular technology, unless, in the case of a Combined Heat and Power scheme or a biomass heating scheme, it can be demonstrated that the benefits of the scheme outweigh the need for transportation and an end user is identified'. Lord Morrow has provided a transcript from a written response by the Minister for the Environment in relation to CAD, this response quotes the above part of the policy and some of the requirements. Lord Morrow has specifically identified the following text 'outweigh the need for transportation'. In consideration of this element of the policy, I have taken account of the draft guidance for CAD. It states these 'will generally not be suitable for farm based locations', but that they 'are likely to be more suitable in an industrial setting or in association with an existing industrial enterprise.' '... commercial scale CAD should generally be located on sites with good access to the primary road network'. These statements are very supportive of this particular proposal given that it is sited beside existing industrial buildings and accessed off the A45, which is a primary route and not a protected route. The applicant has stated the proposal is commercial and that the feedstuffs for the plant are subject to obtaining contracts for the supply of the feeds after the permission has been obtained, further it is stated the digestate will be spread in accordance with Nitrates Action Programme Regulations, which is a separate regulatory process outside the planning process. I cannot find anywhere in the policy or in The Best Practice Guidance to Planning Policy Statement 18 that requires the planning authority to be in possession of information relating to the source of the feed and end user for the digestate in the consideration of this type of application. I accept it is helpful in the consideration of transportation to the plant, however this appears to be more critical where the plant is located off smaller rural roads, not where it is very readily accessible by way of a safe access designed to the current standards for Transport NI, off the primary transport route. An added assurance that adjacent rural roads will not be used to access the plant directly can be provided by imposing a condition that access to the plant shall be from the A45 only and any access to Coash Road is permanently closed up.

Wider environmental benefits from this plant include carbon neutral electricity generation; a reduction in odour from slurries as they are processed in a sealed environment instead of stored externally or spread on land and a reduction in peat extraction as the dry matter can be used for soil improvers and as substitute for peat based compost. The economic benefits put forward relate to an urgent need for onsite electricity need, however I would draw members attention to the fact the approved on-site use is storage and distribution which would not be as energy intensive as the unauthorised manufacturing that currently exists. That said the applicant has stated the proposal will provide 30 jobs during construction and 2 full time posts on site after construction as well as other jobs in the supply chain. The plant will also provide heat and there is the opportunity for this to be used by buildings on site as well as other properties close by.

Members are advised, following clarification with Geological Survey NI, there are no known mine shafts under the site, indeed any workings in the locality were of the opencast type.

I would also draw attention to the requirements of para 13 in PPS1, General Principles to take into account the Precautionary Principle, where there are significant risks of damage to the environment. In this case it has not been demonstrated that there are significant risks to the

environment as the risks are mitigated by way of the design of the scheme or other regulatory procedures.

Property value devaluation due to planning permission is difficult to quantify, as there are a number of competing factors that can influence property value. For this reason this is not generally considered as having significant weight in any decision making process.

The risk of explosion from the proposed development is mitigated by the fact the tanks expand during normal operations and an emergency flare will burn off excess gases. These safeguards are part of any normal operations for this type of facility and it is in the operators interests, given the significant investment that will be tied up in the scheme, to ensure the facility is safe and can remain operational. Similarly it is in the operators interest to ensure the site does not attract vermin/files as the presence of these in any significant numbers can result in nuisance abatement procedures impacting on the sites operations.

Finally reference to the refusal of planning application G/2012/0448/F is noted, however members are reminded that every planning application is determined on its own merits and one planning decision should not necessarily dictate how other application should be considered. I am content this application has been properly considered and all the relevant issues have been considered in formulating a recommendation to the planning committee.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend the committee Approve the development with the attached conditions.

Conditions/Reasons for Refusal:

Conditions

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

Reason: Time Limit.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 09 Rev 1 bearing the date stamp 23 April 2015.

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

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

No part of the development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined in blue on Drawing No 09 Rev 1 bearing the stamp dated 23 April 2015.

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

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

4. Prior to commencement of the development hereby permitted, visibility splays of 4.5m x 120.0m in both directions shall be provided in accordance with the approved drawing No.09 Rev 1 bearing date stamp 23 April 2015. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

5. The gradient of the new access hereby approved shall not exceed 8% (1 in 12.5) over the first 5m 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 users.

6. No part of the development hereby permitted shall be occupied the 2 metre wide footway adjacent to the public road has been completed in accordance with the details indicated on Drawing No.09 Rev 1 bearing the stamp dated 23 April 2015.

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

7. The development hereby permitted shall not become operational until the vehicle wheel washing facilities indicated on drawing No 06 Rev 2 bearing the stamp dated 27 October 2014, have been installed and are fully operational. The wheel wash facilities shall be permanently

maintained in an operational condition.

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

8. All vehicular traffic to the facility hereby approved, pre-construction, during the construction phase and post-construction shall be from Ballynakilly Road only.

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

9. The development hereby approved shall only receive plant tissue/slurries only from within the European Waste Catalogue Codes 02 01 03 (Plant Tissue waste) and 02 01 06 (animal faeces, urine, manure (including spoiled straw), effluent, collected separately and treated of site).

Reason: To allow the Council to control potential odour discharges from the site.

10. Prior to the facility hereby approved receiving any of the materials referred to in condition 9, building no 13 as identified on drawing no 06 Rev 2 bearing the stamp dated 27 October 2014, shall be modified as shown on drawing no 5 Rev 1 bearing the stamp dated 27 October 2014 and all external doors shall be permanently fitted with fast closing devices. All external doors shall be kept closed except for the purposes of allowing vehicles to enter and exit the building.

Reason: In the interests of the amenity of adjoining residential properties.

11. No external storage of any of the materials referred to in condition 9 shall occur within the site outlined in red on drawing no 01 Rev bearing the stamp dated 27 October 2014.

Reason: In the interests of the amenity of the adjoining residential properties.

12. Prior to the approved development receiving any materials referred to in condition 9, all hard surfaced areas and drainage infrastructure shall be provided in accordance with the details as indicated on drawing No 06 Rev 2 bearing the stamp dated 27 October 2014.

Reason: To prevent pollution.

13. No vehicles required in relation to any operation associated with the development hereby approved shall operate within the site identified by the red line on drawing No 01 Rev 2 bearing the stamp dated 27 October 2014, outside of the hours of 0800hrs - 1800hrs Monday to Saturday

or at any time on a Sunday or Bank holiday.

Reason: In the interest of the amenity of the adjoining residential properties.

14. During the first available planting season following the commencement of the development hereby approved, the earth bund, a double row native species hedge and native species trees of a height not less than 2 metres in height shall be provided in the positions indicated on drawing no 06 Rev 2 bearing the stamp dated 27 October 2014. The planting shall comply with the appropriate British Standard or other recognised Codes of Practice and any tree, shrub or other plant dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

13.

14.

Informatives

Signature(s)

Date:

| ANNEX | |
|--|----------------|
| Date Valid | 3rd July 2014 |
| Date First Advertised | 16th July 2014 |
| Date Last Advertised | 29th June 2015 |
| Details of Neighbour Notification (all addresses) Ursula McVeigh Meadowview 152A Coash Road Drumkee M Irwin 1 Ballynakelly Cottages,Dungannon,Co. Tyrone R Stevenson 1 Ballynakelly Cottages,Dungannon,Co. Tyrone Thomas Orr 1 Brook Place Ballynakilly Dungannon Donna McKeown 1 Coash Road Ballynakilly Dungannon Harry Bingham 1 Cranebrook Crescent,Ballynakelly,Co. Tyrone Eileen Simpson 1 Cranebrook Terrace,Ballynakelly,Dungannon,Co Tyrone,BT71 6JQ Paul Hamill 1 Greenagh Lane,Dungannon,Co. Tyrone Roisin Day 1 Drumkee Villas Drumkee Dungannon Andrew Roberts 1 Forge Terrace Ballynakilly Dungannon Sandra Overend MLA 1 High Street,Moneymore,Magherafelt,BT45 7PB Jelena Klive 1, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX Thomas Orr 1, Brook Place, Dungannon, Tyrone, Northern Ireland, BT71 6JG D Cleman 1, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE A BINGHAM 1, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH E Simpson 1, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ Roisin Day 1, Drumkee Villas, Dungannon, Tyrone, Northern Ireland, BT71 6JD A Roberts 1, Forge Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6GZ Paul Lawson 10 Ashbrooke Ballynakilly Dungannon Wendy McCammon | |

10 Cranebrook Terrace Ballynakilly Dungannon
 Lee Dickson
 10, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Wendy McCammon
 10, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
 Nethercote Bathrooms & Tiles
 103 Ballynakilly Road, Coalisland, Co. Tyrone, BT71 4HU
 The Owner/Occupier,
 103, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HE
 E V Kirk
 105 Coash Road Ballynakilly Dungannon
 David & Vera Kirk
 105, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Julian Kirk
 108 Coash Road Ballynakilly Dungannon
 Jullian Kirk
 108, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Julian Kirk
 108, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Shirley Stafford
 11 Ashbrooke Ballynakilly Dungannon
 Sandra Moore
 11 Coash Road, Dungannon, Co Tyrone
 Gary Simpson
 11 Cranebrook Terrace, Ballynakelly, Dungannon, Co Tyrone, BT71 6JQ
 John McCann
 11 Greenagh Road, Dungannon, Co Tyrone, BT71 6HB
 John McMahon
 11 Drumkee Road Drumkee Dungannon
 John McGahon
 11 Drumlee Road, Dungannon, Tyrone
 Shirley Stafford
 11, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Melvin Moore
 11, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Gary Simpson
 11, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
 Phyllis O'Rourke
 11, Greenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 T, B & D McKeever
 110 Ballynakelly Road, Dungannon, Co Tyrone
 Sarah-Louise McKeever
 110, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HE
 The Owner/Occupier,
 111 Ballynakilly Road Ballynakilly Coalisland
 Elizabeth McKeever
 112 Ballynakelly Road, Dungannon, Co Tyrone
 Elizabeth McKeever
 112 Ballynakelly Road, Dungannon, Tyrone
 Martin Tomney

114 Ballynakilly Road Corr Coalisland
 Evan Haydock
 114 Coash Road Ballynakilly Dungannon
 Evan Haydock
 114, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Catherine Devlin
 116 Ballymakelly Road,Dungannon,Tyrone
 Catherine Devlin
 116 Ballynakelly Road,Dungannon,Co Tyrone
 W McKay
 118 Coash Road Ballynakilly Dungannon
 Wallace McKay
 118, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Brian Og O'Rourke
 11A Creenagh Lane,Dungannon,Tyrone,BT71 6RB
 L Greenaway
 12 Cranebrook Terrace Ballynakilly Dungannon
 Leeanne Greenaway
 12, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
 Ashly Caldwell
 120 Coash Road Ballynakilly Dungannon
 Ashley Cardwell
 120, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 E D Harris
 121 Ballynakelly Road,Dungannon,Co Tyrone,BT71 6HE
 E D Harris
 121 Ballynakilly Road,Dungannon,BT71 6HE
 George Ritchie
 126 Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HE
 Trevor Ritchie
 126 Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HE
 Trevor Ritchie
 126 Ballynakilly Road,Dungannon,Co Tyrone,BT71 6HE
 Annie Eldon
 126 Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Cecil Eldon
 126 Coash Road,Ballynakelly,Co, Tyrone
 Keith McCann
 13 Cranebrook Crescent Ballynakilly Dungannon
 Keith McCann
 13 Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 Conor O'Rourke
 13 Creenagh Lane Tartlaghan Dungannon
 Owen O'Rourke
 13, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Conor O'Rourke
 13, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Brian O'Rourke
 13, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Ann O'Rourke

13, Greenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Brian O'Rourke
 13, Greenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Thomas Willis
 130 Coash Road Drumkee Dungannon
 T & L Willis
 130 Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Leslie Willis
 131 Coash Road, Drumkee, Dungannon
 Leslie Willis
 131, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Gladys Cardwell
 134 Ballynakilly Road Ballynakilly Coalisland
 Gladys & Cheryl Cardwell
 134, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HE
 Brian Gribben
 136 Ballynakilly Road Ballynakilly Coalisland
 Kris Nicholl
 14 Cranebrook Crescent Ballynakilly Dungannon
 Sean & Noleen Gates
 14 Drumkee Road Drumkee Dungannon
 H Ferry
 14, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Kris Nicholl
 14, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 James Nicholl
 14, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 Sean & Noleen Gates
 14, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 Owner Occupier
 144 Coash Road, Dungannon, Co. Tyrone
 Rose K Gates
 144 Coash Road, Dungannon, Co. Tyrone
 Daphne Ferguson
 15 Ashbrooke Ballynakilly Dungannon
 Danny McVeigh
 15 Drumlee Road, Dungannon, Tyrone
 Danny McVeigh
 15 Drumlee Road, Dungannon, Tyrone
 Daphne Ferguson
 15, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Paul Gribbin
 15, Moor Road, Coalisland, Tyrone, Northern Ireland, BT71 6HF
 Owner Occupier
 152 Coash Road Drumkee Dungannon
 E McVeigh
 152, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JB
 Malachy McVeigh
 152A Meadowview, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JB
 Nathan McVeigh

152A Coash Road,Dungannon,Co Tyrone,BT71 6JB
 Malachy McVeigh
 152A Coash Road,Dungannon,Co. Tyrone
 Owner Occupier
 154 Coash Road Drumkee Dungannon
 McVeigh Family
 154A Coagh Road,Dungannon,Co. Tyrone,BT71 6JB
 Orlaith McVeigh
 154A Coash Road,Dungannon,Co. Tyrone
 Celoste McVeigh
 154A Coash Road,Dungannon,Co. Tyrone,BT71 6JB
 Aine McVeigh
 154A Coash Road,Dungannon,Co. Tyrone,bt71 6jb
 Jason Cohen
 154A Coash Road,Dungannon,Tyrone
 Roisin McVeigh
 154A Coash Road,Dungannon,Tyrone
 McVeigh
 154A Coash Road,Dungannon,Tyrone
 Claudine McVeigh
 154A Coash Road,Dungannon,Tyrone,BT71 6JB
 Aine McVeigh
 154A Coash Road,Dungannon,Tyrone,BT71 6JB
 Edna McVeigh
 154B Coash Road,Dungannon,Co. Tyrone
 Brian McVeigh
 154B Coash Road,Dungannon,Co. Tyrone,BT71 6JB
 R McNeill
 154B Coash Road,Dungannon,Co. Tyrone,BT71 6JB
 Dominic McVeigh
 154B Coash Road,Dungiven,Co. Tyrone,BT71 6JB
 Ciaran McVeigh
 154C Coash Road,Dungannon,Tyrone,BT71 6JB
 Ruby Hunter
 158 Coash Road Drumkee Dungannon
 Rosemary Nelis
 16 Ashbrooke Ballynakilly Dungannon
 Owner Occupier
 16 Drumkee Road Drumkee Dungannon
 John & Mary Gates
 16, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 S McNulty
 162 Ballynakilly Road,Dungannon,Co. Tyrone,BT71 6HG
 T McVeigh
 162 Drumkee Road,Dungannon,Tyrone
 Robert McFarland
 164 Ballynakilly Road Derrymeen Coalisland
 Owner Occupier
 164 Coash Road Drumkee Dungannon
 Paul McVeigh

164 Coash Road,Dungannon,Tyrone
Robert McFarland

164, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HG
Y McVeigh

166 Coash Road,Dungannon,Tyrone
E McVeigh

166 Coash Road,Dungannon,Tyrone
E McVeigh

166A Coash Road Drumkee Dungannon
Karen Patterson

167 Ballynakilly Road Derrymeen Coalisland
Patricia McHugh

17 Creenagh Lane Creenagh Dungannon
Patricia & John Paul McHugh

17 Creenagh Lane,Dungannon,Tyrone
Aoibhieann Gribbin

170, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HG
J McAliskey

172 Coash Road,Killynakelly,Dungannon
John McAliskey

173, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6RD
Michael Morgan

178, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HG
Michael Morgan

179 Ballynakilly Road,Dungannon,Co Tyrone
Kevin McAliskey

179 Coash Road Coash Dungannon
Kevin McAliskey

179 Coash Road,Dungannon,Tyrone
Tommy McHugh

17A Creenagh Lane,Bush,Dungannon,Co Tyrone
Tommy McHugh

17A Creenagh Lane,Bush,Dungannon,Co Tyrone
Tommy & Catherine McHugh

17a Creenagh Lane,Dungannon,Tyrone
Kenneth Erskine

18 Coash Road Ballynakilly Dungannon
Ady Morgan

18 Drumkee Road,Dungannon,BT71 6JA
G Grimley

18 Moor Road Corr Coalisland
C Hackett

18, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
A Hackett

18, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
A Hackett

18, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
K Erskine

18, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Francie Hughes

183 Coash Road Coash Dungannon
Ann M Hughes
183, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6RD
S F Vallely
189 Coash Road Coash Dungannon
Simon F Vallely
189, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6RD
Colm Kelly
18A Moor Road Corr Coalisland
Gerald Grimley
18B Moor Road,Dungannon,Tyrone
Stacey McHugh
19 Greenagh Lane Greenagh Dungannon
Anthony McKernan
19 Drumkee Road Drumkee Dungannon
Anthony McKernan
19 Drumkee Road,Dungannon,Tyrone
Claire Hackett
19, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
Maurice Morrow MLA
19, Church Street, Dungannon, Tyrone, Northern Ireland, BT71 6AB
Stacey McHugh
19, Greenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
Kirk Hackett
2 Ashbrooke Ballynakilly Dungannon
Ruth Johnston
2 Ballynakilly Cottages Ballynakilly Dungannon
William Johnston
2 Ballynakilly Cottages,Dungannon,Co Tyrone,bt71 6jf
Deirdre Graham
2 Brook Place Ballynakilly Dungannon
D E Harris
2 Cranebrook Crescent Ballynakilly Dungannon
John Hazelton
2 Cranebrook Terrace,Dungannon,Co Tyrone,BT71 6JQ
Sheila Cross
2 Greenagh Lane,Dungannon,Co Tyrone
Paul Hamill
2 Greenagh Lane,Dungannon,Tyrone,BT71 6RB
Hazel Johnston
2 Drumkee Villas Drumkee Dungannon
Cherith Whittle
2 Forge Terrace Ballynakilly Dungannon
Ruth Johnston
2, Ballynakilly Cottages, Dungannon, Tyrone, Northern Ireland, BT71 6JF
Deirdre Graham
2, Brook Place, Dungannon, Tyrone, Northern Ireland, BT71 6JG
The Owner/Occupier,
2, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Joseph Hazelton

2, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
John Hazelton

2, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
Hazel Johnston

2, Drumkee Villas, Dungannon, Tyrone, Northern Ireland, BT71 6JD
Cherith Whittle

2, Forge Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6GZ
Aileen Quinn

20 Ashbrooke Ballynakilly Dungannon
Francis McHugh

20 Greenagh Lane Greenagh Dungannon
Frances McHugh

20 Greenagh Lane, Dungannon, Tyrone
Francis McHugh

20 Greenagh Lane, Dungannon, Tyrone
Wayne Johnston

21 Cranebrook Crescent Ballynakilly Dungannon
Owner Occupier

21 Drumkee Road Drumkee Dungannon
John McGahan

21 Drumkee Road, Dungannon, Co. Tyrone
The Owner/Occupier,

21 Drumlee Road, Dungannon, BT71 6JA
Wayne Johnston

21, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Ali Jaafar

218 Ballynakilly Road Tamlaghtmore Coalisland
Ali Jaafar

218, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HJ
Margaret Phillips

219 Ballynakilly Road, Dungannon, Co. Tyrone, BT71 6TJ
Rita Phillips

219 Ballynakilly Road Tamlaghtmore Coalisland
Nigel Phillips

219, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HJ
T H Cardwell

22 Cranebrook Crescent Ballynakilly Dungannon
Amanda O'Neill

22 Greenagh Lane Ballynakilly Dungannon
Geraldine McMullan

22, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
Harry Cardwell

22, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
and Olive Murray

223 Ballynakilly Road Tamlaghtmore Coalisland
P Murray

223, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HJ
Kenneth Montgomery

23 Cranebrook Crescent Ballynakilly Dungannon
Roy Ferguson

23 Creenagh Lane Tartlaghan Dungannon
and Eamon McNally
23 Drumkee Road Drumkee Dungannon
Eamon McNally
23 Drumlee Road,Dungannon,Tyrone
E Dornan
23, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
Kenneth Montgomery
23, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Sandra Ferguson
23, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
Jonge Monteino
24 Ashbrooke,Dungannon,Tyrone
Doreen Montgomery
24 Cranebrook Crescent Ballynakilly Dungannon
Maurice Fox
24 Creenagh Road Creenagh Coalisland
Doreen Montgomery
24, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Maurice Fox
24, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Seamus O'Farrell
24, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Seamus O'Farrell
24, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Christopher O'Farrell
24, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Margaret Neill
25 Cranebrook Crescent Ballynakilly Dungannon
Robert Talbot
25, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
Margaret Neill
25, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
S Ward
26 Ashbrooke Ballynakilly Dungannon
Donald Kerr
26 Cranebrook Crescent Ballynakilly Dungannon
Gearoid Scott
26 Creenagh Road,Dungannon,Co Tyrone
D Kerr
26, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Robert & Eileen Brown
26, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Jonathan Little
27 Ashbrooke,Ballynakelly,Co. Tyrone
G Little
27 Ashbrooke,Ballynakelly,Dungannon
Ian Brown
27 Cranebrook Crescent Ballynakilly Dungannon
Kenneth & Frances Blackstock

27 Creenagh Lane Tartlaghan Dungannon
 C McIlwaine
 27 Drumlee, Dungannon, Tyrone
 The Owner/Occupier,
 27, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Alan Brown
 27, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 Ian Brown
 27, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 Gladys Brown
 27, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 Kenneth Blackstock
 27, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Manuel Simau
 28 Ashbrooke Ballynakilly Dungannon
 Thomas McClung
 28 Cranebrook Crescent Ballynakilly Dungannon
 Rita O'Farrell
 28 Creenagh Road Creenagh Coalisland
 Thomas McClung
 28, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 John O'Farrell
 28, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6RA
 Rita O'Farrell
 28, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6RA
 John O'Farrell
 28, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6RA
 Pat Garry
 28, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 Malcolm Richie
 29 Ashbrooke Ballynakilly Dungannon
 Colin Willis
 29 Cranebrook Crescent Ballynakilly Dungannon
 S A Quinn
 29 Creenagh Bridge Road Creenagh Dungannon
 Robert Hazelton
 29 Creenagh Lane Tartlaghan Dungannon
 Malcolm Ritchie
 29, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Colin Willis
 29, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
 Robert Hazelton
 29, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Sandra Herron
 29, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Andrew Stewart
 29, Creenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
 Terence McGahan
 29, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 D Kirk

3 Ballynakilly Cottages Ballynakilly Dungannon
Dawn Seymour
3 Brook Place Ballynakilly Dungannon
Audrey Knox
3 Cranebrook Crescent Ballynakilly Dungannon
H T Patterson
3 Cranebrook Terrace,Ballynakelly,Dungannon,Co. Tyrone,BT71 6JQ
Sarah Simpson
3 Forge Terrace Ballynakilly Dungannon
G Bertulis
3, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
Billy Kirk
3, Ballynakilly Cottages, Dungannon, Tyrone, Northern Ireland, BT71 6JF
Danielle Kirk
3, Ballynakilly Cottages, Dungannon, Tyrone, Northern Ireland, BT71 6JF
Dawn Seymour
3, Brook Place, Dungannon, Tyrone, Northern Ireland, BT71 6JG
Audrey Knox
3, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
S Patterson
3, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
Gordon Johnston
3, Drumkee Villas, Dungannon, Tyrone, Northern Ireland, BT71 6JD
Sarah Simpson
3, Forge Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6GZ
WJ Gilfillan Maria Mullan
30 Cranebrook Crescent,Ballynakelly,Dungannon,Co Tyrone
Gerard McCann
30 Creenagh Road Creenagh Coalisland
Matthew Gilfillan
30, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
John McCann
30, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Gerard McCann
30, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Vincent McCann
30, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Catherine McCann
30, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Theresa McCann
30, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Mary McCann
30, Creenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Ciaran Donnelly
31 Ashbrooke Ballynakilly Dungannon
Robert Dowie
31 Cranebrook Crescent Ballynakilly Dungannon
Linda Smith
31, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Gillian Stewart

32 Greenagh Lane Tartlaghan Dungannon
Andrew Watt

32 Drumkee Road Drumkee Dungannon
Stewart

32, Greenagh Lane, Dungannon, Tyrone, Northern Ireland, BT71 6RB
Joyce Watt

32, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
E W Harris

34 Coash Road Ballynakilly Dungannon
Peter Dynes

34 Greenagh Road Greenagh Coalisland
The Owner/Occupier,
34, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Peter & Sheila Dynes

34, Greenagh Road, Coalisland, Tyrone, Northern Ireland, BT71 6HB
Emmett McVeigh

35 Ashbrooke, Ballynakelly, Dungannon, BT71 6GX
Celeste McVeigh

35, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
M Lyttle

36 Coash Road, Ballynakelly, Co Tyrone, BT71 6JE
D Hamill

36 Greenagh Road, Dungannon, Co Tyrone
D & T Hamill

36 Greenagh Road, Dungannon, Tyrone
Tommy & Mary Hamill

36 Greenagh Road, Dungannon, Tyrone
Stephen Riddell

36 Drumkee Road Drumkee Dungannon
Mark Lyttle

36, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
S Riddell

36, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Brian McKay

37 Coash Road, Ballynakelly, Dungannon, Co Tyrone, BT71 6JE
Brian & Elizabeth McKay

37, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Carol Griffith

38 Drumkee Road Drumkee Dungannon
Carol Griffith

38, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Jacek Gliniecki

39, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
Ruby Simpson

4 Ballynakilly Cottages Ballynakilly Dungannon
John S Williamson

4 Brook Place, Ballynakelly, Dungannon, Co, Tyrone, BT71 6JG
Mary Williamson

4 Brook Place, Ballynakelly, Dungannon, Co. Tyrone, BT71 6JG
Christopher Parr

4 Cranebrook Crescent Ballynakilly Dungannon
Helen McCammon
4 Cranebrook Terrace Ballynakilly Dungannon
Donal Daly
4 Drumkee Villas Drumkee Dungannon
Ruby Simpson
4, Ballynakilly Cottages, Dungannon, Tyrone, Northern Ireland, BT71 6JF
John Williamson
4, Brook Place, Dungannon, Tyrone, Northern Ireland, BT71 6JG
Chris Parr
4, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Helen McCammon
4, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Lorna Spence
40 Drumkee Road Drumkee Dungannon
Lorna Spence
40, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Liam Quinn
41 Ballynakelly Road,Dungannon,Tyrone
Barbara Quinn
41 Ballynakelly Road,Dungannon,Tyrone
T McKenna
43 Ballynakilly Road Creenagh Coalisland
Andrew Kullas
44 Coash Road Ballynakilly Dungannon
Kathleen Kullas
44 Coash Road,Ballynakelly,Co Tyrone,BT71 6JE
David Hazelton Kullas
44 Coash Road,Ballynakelly,Dungannon,Co Tyrone,BT71 6JE
Daniel Hazelton-Kullas
44, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
John Workman
44, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Jason & Judith Baird
45 Ashbrooke Ballynakilly Dungannon
Judith Baird
45, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
Angelina McKenna
47 Ballynakelly Road,Dungannon,Tyrone
Martin and Teresa McKenna
47 Ballynakelly Road,Dungannon,Tyrone
Jennifer McKenna
47 Ballynakelly Road,Dungannon,Tyrone
Maria Tavares
47, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
J McKay
48 Coash Road Ballynakilly Dungannon
Owner Occupier
48 Drumkee Road Drumkee Dungannon
Helen McKay

48, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Paul, Shirley & Anne McAdam

49 Coash Road, Ballynakelly, Dungannon, Co Tyrone, BT71 6JE
Paul McAdam

49, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Gareth Holdsworth

49A Coash Road Ballynakilly Dungannon
Linda Holdsworth

49A, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Justina Rimtute

5 Ashbrooke Ballynakilly Dungannon
Inga Sadauskiene

5 Brook Place, Ballynakelly, Dungannon, Co. Tyrone, BT71 6JG
Grace G Hamilton

5 Cranebrook Crescent Ballynakilly Dungannon
Trevor Stretton

5 Cranebrook Terrace Ballynakilly Dungannon
Nigel Simpson

5 Drumkee Villas Drumkee Dungannon
Inga Sadauskiene

5, Brook Place, Dungannon, Tyrone, Northern Ireland, BT71 6JG
Grace Hamilton

5, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Sandra Stretton

5, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
Trevor Stretton

5, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
Nigel Simpson

5, Drumkee Villas, Dungannon, Tyrone, Northern Ireland, BT71 6JD
Alan Logan

50 Coash Road, Dungannon, Co. Tyrone
A Logan

50, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Helena Tomney

51 Ballynakelly Road, Dungannon, Co Tyrone
Lena Tomney

51 Ballynakelly Road, Dungannon, Tyrone
Simon & Lorraine Cochrane

51 Coash Road Ballynakilly Dungannon
George Cummings

51 Drumkee Road Derrymeen Dungannon
Simon Cochrane

51, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
George & Minnie Cummings

51, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Sarah McGlung

52 Coash Road, Ballynakelly, Dungannon, Co Tyrone, Bt71 6JE
Sarah McClurg

54, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Philip McClung

54, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
Patsy McGlone MLA
54A William Street, Cookstown, Tyrone, Northern Ireland, BT80 8NB
Patrick Tomney
57 Ballynakilly Road Creenagh Coalisland
Martin Kelly
57 Drumkee Road Derrymeen Dungannon
Alan Smyth
57 Tartlaghan Road, Bush, Dungannon, Co. Tyrone, BT71 6QR
Alan & Sara-Jane Smyth
57 Tartlaghan Road, Bush, Dungannon, Co. Tyrone, BT71 6QR
P Tomney
57, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6JJ
M Tomney
57, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6JJ
A Tomney
57, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6JJ
Vera & Martin Kelly
57, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Clare Campbell
59 Coash Road Ballynakilly Dungannon
Colette Fee
59 Drumkee Road Derrymeen Dungannon
Frank Fee
59, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
Georgina Ferguson
6 Ashbrooke, Coash Road, Ballynakelly, Dungannon, Co Tyrone, BT71 6GX
G Ferguson
6 Ashbrooke, Coash Road, Ballynakilly Road, Dungannon
Rhonda Neill
6 Brook Place, Ballynakelly, Dungannon, Co Tyrone
Alexander Field
6 Cranebrook Crescent Ballynakilly Dungannon
Una Corrigan
6 Cranebrook Terrace Ballynakilly Dungannon
Neville Simpson
6 Drumkee Villas Drumkee Dungannon
Alex Field
6, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH
Neville Simpson
6, Drumkee Villas, Dungannon, Tyrone, Northern Ireland, BT71 6JD
Karen Owens
61 Ballynakilly Road Creenagh Coalisland
Betty Fulton
61 Coash Road Ballynakilly Dungannon
P McGahan
61 Drumkee Road Derrymeen Dungannon
Cecil Fulton
61, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
P McGahan

61, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 Ronald Smyth
 61, Tartlaghan Road, Dungannon, Tyrone, Northern Ireland, BT71 6QR
 Terence McCann
 63 Ballynakelly Road, Creenagh, Dungannon
 Desmond McGahan
 63 Drumkee Road Derrymeen Dungannon
 Dermott Fox
 63 Tartlaghan Road Tartlaghan Dungannon
 U McGahan
 63, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 David Johnston
 63, Tartlaghan Road, Dungannon, Tyrone, Northern Ireland, BT71 6QR
 Desmond Hughes
 65 Ballynakilly Road Creenagh Coalisland
 Dermott Fox
 65, Tartlaghan Road, Dungannon, Tyrone, Northern Ireland, BT71 6QR
 S Little
 69 Coash Road Ballynakilly Dungannon
 The Owner/Occupier,
 69 Coash Road, Dungannon, Tyrone
 Renata Grinevicuite
 7 Ashbrooke Ballynakilly Dungannon
 J Simpson
 7 Brook Place Ballynakilly Dungannon
 Audrios Virbickas
 7 Cranebrook Terrace, Dungannon, Co Tyrone, BT71 6JQ
 Karolis Stongvilas
 7, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 The Owner/Occupier,
 7, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Jackie Simpson
 7, Brook Place, Dungannon, Tyrone, Northern Ireland, BT71 6JG
 Audrios Virbickas
 7, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
 Aidan McAlinden
 70, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HD
 G Lyttle
 72 Drumkee Road Derrymeen Dungannon
 Rosemary Little
 72, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 Gavin Little
 72, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 Peter Quinn
 73 Ballynakilly Road Creenagh Coalisland
 Peter Quinn
 73, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HD
 Marie O'Hagan
 75 Drumkee Road Derrymeen Dungannon
 Pat O'Hagan

75, Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA
 The Owner/Occupier,
 76, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HD
 Paula Talbot
 76, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 L Cranston
 77 Ballynakilly Road Creenagh Coalisland
 L Cranston
 77, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HD
 R Johnston
 8 Ashbrooke Ballynakilly Dungannon
 Dauim Swedokos
 8 Brook Place Ballynakilly Dungannon
 Darius Suldokas
 8 Brook Place, Dungannon, Tyrone, Northern Ireland, BT71 6JG
 Victona Stretton
 8 Cranebrook Terrace Ballynakilly Dungannon
 Roy Johnson
 8, Ashbrooke, Dungannon, Tyrone, Northern Ireland, BT71 6GX
 Victoria Stretton
 8, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
 Louise Kirkland
 80 Tartlaghan Road,Dungannon,Co Tyrone,BT71 6QR
 L Kirkland
 80 Tartlaghan Road,Dungannon,Co. Tyrone,BT71 6QR
 Anthony McNally
 81 Ballynakilly Road Creenagh Coalisland
 Geraldine Fee
 82 Corr Road Drumcrow Dungannon
 Geraldine Fee
 82, Corr Road, Dungannon, Tyrone, Northern Ireland, BT71 6HH
 Wudek Jaafar
 85 Coash Road Ballynakilly Dungannon
 Hassan Yaayar
 85, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Moussa Jaafar
 85, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Housey Jaayar
 85, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Violet Jaayar
 85, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Elaine Cassidy
 89 Coash Road,Ballynakelly,Co, Tyrone
 Elaine Quinn
 89, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HD
 Elaine Cassidy
 89, Coash Road, Dungannon, Tyrone, Northern Ireland, BT71 6JE
 Vidmantas Babarskas
 9 Ashbrooke Ballynakilly Dungannon
 Melina Kutolevaite

9 Ashbrooke,Ballynakilly,Dungannon,Tyrone
 Jonathan Kirk
 9 Cranebrook Terrace Ballynakilly Dungannon
 Jonathan Kirk
 9, Cranebrook Terrace, Dungannon, Tyrone, Northern Ireland, BT71 6JQ
 Julie Hughes
 91 Ballynakilly Road Creenagh Coalisland
 P Huey
 91 Ballynakilly Road,Coalisland,Tyrone
 Mavis Hazelton
 93 Coash Road Ballynakilly Dungannon
 Francis & Madge Kirk
 95 Ballynakilly Road Ballynakilly Coalisland
 Norman Kirk
 95, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HD
 John Blair
 96 Ballynakilly Road Ballynakilly Coalisland
 John Blair
 96, Ballynakilly Road, Coalisland, Tyrone, Northern Ireland, BT71 6HD
 P Weir
 97 Coash Road Ballynakilly Dungannon
 P J Weir
 97 Coash Road,Dungannon,Tyrone
 James Henderson
 A45 Petrol Station,Cohannon Complex
 George Ritchie
 Ballynakelly Road,Dungannon,Co. Tyrone,BT71 6HE
 Kenneth Montgomery
 Ballynakellyresidents@outlook.com
 The Owner/Occupier,
 Ballynakilly Mission Hall, Ballynakilly Road, Ballynakilly, Coalisland, Co Tyrone BT71 6JJ
 Annie Eldon
 Braeside,Ballynakelly,Co, Tyrone,BT71 6JE
 Andrew Stewart
 Creenagh Lane,Ballinkilly,Dungannon,Co Tyrone,BT71 6RB
 Thomas Hamill
 Creenagh Road,Dungannon,Co, Tyrone
 Danielle McVeigh
 Drumkee Road,Ballynakelly,Dungannon,Tyrone
 A Wray
 Drumkee Road,Dungannon,Co. Tyrone,bt71 6JD
 Natalie McVeigh
 Drumkee Road,Dungannon,Tyrone
 Owner Occupier
 Express Car Wash,Cohannon Complex,Ballynakilly Road,Dungannon,Co, Tyrone,BT71 6HJ
 Kerry Lamb
 Flowerbox,Cohannon Complex,Ballynakilly Road,Dungannon,Co, Tyrone,BT71 6HJ
 Orla Cullen
 Hair & Beauty Retreat,Cohannon Complex,Ballynakilly Road,Dungannon,Co

Tyrone, BT71 6HJ
 Owner Occupier
 Hong Kong Kitchen, Cohannon Complex, Ballynakilly Road, Dungannon, Co Tyrone, BT71 6HJ
 Jim McAlinden
 Killyman St Mary's CLG, Dungannon, Co Tyrone
 P Greer
 PG Chips, Cohannon Complex, Ballynakilly Road, Dungannon, Co Tyrone, BT71 6HJ
 Elaine Quinn
 Quinfresh, 89 Ballynakelly Road, Dungannon, Co Tyrone, BT71 6HD
 Tom Elliott MP
 Southtyrone@gmail.com
 Owner Occupier

A O'Neill

Catherine Devlin

David G McC

B & H Henderson

A Keith

B Henderson

Alan Boe

B Henderson

F Green

Elizabeth Clarke

James Henderson

Denny Laws

K Cursoe

James Henderson

| | |
|--|-----------------|
| Date of Last Neighbour Notification | |
| Date of EIA Determination | 5th August 2014 |
| ES Requested | No |

Planning History

Ref ID: M/2014/0340/F

Proposal: Proposed development of a 500kw centralised anaerobic digestion (CAD) plant, combined heat and power plant (CHP) to include change of use of existing building to facilitate feedstock storage, upgrade of existing access and ancillary site works

Address: Lands immediately adjacent and South of 111 Ballynakilly Road, Coalisland,

Decision:

Decision Date:

Ref ID: M/2006/0188/Q

Proposal: Change of use from electrical goods store to an engineering building.

Address: 30 Metres south west of 11 Annaghmore Road, Coalisland

Decision:

Decision Date:

Ref ID: M/2010/0348/F

Proposal: Rebuilding of existing commercial premises due to fire damage.

Address: Site 50m NE of 111 Ballynakelly Road, BallynaKelly, Dungannon. BT71 6JE

Decision:

Decision Date: 24.09.2010

Ref ID: M/2006/1138/F

Proposal: Housing development to consist of detached, semi-detached, townhouses & small shop

Address: Lands around 20 Coash Road, Ballynakilly

Decision:

Decision Date: 23.07.2007

Ref ID: M/2002/0063/F

Proposal: Change of Use to provide Storage for Domestic Freezers and Fridges awaiting disposal

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 19.04.2002

Ref ID: M/1980/0398

Proposal: AGRICULTURAL SHED

Address: 20 COASH ROAD, BALLYNAKELLY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/1571/F

Proposal: Alteration and upgrade of existing access to commercial premises.

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 14.08.2008

Ref ID: M/2003/0010/F

Proposal: Retention of boundary fence at 111 Ballynakilly Road, Coalisland

Address: 111 Ballynakilly Road, Coalisland

Decision:

Decision Date: 11.11.2003

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

| Summary | |
|--|---|
| Case Officer: Emma McCullagh | |
| Application ID: I/2014/0361/O | Target Date: |
| Proposal: Off site replacement dwelling and garage with existing access closed and re-located | Location: Approx 310m SE of 66 Loup Road Moneymore |
| Applicant Name and Address: Mr Sean Mc Vey c/o CMI Planners Ltd | Agent name and Address: CMI Planners Ltd Unit C5 80-82 Rainey Street Magherafelt BT45 5AG |
| Summary of Issues: The proposal is for an off site replacement dwelling in an adjacent field .No objections have been received but this is an exception to policy so will be presented to committee. | |
| Summary of Consultee Responses: TransportNI have no objections. Rivers Agency do not object to the proposal. | |
| Characteristics of the Site and Area: The site is located apporx 1.5m KM SW of St Patricks Church, Loup. It is accessed from the main Loup/Moneymore Road. The site measures over 3 hectares and includes the remains of an old dwelling and some outbuildings. The dwelling has no roof however the majority of the external walls remain with some of the front wall of the structure having collapsed. Door and window openings remain. The land form varies over the site being on or about road level rising in the northern part of the site, to flatter land in the southern portion. The immediate area in agricultural with a small plantation of fir trees adjacent to the western boundary. | |



Deferred Consideration:

The application for an off-site replacement dwelling and garage was presented to Committee as a refusal for the following reasons;

1. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the replacement dwelling is not sited within the area of the curtilage of the building to be replaced which is not so restricted that it could not accommodate a modest sized dwelling.
2. The proposal is contrary to Policy CTY 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development would, if permitted, create a significantly greater visual impact than the dwelling to be replaced by reason of its off-site location which does not integrate into and is prominent within the landscape.

Subsequently it was deferred for an office meeting with the Area Planning Manager - Dr.Chris Boomer to be re-considered.

CTY3 states that in all replacement cases, proposals will only be submitted where certain criteria is met. The significant point in this case is that the proposed replacement dwelling should be sited

within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Although the site of the existing modest replacement dwelling would have sufficient space surrounding it to accommodate a dwelling and garage of modern standards, there is surface water flooding history along the existing access. The proposal, an alternative position in the adjacent field, overcomes this issue as the proposed access does not include any of the surface water flooding area. Even if the access followed existing field boundaries leading to the replacement it would still be within the same fields which have the flooding issue, albeit the impact may be less than a new dwelling in an off site location.

As part of the proposal a new access on Loup Road is proposed, this has been assessed by TransportNI and found to be acceptable. The current laneway access is dangerous and the relocation of the access position would be an improvement. The new access will involve a significant amount of roadside vegetation removal. This will mean an opening up of views of the site, so planting should be conditioned behind the required visibility splays.

CTY3 does state the overall size of the new dwelling should allow it to integrate it into the surrounding landscape and not have a visual impact significantly greater than the existing dwelling. The existing dwelling is aided in its integration by an existing fir tree plantation which is not within the ownership of the applicant so it could be removed in the future ensuring more open views if a dwelling were to be located here. The critical views are when travelling on Loup Road travelling in a SW direction towards the site. The site which has been proposed, is located in the corner of a roadside field. Although it sits on elevated land with proposed planting along the undefined boundaries and a height restriction, on balance it would be considered acceptable.

Approval is recommended.

Conditions

1. As required by Article 62 of the Planning (Northern Ireland) Act 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

Reason: Time Limit

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

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

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

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

4. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved plan 01 date stamped 1 November 2015. is demolished, all rubble and foundations removed and the site restored in accordance with a scheme to be submitted to and approved in writing by the Council.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

5. The proposed dwelling shall have a ridge height of less than 5.7. metres above finished floor level.

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

6. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the northern and western. boundaries of the site in accordance with a scheme submitted to and approved by the Council.

Reason: To ensure the development integrates into the countryside

7. The existing natural screenings of this site, as indicated on the approved plan 01 date stamped 14 November 2015 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: To ensure the development integrates into the countryside.

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

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


9. The dwelling hereby permitted shall not be occupied until the existing native species hedgerow has been reinstated behind the required sight visibility splays.

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

Signature(s):

Date

Deferred Consideration Report

| Summary | |
|---|---|
| Case Officer: Karen Doyle | |
| Application ID: H/2015/0002/F | Target Date: |
| Proposal: Proposed change of access to previously approved Dwelling & Garage (Ref H/2013/0437 RM) | Location: Lands 120m S.E of 27 Glengomna Road, Draperstown |
| Applicant Name and Address: Mr Martin Bradley c/o Agent | Agent name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB |
| Summary of Issues: No objections | |
| Summary of Consultee Responses: Transport NI were consulted on the proposed development and had no objections, subject to conditions and informatives. | |
| Characteristics of the Site and Area: <p>The site is located approximately 3.5 km west of the town of Draperstown in the open countryside, as defined by the Magherafelt Area Plan 2015. The site is located within the Sperrins Area of Outstanding Natural Beauty (AONB).</p> <p>The site is located across three agricultural fields to the south of the Glengomna Road. The site slopes gently downwards from the proposed access to the site of the dwelling approximately 230 metres away. As a result, the site sits lower than the Glengomna road. The roadside boundary is defined by a mature hedgerow and trees, while an overhead cable and utility poles also run along the roadside.</p> <p>Surrounding land is quite rugged in nature and agriculture is the predominant land use, with single rural dwellings and agricultural outbuildings interspersed along the Glengomna Road.</p>  | |

Deferred Consideration:

This application was presented to the Planning Committee of Mid Ulster Council on 6 October 2015 with a recommendation to refuse based on the following reasons for refusal:

1. The proposal is contrary to Policy CTY 1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that no sufficient case has been presented to justify this change of access.
2. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

The dwelling was approved in principle through an outline application and the reserved matters were subsequently submitted and approved. Both applications showed an existing laneway being used to access the dwelling and on each occasion Certificate A was signed which stated that the applicant was in ownership of all the required lands. However it has now come to light that the applicant did not in fact own all the lands but sought the agreement of another landowner so that the necessary visibility splays could be provided. Since approval was granted there have been difficulties with this agreement, hence the current application which proposes a new laneway to serve the approved dwelling.

It was agreed at the Planning Committee to defer the planning application for a meeting with the Planning Manager. At the meeting Dr. Boomer raised concerns in relation to inaccurate information having been submitted on behalf of the applicant. Notwithstanding this the applicant is now left in a position that the approval cannot be taken up given the dispute between themselves and the landowner of the visibility splays despite the applicant having a right of way over the laneway.

Dr. Boomer discussed the proposal with the applicant's daughter and the agent, Joe Diamond. The agent disputed part of the case officer assessment as he does not consider that 130m of hedge removal is necessary for the new access. It was agreed that I would carry out a site visit to assess the impact of the hedge removal.

Following the deferred office meeting the agent has submitted an amended plan showing substantial planting to be carried out between the existing boundary to the west and the proposed new laneway. The agent confirmed the necessity of the angle of the new laneway so that it will meet the required standards. The immediate impact of the new access will not allow these ancillary works to integrate with the surroundings, however the landscaping that has been shown on the amended access plan (drawing 02/1) show the existing mature hedge and trees to be retained along the western boundary that runs along the length of the proposed new laneway. In addition significant planting is proposed on the eastern boundary of the new laneway together with significant planting at the access point of the proposed new laneway. Once this planting takes hold it will significantly reduce the impact of these ancillary works in this rural area.

An approval is recommended.

Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2015, 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 hedgerows as indicated on the approved drawing No 02/1 date stamped 16 October 2015, shall be retained at a minimum height of 3 metres.

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

3. During the first available planting season after the occupation of the building for its permitted use, the proposed hedgerow and trees as shown on drawing 02/1, date stamped 16 October 2015 shall be planted out.

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

4. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawing No 02/1 bearing the date stamp 16 October 2015, prior to the commencement of any other works or other development hereby permitted.

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


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

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

Signature(s):

Date

Deferred Consideration Report

| Summary | |
|--|--|
| Case Officer: Karen Doyle | |
| Application ID: LA09/2015/0087/O | Target Date: |
| Proposal: Dwelling and garage | Location: 20m North of No.43A Belagherty Road Ballyronan Magherafelt |
| Applicant Name and Address: Lisa McCloskey c/o Agent PJ Carey Architecture | Agent name and Address: PJ Carey Architecture 21 Slaght Lane Glarryford Ballymena BT44 9QE |
| Summary of Issues: Infill development, personal circumstances. | |
| Summary of Consultee Responses: No issues | |
| Characteristics of the Site and Area: <p>The site is a small site positioned between two bungalows. There is a post and rail fence along the boundary with No.43 with a 1.2m high close boarded fence to the rear. The boundary between the site and No. 45 is undefined. No. 43 has a small single garage set to the rear left hand side while No.45 has a larger shed which is also set to the rear and slightly to the right hand side. Both the garage and the larger shed are ancillary buildings and do not form a line of three buildings.</p>  | |

Deferred Consideration:

This application was presented to the Planning Committee of Mid Ulster Council on 6 October 2015 with a recommendation to refuse based on the following reasons for refusal:

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

The application was deferred at the Committee meeting for a deferred office meeting with the Planning Manager as it was stated there were personal circumstances that need to be considered in the assessment of the planning application.

At the deferred office meeting the applicant and her husband together with the agent and Gemma Jobling, Planning Consultant, presented additional documentation in the form of personal medical information pertaining to Lisa McCloskey that they wished Dr. Boomer to take into consideration.

Having considered the medical information it is unclear as to whether the test of undue hardship has been overcome. Dr. Boomer did consider it important to look at the pattern of development together with a consideration of the personal circumstances which have been presented.

Following the office meeting the agent amended the description of the proposal and it is no longer described as an infill development for 1 single dwelling but a dwelling and garage. Having inspected the site I would comment as follows. This is quite a built up area of the Belagherty Road. There have been 2 recent approvals for infill dwellings on the opposite side of the road just to the south of the application site (see attached plan). Whilst the proposal does not represent an infill opportunity the pattern of settlement has developed over time and an approval of this site, in my opinion, will not alter the character of the area. As can be seen from the attached plan there is a dwelling house (which belong to the family) on either side of the application site and immediately opposite is a line of development comprising of both dwelling houses, outbuildings and sheds. To the south and to the east (rear) of the application site there are a number of dwelling houses. Should a dwelling be approved on this application site it will not extend the line of development along this stretch of the Belagherty Road. Following Dr. Boomer's advice to consider both the pattern of development in the immediate area and the personal circumstances that have been put forward, I believe this tips the balance in favour of the applicant which is unlikely to set a precedent for other similar forms of development given the specifics of the site, locality and weight being given to the personal circumstances therefore an approval of the application is recommended.

Conditions

1. As required by Article 62 of the Planning Act (Northern Ireland) Order 2015, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

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

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

3. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape.

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

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

| Summary | |
|--|---|
| Case Officer: Emma McCullagh | |
| Application ID: LA09/2015/0232/F | Target Date: |
| Proposal: Retention of existing two storey building (domestic garage, tool store and workshop to ground floor and storage to first floor) complete with all associated siteworks | Location: 10 Tamlaghtmore Road Cookstown BT80 9UT |
| Applicant Name and Address: Mr Mark Hamilton 10 Tamlaghtmore Road Cookstown BT80 9UT | Agent name and Address: |
| Summary of Issues: The application is for retention of a 2 storey building described as a domestic store, tool shed and workshop which does not meet all the criteria for the relevant policy EXT1. | |
| Summary of Consultee Responses: No objections | |
| Characteristics of the Site and Area: The site consists of a large rectangular plot of land located at number 10 Tamlaghtmore Road, approx. 2km NE of Cookstown and approx. 0.9km NW of the local village of Dunman as designated in the Cookstown Area Plan. The site includes the large single storey dwelling at number 10 which is finished in white dash with a dark slate roof, the dwelling has a detached double garage, decent sized front and rear garden space and a tarred access and driveway. The dwelling is closed off by a timber post fence with pillars a tall gates at the entrance. To the rear of the dwelling is an agricultural field which separates the dwelling from the building seeking permission. This building has a ridge height of approx 6 metres with a curved roof, a white | |

rendered finish and grey uPvc windows and doors. There is also a double door size front entrance which has been closed up by a piece of wood. The building is enclosed by a 2 metre high closed board timber fence on three sides and a row of mature trees to the North. The building also has its own separate access which comprises a stone lane kerbed and fenced off on both sides. There is approx. 80 metres distance between the building and the dwelling at no.10.

The roof is of contemporary rounded Dutch barn-type construction to the main portion with lean-to to the rear and is of rolled metal finishes. The rainwater products are of galvanised metal finishes. There are 7 no. window openings to the front elevation (3 no. at Ground Floor and 4 no. at First Floor), 3 no. to the side (northern) elevation (1 no. at GF and 2 no. at FF), 4 no. to the rear (western) elevation and 2 no. to the side (southern) elevation. There are 2 no. door openings to the front elevation and 1 no. to the side (northern) elevation. The building is essentially a shell internally with the exception of a small block built room at the entrance and a load bearing RSJ to the GF. There is timber beam ceiling/floor joists with supporting RSJ's to FF. The building displays some characteristics of a dwelling house externally however internally it is a vacant shell with a nil use.

The site lies outside any areas of designation as depicted within the CAP 2010. The surrounding area is predominantly rural with agricultural fields making up the majority of the land use. There are a scattering of single dwellings to be found along the Tamlaghtmore Road and the applicants scrap yard and breakers yards is located a short distance to the East.



Deferred Consideration:

The building has already been constructed without the benefit of planning permission. This application was presented to committee on 1 September 2015 as a refusal for the following two 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 EXT 1 of Planning Policy Statement 7 (addendum), in that the design of the building is unacceptable in this countryside location by reason of its form, scale, proportions and means of access which are not reflective of an ancillary domestic building.

It was subsequently deferred for an office meeting.

Following the office meeting held with Dr.Chris Boomer, the use for the proposed building was discussed. The applicant advised he does not intend it for use as a dwelling and this was never his intention. He has an interest in vintage cars, owning a number of them and wanted space to work on them away from his place of work (vehicle dismantling business across the road at 9-11 Tamlaghtmore Road) but within the security of his own dwelling. The proposal has been described as a domestic store and will be conditioned as such.

The proposal does not meet with all the criteria under the policy EXT1 - Residential extensions, as it could not be described as subordinate to the existing dwelling and it set well outside the existing residential curtilage. However amended plans showing three double garage doors on the front elevation have been submitted. This change will ensure the building looks less like a residential unit in its appearance and more for the use it is intended for, ie, to store vehicles and a tool shed. The floor plans show ground floor will be a domestic garage and tool store and first floor will be for stores.

Approval is recommended with a condition attached that it is to be used as a domestic garage incidental to the dwelling No.10 Tamlaghtmore Road only and no business or trade can be carried out there.

Conditions

1. This permission authorises only private domestic use of the proposed garage/tool store to remain incidental to the enjoyment of No. 10 Tamlaghtmore Road, and it does not confer approval on the carrying out of trade or business there from.

Reason: To ensure the building is used for domestic purposes only incidental to No.10 Tamlaghtmore Road.

2. The existing natural screenings of this site, as indicated on the approved plan 02 date stamped 15 May 2015 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: To ensure the development integrates into the countryside.

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

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

4. The vehicular access, including visibility splays of 2.4 x 60m in both directions and any forward sight line, shall be in place in accordance with drawing no 4 bearing the date stamp 28 July 2015 approved plans, prior to the commencement of any 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.

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

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

Signature(s):

Date



Application ID: LA09/2015/0349/F

Deferred Consideration Report

| Summary | |
|---|---|
| Case Officer: Emma McCullagh | |
| Application ID: LA09/2015/0349/F | Target Date: |
| Proposal: Proposed carry-out food unit | Location: Land opposite 89 Westland Road South Cookstown |
| Applicant Name and Address: Rea Developments Ltd c/o Agent | Agent name and Address: Henry Marshall Brown Architectural Partnership 10 U Cookstown BT80 8NN |
| Summary of Issues: 8No Objections (4 from the same property) have been received and they raise a number of concerns; 1) Increase in traffic volume 2) Noise pollution 3) Odour pollution 4) Increased litter 5) Loss of Light | |
| Summary of Consultee Responses: Environmental Health have provided conditions to be attached to any approval. Transport NI have no objections. | |
| Characteristics of the Site and Area: The site consists of a large triangular plot of Land located on the Westland Road, sandwiched between Westbury Crescent and Westbury Drive. The site includes an existing Spar shop and two attached units, one of which being a hot food take away. The main building is single storey with dark tiled hipped roof. The building sits gable ended to the roadside and fronts on to the open carpark. The building is finished in a cream brick with the majority of the front elevation constructed from glass. The two smaller units attached to the side are set back from the frontage and have a lower ridge height. The site also includes a large tarred car park with over 39 car parking spaces. The site is located within the settlement limit of Cookstown as depicted in the Cookstown Area Plan 2010. The area is predominantly residential, the site is surrounded by a mix of town houses and semi-detached dwellings to the North South and West, the main road bounds the East with a further row of town houses adjacent. | |



Application ID: LA09/2015/0349/F

The proposal seeks planning permission for the erection of a building to allow for a hot food outlet.



Deferred Consideration-

The application was brought to Committee in September 2015 as an Approval for 're-location of a hot food bar', however was deferred to consider a late objection which raised TransportNI issues that had not been previously received by TransportNI. An office meeting was arranged for the objector, although on hearing the objection had been forwarded to TransportNI no-one attended. Work has commenced on site. The description on the application has now been amended to its original 'proposed carry out food unit'.

This planning application is for proposed relocation of a hot food unit to a new building in the North corner of the site. The proposal involves the erection of a 5.5m high building, 12metres wide and 6metres deep. It has a hipped roof and a glazed front elevation with no windows to the rear.

There is existing planning permission for a 2 hot food outlets at units 2 and units 3 which are attached to the main supermarket building. The proposal would also involve the removal of 4 number parking spaces, however, there are sufficient remaining spaces and subsequently TransportNI have no concerns subject to conditions.



Application ID: LA09/2015/0349/F

The closest property will be 7.9m from the wall of the proposed unit. There is a wall in between and no windows on the rear elevation. Currently the closest dwelling to an existing hot food unit is 8.2m, so the difference here is minimal. I am of the opinion there would not be a significant detrimental impact on the dwellings to the rear.

A copy of the objection letter raising the lack of car parking facilities for the use, increase in traffic and safety issues, was forwarded to TransportNI for comment. It has been advised by the agent that the proposed unit will be in substitution for an existing hot food bar. However the Council have asked for description to be changed back to hot food bar, as it would be difficult to enforce the substitution of one unit for another permission has been granted.

TransportNI have considered the objection and state the car parking and access onto Westland Road meet the standards required for this type of commercial development.

A further letter from 47 Westbury Road was received by Planning which had been forwarded to Environmental Health after the report had gone to September Committee, the issues raised were the same as those considered in the first letter from this property. Environmental Health have advised they would have no issue if there was an additional hot food bar, the conditions they have provided will deal adequately with any possible odour issues.

Conditions should be attached restricting the opening hours of the proposed take away from 7am until 12 midnight and that all fixed plant shall not have an individual sound power level in excess of 69dB(A) for all screened plant, and in excess of 61dB(A) for all unscreened plant, deliveries limited to opening hours only and an odour abatement system should be fitted. These conditions will eliminate the concerns in relation to the noise and general disturbance from the proposed takeaway. Environmental Health had no concerns in relation to smell.

Approval is recommended.

Conditions

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

Reason: Time Limit.

2. The trading hours of the proposed activity shall be restricted in the interest of local amenity to between the hours of 07.00-12.00 midnight.

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

3. Deliveries should only be permitted during business opening hours as specified above.

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

4. All fixed plant should not have an individual sound power level in excess of 69dB(A) for all screened plant, and in excess of 61dB(A) for all unscreened plant.

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



Application ID: LA09/2015/0349/F

5. Cooking odours should not be detectable beyond the boundary of the site. To this end a 'high level odour control abatement system' should be fitted and maintained in accordance with the manufacturer's instructions. The high level odour control abatement system should consist of either:

- a. Fine filtration or ESP followed by Carbon filtration (Carbon filters rated with 0.2-0.4 second residence time).
- b. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as (a).

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

6. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any 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.

7. 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 before the development hereby permitted is commenced and shall be retained and kept clear thereafter.

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

Signature(s):

Date

E

| | |
|---------------------------|--|
| Subject: | Provisional Planning Performance Statistics |
| Date of Meeting: | 3rd November 2015 |
| Reporting Officer: | Chris Boomer, Planning Manager |
| Contact Officer: | Melvin Bowman |

| | |
|----------|--|
| 1 | Purpose of Report |
| 1.1 | To inform members of provisional performance statistics for Development Management and Enforcement for the period 1 st April 2015 – 30 June 2015. |

| | |
|----------|--|
| 2 | Background |
| 2.1 | DOE have made available first quarter planning performance statistics for Mid Ulster District Council |
| 2.2 | These are provisional figures in order to get a feel for what Councils are expecting and require. |
| 2.3 | At this stage no comparison figures with other Councils are available. It is understood these should be available from 19 th November 2015. |

| | |
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| 3 | Key Issues |
| 3.1 | Provisional figures show that Council has received a total of 334 applications and have decided a total of 196 applications. 7 applications were withdrawn. 21 renewable energy applications have been received with 7 of these having been decided. |
| 3.2 | <p>Average processing times for Major applications show that it took 42.4 weeks to determine 50% of these. The target processing time of 25 weeks has been missed.</p> <p>Average processing times for local development applications show that it took 16.0 weeks to determine 50%. The target is to determine 50% with 15 weeks.</p> |
| 3.3 | <p>In Mid-Ulster, given the number of complex applications inherited from the Department, along with the number of wind energy proposals, it is not anticipated that we will now achieve the target for processing 60% of Major applications within 6 months, in the first year.</p> <p>This does not mean to say that new applications will not be determined in 6 months and priority will be given to Major applications which are a public investment, such</p> |

| | |
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| | <p>as schools, community buildings etc. or the Council's own environmental improvement applications.</p> <p>The fact that Mid-Ulster was one week over the target for local development applications is not a serious concern given the level of change which has occurred, both in terms of moving staff, building teams and adjusting to a different legislative and decision making set-up.</p> <p>However, we are concerned that over the period the number of applications coming in has exceeded those being determined. Initial signs suggest that in Quarter 2 of the reporting year staff started to keep up with the volume of work coming in. That said, remedial measures seeking efficiencies in working are being explored to address the rise in applications we are currently holding.</p> <p>Enforcement</p> |
| 3.4 | <p>There have been 55 enforcement cases opened in the period 1st April – 30th June 2015. A total of 37 cases were closed and while the attached table of information provided by the Department provides a figure for the length of time taken to bring these cases to target conclusion we have been advised by the Department that the methodology used by them to calculate this enforcement figure is incorrect. The figure provided should therefore be disregarded and an updated figure will be provided by the Department in due course.</p> <p>There are a total of 205 live enforcement cases for the reporting period. Of these, 119 have been in the system over 1 year, 33 cases in the system between 1-2 years, 22 cases between 2-3 years, 13 cases between 3-5 years and 18 cases over 5 years.</p> <p>The high number of cases is in part as a result of inheriting minerals files from DOE Headquarters but also as a result of a deliberate management decision to await the appointment of a District Solicitor. The rate of enforcement complaints lodged since the transfer of the planning function to Mid Ulster District Council has also increased.</p> <p>The team are working to focus attention on the older of the transferred cases while also balancing the need to progress 'new' cases in a timely manner.</p> |

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| 4 | Resources |
| 4.1 | <p><u>Financial</u></p> <p>None</p> |
| 4.2 | <p><u>Human</u></p> <p>None</p> |
| 4.3 | <p><u>Basis for Professional/ Consultancy Support</u></p> <p>None</p> |
| 4.4 | <p><u>Other</u></p> |

| | |
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| | None |
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| 5 | Other Considerations |
| 5.1 | N/A |

| | |
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| 6 | Recommendations |
| 6.1 | That members note the performance figures. |

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| 7 | List of Documents Attached |
| 7.1 | Copy of Planning Statistics for Quarter 1. |

Mid Ulster Planning Statistics Quarter 1, 1st April 2015 - 30th June 2015¹

Please highlight in RED any amended figures below use this box for any notes/comments

Comments:

| Applications received and decided by category | Number of applications received | Number of applications approved | Total Number of applications decided | Number of applications withdrawn | Average processing time (weeks) ² |
|---|---------------------------------|---------------------------------|--------------------------------------|----------------------------------|--|
| Major Developments | 8 | 10 | 11 | 0 | 42.4 |
| Local Developments | 326 | 173 | 185 | 7 | 16.0 |
| Total Applications | 334 | 183 | 196 | 7 | 16.8 |

| Renewable Energy Applications | Number of applications received | Number of applications approved | Total Number of applications decided | Number of applications withdrawn | Average processing time (weeks) ² |
|-------------------------------|---------------------------------|---------------------------------|--------------------------------------|----------------------------------|--|
| Number of Applications | 21 | 5 | 7 | 1 | 38.8 |

| Enforcements | Number of cases opened | Number of cases closed | Time to conclude 70% of cases (weeks) ³ | Number of prosecutions initiated ⁴ | Number of convictions |
|-------------------|------------------------|------------------------|--|---|-----------------------|
| Enforcement cases | 55 | 37 | 64.0 | 1 | 2 |

| Live applications by Time in system ⁵ | < 6 months | 6 months - 1 year | > 1 year | Total |
|--|------------|-------------------|----------|-------|
| Number of live applications | 491 | 96 | 89 | 676 |

| Live enforcement cases by Time in system | <=1 yr | 1-2 yrs | 2-3 yrs | 3-5 yrs | 5+ yrs | Total |
|--|--------|---------|---------|---------|--------|-------|
| Number of live enforcement cases | 119 | 33 | 22 | 13 | 18 | 205 |

1. Exclusions

CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

Definitions/Notes

2. Average Processing time

The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. Time to conclude (70%)

The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the date on which the case is closed. The Statutory Planning Performance Standard for 2015/16 requires the number of weeks that were taken to conclude 70% of enforcement cases.

4. Number of prosecutions initiated

Refers to the number of cases during the period where it has been decided to initiate court action, i.e. send to the solicitor.

5. Live applications

The classification of live cases is currently under review and is subject to small future revisions.

F

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|---|---|----------------------|--|--|
| LA09/2015/0108/F | Proposed 2 Storey Dwelling and Attached Garage | Approx 50m South of 8 Tamlaght Road Moneymore Magherafelt | 9/1/15 | Mrs Evelyn Ferguson c/o Agent | Slemish Design Studio Raceview Mill 29 Raceview Road Broughshane Ballymena BT42 4JJ |
| LA09/2015/0152/F | Change of house type from previously approved under M/2008/1284/RM | 200m North East of 62 Carrycastle Road Dungannon | 9/1/15 | Ms Eimear McMullan 50 Cadian Lane Eglish Dungannon | Holmes and Doran Ltd 1st Floor The Old Savings Bank 1 Victoria Street Armagh BT61 9DS |
| LA09/2015/0170/F | Erection of Single Wind Turbine - 40m hub height with 27m blades, associated access and 2 no electricity cabinets | Lands 285m NW of 24c Dirnan Road Cookstown | 9/1/15 | Mr D Lennox c/o Agent | Strategic Planning 4 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ |
| LA09/2015/0444/O | Replacement Dwelling | 18 Fogart Road Clogher | 9/1/15 | Mrs I Jordan C/o Agent | McGready Architects 8 Market Place Lisburn BT28 1AN |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|---|--|----------------------|--|--|
| LA09/2015/0445/R | Farm dwelling approved under M/2013/0047/O | Lands Approx. 200m South East of 9 Mullaghtinny Park Clogher | 9/1/15 | Mr F McCaughey C/o.agent | Matrix Planning Consultancy LLP 29 Old Belfast Road Newtownards BT23 4SG |
| H/2015/0025/F | Proposed dwelling and domestic detached garage | 560m S.E. of 159 Davagh Road Draperstown | 9/2/15 | Mr Gerard Campbell C/o.agent | Diamond Architecture 77 Main Street Maghera BT46 5AS |
| H/2015/0057/O | Proposed dwelling on a farm | Site South of 48 Bancran Road Draperstown BT45 7DA | 9/2/15 | Ms Margaret Donnelly C/o.agent | Newline Architects 48 Main Street Castledawson BT45 8AB |
| LA09/2015/0056/O | Proposed replacement two storey dwelling with domestic garage | 195m SE of 171 Coagh Road Stewartstown Dungannon | 9/2/15 | Mr Thomas Hutton 169 Coagh Road Sreewartstown Dungannon BT71 5LW | T4 Architects 169 Coagh Road Sreewartstown Dungannon BT71 5LW |
| LA09/2015/0286/F | Single storey side extension to allow for living area and dining area | 39a Drumbolg Road Upperlands Maghera BT46 5UD | 9/2/15 | Mr and Mrs Tommy Houston 39A Drumbolg Road Upperlands Maghera BT46 5UD | M J Fullerton 12 Rainey Court Magherafelt BT45 5BX |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|--|--|----------------------|---|---|
| LA09/2015/0295/F | Single storey rear and side extension to dwelling to provide more kitchen and office space and a downstairs toilet | 30 Sandy Mount Magherafelt | 9/2/15 | Terrance Simmons c/o Agent | CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 8AG |
| LA09/2015/0340/F | Proposed Change of House types as previously approved under M/2011/0634/F | 50m SW of 6 Fogart Road (accessing onto Aghafad Road) Clogher | 9/2/15 | Viola Cooke c/o Agent | Paul McMahon Cottage Studio's Gortrush Great Northern Road Omagh Co Tyrone BT78 5EJ |
| H/2015/0031/RM | Proposed bungalow and domestic garage | 45m South West of 70 Craigadick Road Maghera Bt46 5DH | 9/7/15 | Mr and Mrs Errol Selfridge 8 King William 111 Crescent Maghera BT46 5HA | M J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX |
| LA09/2015/0066/RI | Proposed Dwelling | Lands adjacent to 72 Lisnamuck Road Maghera | 9/7/15 | Mr O'Neill | Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|---|---|----------------------|---|---|
| LA09/2015/0122/F | Erection of paladin boundary fence and associated gates enclosing existing fishing lodge/ amenity building and carpark to replace timber post and d rail fence and wooden gates (retrospective) | Approx 100m West of 187 Mayogall Road Clady Portglenone BT44 8PF | 9/7/15 | Clady and District Angling Club C/o.Frank Magill 15 Hall Lane Mayogall Magherafelt BT45 8PF | E C Birt 72 Main Street Toomebridge BT41 3NJ |
| LA09/2015/0303/NI | Proposed introduction of new window to bedroom 1en suite with obscured glazing | Plot 35 lands at 31 Magherafelt Road Money more | 9/7/15 | Farrans Homes 99 Kings Way Dunmurry Belfast BT17 9NU | Alan Patterson Design LLP 112 Craigdarragh Road Helens Bay BT19 1UB |
| LA09/2015/0513/NI | Window sizes increased to rear of property ,window change to patio doors, internal alterations to layout and door openings,raised ceiling to new extension | 17 Ballymacpeake Road Portglenone | 9/7/15 | Agnes McPeake C/o.agent | Architectural Services 5 Drumderg Road Draperstown BT45 7EU |
| H/2012/0055/F | Amendments to Previously Approved Housing Development Approved Under H/2010/0237/F (2 No. Semi Detached Dwellings to Replace 4 No. Approved Apartments) | 30m NE of 37 Ballyronan Road Magherafelt | 9/8/15 | JFM Construction Ltd c/o Agent | J E McKernan & Son 25 Market Road Ballymena BT43 6EL |
| I/2014/0342/F | Proposed two storey dwelling (with a 6.5m ridge height) on a farm with garage | Adjacent to 47 Drumhubbert Road Stewartstown | 9/8/15 | Mr Kevin Devlin 1 Morgans Close Magherafelt BT45 6PT | Mr Paul Mc Veigh 77 Quarry Road Magherafelt BT45 8NS |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|---|--|----------------------|--|---|
| LA09/2015/0032/F | Extensions to rear / side of dwelling (2 storey) | 146 Drumbolg Road Upperlands Maghera BT46 5UZ | 9/8/15 | S Sloan Esq. 146 Drumbolg Road Upperlands Maghera BT46 5UZ | Russell Finlay (Building Design Consultant) 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT |
| LA09/2015/0554/F | Extension to side of existing dwelling | 1 Ballynahaye Road Ballygawley | 9/8/15 | Miss Shelly McBride 1 Ballynahaye Road Ballygawley BT70 2HN | Nathan Wilson NIHE Landlord Services Design 10 -16 Hill Street Belfast BT1 2LA |
| M/2015/0106/F | Proposed extension to existing manufacturing workshop | 110 Trewmount Road Killyman Dungannon | 9/8/15 | K Hughes and Co.Ltd 118 Trewmount Road Killyman Dungannon | McKeown and Shields 1 Annagher Road Coalisland BT71 4NL |
| H/2014/0442/O | Farm dwelling and detached garage | Land to rear of 3 Ballynease Road Bellaghy Magherafelt | 9/9/15 | Janette Leslie 3 Ballynease Road Bellaghy Magherafelt BT45 8TD | CMI Planners Ltd Unit 15 80-82 Rainey Street Magherafelt BT45 5AE |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|--|---|----------------------|--|---|
| LA09/2015/0174/O | Dwelling and garage | 60 metres East of 20 School Lane Mayogall Magherafelt Co Derry | 9/9/15 | Seamus McCloy c/o 24 School Lane Mayogall Magherafelt BT45 8PE | |
| LA09/2015/0201/F | Proposed Tea Room (existing garden centre) | 15 Kilrea Road Upperlands Maghera BT46 5HX | 9/11/15 | William Montgomery 15 Kilrea Road Upperlands Maghera BT46 5HX | M J Fullerton 12 Rainey Court Magherafelt BT45 5BX |
| LA09/2015/0294/F | Proposed Detached Garage | 26A Barrack Road Ballymaguigan Magherafelt | 9/11/15 | Mr Ciaran McIvor c/o Agent | Vision Design 31 Rainey Street Magherafelt BT45 5DA |
| LA09/2015/0543/F | New 11kv OHL to facilitate new pig farm at 27 Doolargy Road, Aughnacloy (14/07547) | 27 Doolargy Road Aughnacloy | 9/15/15 | Denise Irvine Northern Ireland Electricity Carn Industrial Estate Portadown BT63 5QJ | |
| LA09/2015/0575/F | Proposed replacement garage to rear of existing dwelling | 46 Main Street Fivemiletown | 9/15/15 | Michael Callaghan 46 Main Street Fivemiletown BT75 0PW | Neil Irvine Design Ltd Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|--|---|----------------------|---|---|
| LA09/2015/0009/F | Retention of existing agricultural building and associated gravel access lane, hard standing and all associated site works | Agricultural Building 138m East of 9-11 Tamlaghtmore Road Derrycrummy Cookstown | 9/16/15 | Mr R Hamilton 116 Moneymore Road Cookstown BT80 9UU | |
| LA09/2015/0171/R | Proposed Dwelling and Domestic Garage | Lands immediately East of 90 Altaglushan Road Galbally Dungannon | 9/16/15 | Mr Joseph B Nugent c/o Agent | McKeown & Shields 1 Annagher Road Coalisland BT71 4NE |
| LA09/2015/0212/F | Change of use from existing workshop to conversion of a retirement dwelling | 29 Back Lower Road Killycolpy Dungannon | 9/16/15 | Malachy Bleeks 29 Back Lower Road Killycolpy Dungannon BT71 5ER | Seamus Donnelly 80A Mountjoy Road Aughrinderg Coalisland BT71 5EF |
| LA09/2015/0247/O | Proposed replacement dwelling and garage | 12 Knockavaddy Road Dungannon | 9/16/15 | Ms J Loughran C/o.agent | Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ |
| LA09/2015/0248/F | Proposed change of use including internal modifications to the existing redundant building. Proposed use includes the assembly and fitting of concrete of Form Work with ancillary offices and storage space | 200m South East of 166 Washingbay Road Coalisland | 9/16/15 | Barry Donnelly 37 Moorelands Dungannon BT71 4SJ | Eamonn Cushnahan 4 Glenree Avenue Dungannon BT71 6XG |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|--|---|----------------------|---|---|
| LA09/2015/0289/F | Proposed replacement dwelling and domestic garage | 14 Station Road Pomeroy | 9/16/15 | Mr and Mrs Sean O Donnell 34 Sluggan Road Pomeroy BT71 2UP | McKeown and Shields 1 Annagher Road Coalisland BT71 4NE |
| LA09/2015/0318/F | Alterations and Extension to rear of existing dwelling | 61A Anneeter Road Coagh Cookstown BT80 0HZ | 9/16/15 | Gavin Rafferty 61A Anneeter Road Coagh Cookstown BT80 0HZ | APS Architects LLP Unit T3 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU |
| LA09/2015/0336/F | Single storey rear extension to dwelling to provide ground floor sleeping and washing/ sanitary facilities | 3 Clondallon Drive Clonoe Coalisland BT71 5BX | 9/16/15 | Damian and Marie Campbell C/o. agent | Martin Campbell 3 Clondallon Drive Clonoe Coalisland BT71 5BX |
| LA09/2015/0345/F | Single storey extension to side of existing dwelling | 32A Mullan Road Coagh Cookstown | 9/16/15 | Mr Steven Wilson c/o Agent | P Graham Design 1 Brecart Road Toome BT41 3TH |
| LA09/2015/0378/F | 2 Storey rear extension for kitchen and bathroom | 37 Union Street Cookstown | 9/16/15 | Mr McCord 37 Union Street Cookstown | |
| LA09/2015/0381/F | Single storey rear extension for sun lounge | 32 Eglish Park Coagh Cookstown | 9/16/15 | Patricia McGrath 32 Eglish Park Coagh Cookstown BT80 0BW | M J Fullerton 12 Rainey Court Magherafelt BT45 5BX |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|---|--|----------------------|---|--|
| LA09/2015/0400/F | Proposed single storey extension to side of dwelling to provide additional domestic kitchen area | 45 Coole Road Coalisland | 9/16/15 | Mr Rowan Moertl 45 Coole Road Coalisland | McKeown and Shields 1 Annagher Road Coalisland BT71 4NE |
| LA09/2015/0476/RI | Proposed erection of a dwelling house and detached garage | Approx 90m SW of 51 Ballynargan Road Stewartstown | 9/16/15 | Victor and Margaret Ferguson c/o Agent | Trevor Woods 33 Killeen Road Armagh BT60 2AA |
| LA09/2015/0492/RI | Proposed 2 Storey Dwelling and Domestic garage with guest accommodation above. | 150m S.W. of 10 Ardculmer Road Cookstown | 9/16/15 | John + Caroline Brown 16 Oaklands Road Cookstown BT80 9ED | Bernard Donnelly 30 Lismore Road Ballygawley Dungannon BT70 2ND |
| LA09/2015/0538/RI | Proposed dwelling and garage on a farm | Land adjacent to and SE of 41 Annaghquin Road Drumballyhugh Dungannon | 9/16/15 | Mr and Mrs Gary Watt 83 Eglis Road Dungannon BT70 1LB | Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN |
| I/2015/0007/F | Proposed change of use from dwelling to 2 no. three bedroom apartments and 1 no. two bedroom apartment with rear access stairwell and amenity areas | 47 Coagh Street Cookstown | 9/17/15 | BBBS Ltd 191 Ballymaguire Road Stewartstown BT71 5NN | |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|--|---|----------------------|--|---|
| I/2015/0014/F | Proposed free range organic poultry shed with a feed bin and a standby generator building. (Shed to contain 3,000 free range organic egg laying hens) | Land approx 150m North of 25 Murnells Road Pomeroy | 9/17/15 | Mr Hugh Mullin 25 Murnells Road Pomeroy Dungannon BT70 2SL | Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN |
| I/2015/0099/O | 7.5m Ridge Height 2 Storey Dwelling with Domestic Garage on Farm (under Policy CTY 10 of Planning Policy Statement (PPS) 21) | Approx 120m SE of 34 Sherrigrim Road Stewartstown | 9/17/15 | Mr & Mrs David Adams 38 Bracken Ridge Newmills Dungannon BT71 4TN | T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW |
| LA09/2015/0046/F | Proposed replacement dwelling house and new garage | 111 Dyan Road Cavanboy Caledon BT68 4XD | 9/17/15 | Keith Rutherford 111 Dyan Road Cavanboy Caledon BT68 4XD | Holmes & Doran LTD 1st Floor Old Saving Bank 1 Victoria Street Armagh BT61 9DS |
| LA09/2015/0065/F | Amendment to existing approval I/2013/0151/F .Proposed installation of a wind turbine on a tubular tower of up to 40m height with blades up to 59.5m (to tip height) | Lands 267m South east of 321 Mountjoy Road Killoon Stewartstown BT71 5LJ | 9/17/15 | Mr Wayne Megaw C/ o.agent | C D Consulting Unit 54 Enniskillen Business Centre 21 Lackaghboy Road Enniskillen BT74 4RL |
| LA09/2015/0157/F | Proposed raising of existing ground levels of the rear of the site to facilitate the future development of the land | Lands NE of 109 Brackaville Road Coalisland | 9/17/15 | Mr Francis Campbell 109 Brackaville Road Coalisland | Mc Keown and Shields 1 Annagher Road Coalisland |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|---|---|----------------------|---|--|
| LA09/2015/0367/LI | Proposed agricultural silo for storage of silage | Approximately 80m SE of 34 Sherrygrim Road Stewartstown Dungannon BT71 5PP | 9/17/15 | Messrs Albert and David Adams 34 Sherrygrim Road Stewartstown Dungannon BT71 5PP | T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW |
| LA09/2015/0049/F | Proposed car park adjacent to existing minor playing fields | Proposed car park at O'Neill Park Ballymaguigan Magherafelt | 9/18/15 | Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN | |
| LA09/2015/0299/O | Proposed site for new dwelling in infill site | Between 69 and 73 Kinturk Road Coagh Cookstown BT80 0JD | 9/18/15 | Mr Gabriel Quinn 36 Mullan Road Coagh Cookstown BT80 0JE | Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR |
| LA09/2015/0324/F | Variation of Condition 1 of Planning Approval I/2010/0479/F (to extend time limit for extraction) | Lands approx. 400m South of 10 Gortreagh Road Cookstown | 9/18/15 | Mr Frank McGurk 4 Flo Road Drumshambro Cookstown BT80 9HZ | |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|--|--|----------------------|--|--|
| LA09/2015/0333/R | New 2 storey dwelling and garage | 20m south of 55A Ballymacombs Road Bellaghy | 9/18/15 | Eugene Cassidy C/o.agent | Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX |
| LA09/2015/0403/A | Hoarding | 1 Union Road Magherafelt | 9/18/15 | J.C Stewart Ltd 1 Union Place Magherafelt BT45 5DF | |
| M/2015/0079/O | Dwelling and garage | 237 Trewmount Road Moy BT71 7ED | 9/18/15 | Thomas Fanthorpe 80 Ballytroddan Road Benburb Dungannon BT71 7LT | Joseph Daly 67 Legilly Road Dungannon BT70 1PE |
| M/2015/0090/F | Proposed erection of building fronting William Street comprising electricity substation and 2 no apartments. (Revision to extant social housing permission (M/2008/0935/F) currently under construction to accommodate electricity substation) | Lands at nos 4-6 William Street Dungannon | 9/18/15 | Helm Housing c/o Agent | TSA Planning Ltd 29 Linenhall Street Belfast BT2 8AB |
| LA09/2015/0361/F | Proposed single storey rear extension and alterations to existing dwelling | 3 Moykeeran Crescent Draperstown | 9/21/15 | Ms Dympna Donnelly 29 Horsham Avenue London N12 9BG | Vision Design 31 Rainey Street Magherafelt BT45 5DA |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|---|--|----------------------|---|---|
| H/2014/0236/F | Proposed 250kw wind turbine with 44m hub height and 31m rotor diameter and battery storage unit | Lands approximately 390 metres to the northwest of No. 57 Lismoyle Road Swatragh BT51 5UJ. Access taken off the Barnside Road. | 9/22/15 | Airstream Tempo Energy Uk Ltd C/o Agent | 2020 Architects 37 Main Street Ballymoney BT53 6AN |
| LA09/2015/0109/F | retention of existing domestic storage shed | 4 Alderwood Road Fivemiletown BT75 0LZ | 9/22/15 | Mr D Montgomery C/o agent | Matrix Planning Consultancy LLP 29 Old Belfast Road Newtownards BT23 4SG |
| LA09/2015/0291/O | Site of dwelling and garage | 33m North West of 55 Mullaghnamoyagh Road Portglenone BT44 8NP | 9/22/15 | Mr and Mrs Brian McCallion 55 Mullaghnamoyagh Road Portglenone BT44 8NP | Sean Walsh 27 Taylorstown Road Toomebridge BT41 3PU |
| LA09/2015/0320/F | Replacement dwelling and retention of existng sheds | 27 Carnaman Road Gulladuff BT45 8PN | 9/22/15 | Declan Young C/o. agent | CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG |
| LA09/2015/0331/F | 1no. Single storey dwelling with double domestic garage | 30m North of 3C Tonaght Road Draperstown Magherafelt BT45 7JD | 9/22/15 | Paul Hegarty 4B Tonaght Road Draperstown Magherafelt BT45 7JD | M J Fullerton 12 Rainey Court Magherafelt BT45 5BX |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|---|---|----------------------|--|--|
| LA09/2015/0377/RI | Proposed single storey dwelling | Adjacent to 73 Derryvale Road Coalisland | 9/22/15 | Mr Stephen Halligan 73 Derryvale Road Derryvale Coalisland | C McIlvar Ltd Chartered Planning Consultants 89 Main Street Garvagh BT51 5AB |
| LA09/2015/0385/F | Single storey side extension to provide motorhome storage, rear extension to allow for farm office and storage above existing garages | 19 Killyboggan Road Magherafelt | 9/22/15 | Malcolm Fleming c/o Agent | M J Fullerton Design 12 Rainey Court Magherafelt BT45 5BX |
| LA09/2015/0451/F | Proposed alterations with a proposed single storey extension and garage to existing dwelling | 33 Gortinure Road Maghera | 9/22/15 | Mr and Mrs Corrigan 33 Gortinure Road Maghera BT46 5PA | Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA |
| LA09/2015/0566/F | Single storey rear extension to dwelling for proposed sunroom | 26 Glenshane Park Draperstown | 9/22/15 | Tony Bujwid C/o agent | Archectural Services 5 Drumderg Road Draperstown BT45 7EU |
| LA09/2015/0028/RI | Single dwelling and garage | 80m North East 10 Hillhead Park Castledawson BT45 8BL | 9/23/15 | Mr J Walsh C/o agent | CMI Planners Ltd Unit C The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG |
| LA09/2015/0071/F | Domestic Double Garage | 25 Derrynoyd Road Draperstown BT45 7DW | 9/23/15 | Shane Convery 25 Derrynoyd Road Draperstown BT45 7DW | M J Fullerton 12 Rainey Court Magherafelt BT45 5BX |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|--|--|----------------------|--|--|
| LA09/2015/0181/F | Proposed alterations to existing dwelling including the erection of new front and rear single storey extensions and new ramped access to front entrance (NIHE disabled facilities grant aided works) | 15 Beechland Gardens Clady Portglenone. | 9/23/15 | George McLaughlin C/o Agent | Diamond Architecture 77 Main Street Maghera BT46 5AB |
| LA09/2015/0363/F | Proposed single storey extension to side of existing dwelling | 5 Slievegallon Drive Draperstown BT45 7JS | 9/23/15 | Mr Joe Mc Williams 5 Slievegallon Drive Draperstown BT45 7JS | Diamond Architecture 77 Main Street Maghera BT46 5AB |
| LA09/2015/0398/F | Proposed 2 storey gable extension to dwelling | 23 Torrent View Donaghmore BT70 3GZ | 9/23/15 | Patrick and Bronagh Bowen 23 Torrent View Donaghmore BT70 3GZ | Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU |
| LA09/2015/0496/F | Renewal of Planning Permission M/2010/0497/F for an additional 2 rooms plus 6 car parking spaces | 28 Moor Road Coalisland | 9/23/15 | Jacqueline Ryan 28 Moor Road Coalisland | PMC 95A Derryalla Road Coalisland BT71 4QS |
| M/2015/0020/F | 30m high mobile telecommunications mast | Lands approx 500m SE of no 20 Terrenow Road Castlecaulfield Co Tyrone BT70 3AB | 9/23/15 | Arqiva Crawley Court Winchester Hampshire SO21 2QA | Arqiva Ltd. Arqiva Ltd Crawley Court Winchester Hampshire SO21 2QA |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|------------------|--|--|----------------------|---|--|
| M/2015/0081/LBC | Proposed new internal layout to include vacant caretakers dwelling as now part of the Masonic Hall. Replace/alter external opening back to their original locations. | 44 Sydney Street Aughnacloy BT69 6AE | 9/23/15 | Masonic Hall c/o Agent | Prestige Homes 1 Lismore Road Ballygawley BT70 2ND |
| M/2015/0098/F | Proposed alterations to masonic hall to include new internal layout | 44 Sydney Street Aughnacloy | 9/23/15 | Aughnacloy Masonic Lodge C/o.agent | Prestige Homes 1 Lismore Road Ballygawley BT70 2ND |
| M/2015/0125/F | Agricultural Building in association with active farm. | 85m SW of 88A Derryfubble Road Dungannon BT71 7PJ | 9/23/15 | Patrick James O'Neill 102 Derryfubble Road Dungannon BT71 7PW | Colm Donaghy Chartered Architect 24 Killyman Street Moy BT71 7SJ |
| H/2014/0335/F | Extension to existing church hall complex | 106 Desertmartin Road Moneymore Magherafelt | 9/25/15 | Lecumpher Presbyterian Church Desertmartin Road Moneymore Magherafelt BT45 7RJ | S J Hudson 21 Main Street Desertmartin Magherafelt BT45 5LW |
| H/2014/0339/LBC | Extension to church hall complex | Lecumpher Presbyterian Church 106 Desertmartin Road Moneymore Magherafelt BT45 7RJ | 9/25/15 | The Kirk Session 106 Desertmartin Road Moneymore BT45 7RJ | S J Hudson 21 Main Street Desertmartin BT45 5LW |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|--|---|----------------------|--|--|
| LA09/2015/0249/F | Parts store and workshop to accommodate existing business | 370m South West of 156 Lough Fea Road Cookstown via Spawell Road Cookstown | 9/25/15 | Tobermore Concrete Products Ltd C/o agent | CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG |
| LA09/2015/0392/A | Signage to new shop front to existing car park to include internally illuminated logo and externally illuminated surface mounted letting/signage | Unit 6 Glenone Park Kilrea Road Portglenone | 9/25/15 | Mr Seamus McAllister c/o Agent | Ms R McAllister 3 Bracken View Portglenone BT44 8PE |
| LA09/2015/0404/F | Change of use from existing light industrial / commercial unit to new gym with spin room on ground floor, new mezzanine floor to facilitate associated fitness classes and new shop front to existing car park | Unit 6 Glenone Park Kilrea Road Portglenone | 9/25/15 | Mr Seamus McAllister c/o Agent Ms R McAllister | Ms R McAllister 3 Bracken View Townhill Road Portglenone BT44 8BF |
| LA09/2015/0765/NI | Change of House Type from Previously Approved Application H/2010/0575/RM | 90m NE of 2 Milltown Road Draperstown | 9/25/15 | Miss Claire McGurk c/o Agent | Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|--|--|----------------------|--|---|
| LA09/2015/0825/LI | Removal of existing single storey roof, front, rear and internal side wall of existing store currently attached to side of existing 2 storey dwelling. Re-build new cavity wall to front, rear and side walls and install new single storey pitched roof all in the exact same position as the existing wall and roof previously removed to provide new grant aided disabled shower room facility and new ramp access to front door to OT'S recommendations. | 49 Barnside Road Swatragh | 9/25/15 | Thomas Bolton 49 Barnside Road Swatragh BT46 5QS | Diamond Architecture 77 Main Street Maghera BT46 5AB |
| LA09/2015/0126/F | Extension of the dwelling curtilage and erection of a storage shed for a boat and domestic materials | 37m South West of 9 Cranny Lane Moneymore | 9/29/15 | Mr P Shaw 9 Cranny Lane Moneymore | CMI Planners Ltd 80/82 Rainey Street Magherafelt |
| LA09/2015/0154/F | Proposed single storey dwelling and detached double garage | 120m NE of 6 Owen Reagh Road Draperstown | 9/29/15 | Mr D McNamee C/o.agent | Paul Moran Architect 18 Drumsamney Road Desertmartin BT45 5LA |
| I/2015/0008/F | Amendment to extant approval, I/ 2014/0025/RM, for residential property with associated accommodation to provide care for up to three people | 75m SW of 42 Tullagh Road Cookstown | 9/30/15 | Mr Philip Donaghy c/o CMI Planners Ltd | CMI Planners Ltd Unit C5 80-82 Rainey Street Magherafelt BT45 5AG |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|---|---|----------------------|---|--|
| LA09/2015/0011/RI | Proposed infill dwelling and garage | Between 138a and 148 Drumagarner Road Kilrea | 9/30/15 | B McCloskey 96 Drumagarner Road Kilrea Coleraine BT51 5TE | D.M.Kearney Design 2A Coleraine Road Maghera BT46 5BN |
| LA09/2015/0073/F | Proposed revised design for dwelling and garage approved under M/2010/0063/F | 175m SE of 33 Ballynanny Road Ballygawley | 9/30/15 | Mr Con Carey C/o.agent | Prestige Homes 1 Lismore Road Ballygawley BT70 2ND |
| LA09/2015/0226/F | Proposed refurbishment of flats 19 - 22 and 43-46 Dunlea Vale, Dungannon | 19 - 22 and 43-46 Dunlea Vale Dungannon | 9/30/15 | Joseph Haughian NIHE Marlborough House Central Way Craigavon BT64 1AJ | Michael Herron Architects 2nd Floor Corner House 64 - 66a Main Street Coalisland BT71 4NB |
| LA09/2015/0313/RI | Proposed farm dwelling and garage | 30m North of 109A Ballyronan Road Ballymulderg Magherafelt | 9/30/15 | Gerard Kelly C/ o.agent | Eamonn Moore Architect 18 Westbury Gardens Cookstown BT80 8WE |
| LA09/2015/0448/F | Change of house type to previous approved (M/2014/0486/F) for a dwelling and garage | Approx 280m NW of 30 Lisnawery Road on Halftown Road Ballygawley. | 9/30/15 | Mr D Minogue C/o.agent | FMK Architecture Unit 5 Ahoghill Business Centre Ahoghill Ballymena BT42 1LA |

Delegated Planning Applications Decisions Issued

Decision Issued From: 9/1/2015 1 To: 9/30/2015 1

| Reference Number | Proposal | Location | Date Decision Issued | Applicant | Agent |
|-------------------|--|--|----------------------|--|---|
| LA09/2015/0494/F | Proposed Pitched Roof in Lieu of existing flat roof to rear annex of the Existing Dwelling. | 33 Pound Road Magherafelt | 9/30/15 | Miss Angela McGlade 33 Pound Road Magherafelt BT45 6NR | T B McBride Architectural SVS 3 O'Cahan Place Dungiven BT47 4SX |
| LA09/2015/0775/NI | Demolition of Existing Building and Construction of New Build Office Building to Accommodate 85 Staff, including 44 Car Parking Spaces | Cafre Agriculture Building Loughry Campus 76 Dungannon Road Cookstown | 9/30/15 | RPP Architects 155/157 Donegall Pass Belfast BT7 1DT | |
| M/2014/0471/F | Site for 2 no dwellings (Infilling gap site) | Site between 211a and 215 Washingbay Road Aughamullan | 9/30/15 | Jim McCuskey 10a Ferry Road Coalisland BT74 4QT | Breen McCuskey 152a Washingbay Road Coalisland BT71 4QT |

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| Subject: | Results of Planning Enforcement Appeals |
| Date of Meeting: | 3rd November 2015 |
| Reporting Officer: | Dr Chris Boomer |
| Contact Officer: | Sinead McEvoy |

| | |
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| 1 | Purpose of Report |
| 1.1 | To make the Council aware of the outcome of enforcement planning appeals in respect of three Enforcement Notices (served by the Department of Environment) in relation to sites within Mid Ulster Council area. |

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| 2 | Background |
| 2.1 | Members were previously made aware of the occurrence of the three enforcement planning appeals that were to be attended and defended by Mid Ulster Council Planning Department. |

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| 3 | Key Issues |
| 3.1 | <p>The following two cases were held as a joint appeal as they relate to the same site:</p> <p>a) I/2014/0012/CA – Lands immediately West Of, 71 Back Lower Road, Back Lower, Mountjoy, Co Tyrone. The alleged material change of use of agricultural lands used for the purpose of siting a mobile home and shed including hardcored access to the public road being development without the express grant of planning permission required in that regard, for an unauthorised access, hardcore and siting of mobile home.</p> <p>The decision of the PAC was that the Notice was upheld and varied as follows: (1) cease the use of the lands for the purposes of siting a mobile home and shed by removing the mobile home and shed from the site before 31 October 2015; and (2) Remove the hardcore on which the mobile and shed are sited including the hardcored access to the public road (Back Lower Road) before 31 October 2015; and (3) Topsoil and reseed the land with grass before 31 October 2015.</p> <p>b) I/2014/0013/CA - Land immediately west and north of 71 Back Lower Road, Back Lower, Mountjoy, Co Tyrone. Change of use from agricultural lands to lands used for siting a mobile home and shed including a hardcored access to the public road</p> |

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| | <p>The decision by the PAC was the Notice was upheld and varied as follows:</p> <p>(1) cease the use of the lands for the purposes of the storage of ELVs before 31 October 2015; and</p> <p>(2) Remove the hardcore and hardcored access to the public road (Back Lower Road) before 31 October 2015; and</p> <p>(3) Topsoil and reseed the land with grass before 31 October 2015.</p> |
| 3.2 | <p>c) I/2013/0039/CA - Siting of chalet dwelling (log cabin) on Lands approximately 300m north of 29 Dirnan Road, Derryganard, Cookstown</p> <p>The Enforcement Notice served by the Department required the offender to <i>'Cease use of land for the siting of a chalet dwelling (log cabin) by removing the chalet dwelling (log cabin) from the land and restoring the land to its former state within 28 days from the date on which this Notice takes effect.'</i></p> <p>The PAC dismissed the appeal and upheld the Notice however they varied it given the extant planning permission for a dwelling on the site and the concrete foundations and concrete floor slab which are in place on site. They considered it unnecessary 'to restore the land to its former state' and varied the Notice to remove this aspect.</p> |

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| 4 | Resources |
| 4.1 | <p><u>Financial</u> N/A</p> |
| 4.2 | <p><u>Human</u> N/A</p> |
| 4.3 | <p><u>Basis for Professional/ Consultancy Support</u> N/A</p> |
| 4.4 | <p><u>Other</u> N/A</p> |

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| 5 | Other Considerations |
| 5.1 | N/A |

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| 6 | Recommendations |
| 6.1 | That members note that the PAC upheld the Enforcement Notices in the three cases listed. |

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| 7 | List of Documents Attached |
| 7.1 | Copies of PAC decisions |

Enforcement Appeal Decisions

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

| | |
|--|---|
| Appeal Reference: | 2014/E0040 |
| Appeal by: | Mr Stephen Quinn |
| Subject of Appeal: | An Enforcement Notice dated 28 November 2014. |
| Alleged Breach of Planning Control: | Change of use from agricultural lands to lands used for siting a mobile home and shed including a hardcored access to the public road |
| Location: | Land immediately west and north of 71 Back Lower Road, Back Lower, Mountjoy, Co Tyrone |
| Planning Authority: | Mid Ulster District Council |
| Authority's Reference: | I/2014/0012/CA |
| Procedure: | Informal hearing on 2 June 2015 |
| Decision by: | Commissioner M McCabe, dated 24 June 2015. |

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| Appeal Reference: | 2014/E0041 |
| Appeal by: | Mr Stephen Quinn |
| Subject of Appeal: | An Enforcement Notice dated 28 November 2014. |
| Alleged Breach of Planning Control: | Material change of use for the purposed of storage of End-of-Life Vehicles (ELVs) including hardcored access |
| Location: | Land immediately west and north of 71 Back Lower Road, Back Lower, Mountjoy, Co Tyrone |
| Planning Authority: | Mid Ulster District Council |
| Authority's Reference: | I/2014/0013/CA |
| Procedure: | Informal hearing on 2 June 2015. |
| Decision by: | Commissioner M McCabe, dated 24 June 2015. |

Grounds of Appeal against the Enforcement Notices

1. Appeal 2014/E0040 as submitted, was made on grounds (a), (c) and (g) as set out in Article 69(3) of the Planning (Northern Ireland) Order 1991. There is a deemed planning application by virtue of Article 71(5) as the requisite fee was paid. Grounds (a) and (c) were withdrawn in the appellant's Statement of case.
2. Appeal 2014/E0041 as submitted, was made on grounds (d) and (g) as set out in Article 69(3) of the Planning (Northern Ireland) Order 1991. Ground (d) was withdrawn by the Appellant's agent at the beginning of the Hearing.

Ground (g) in both appeals

3. While all three elements of the remedy in Part 4 of each Enforcement Notice are required to be carried out within 30 days of the date on which it takes effect, the Planning Authority stated at the Hearing that a maximum of three months, for the implementation of the entire remedies specified in each notice, would be acceptable as a more reasonable time period.
4. The appellant's agent advised that the appellant and his estranged wife are involved in lengthy divorce proceedings following their separation at the beginning of November 2011. In the interim there have been court proceedings and correspondence between the parties' solicitors regarding the removal of items from the site which may lead to an Injunction. As part of these proceedings the appellant has given a written undertaking, dated 8 July 2014, that neither he nor his mother nor anyone under his instruction would remove, dispose, damage or sell or in any way interfere with the contents of the former matrimonial home. It was believed that the divorce may be finalised by the autumn 2015 and the appellant's agent suggested a period of nine months to comply with the requirements of each of the enforcement notices.
5. The Planning Authority's suggestion that the two solicitors could come to some amicable arrangement whereby the items on the site could be accounted for as they were being removed, seems to me to be reasonable and as such their value could be taken into account in any divorce settlement. I understand the mobile home has not been occupied for some time, the business is not operational at present and that approximately 34 cars are located on the site. The breaches of planning control were first brought to the attention of the planning authority at the end of February 2014 and there were no persuasive arguments regarding the need for 9 months for compliance. The best estimate for completion of the divorce proceedings is the autumn of 2015 and irrespective of whether this date is achieved or not, I judge it would be reasonable to require the various remedies to be carried out before the end of October 2015. Although removal of the hardcored access to the public road involves a more substantial operation, it is outside the curtilage of the former matrimonial home, it does not involve the disposal of an asset and there is no reason why this element of the unauthorised operations could not be addressed in the interim so that ground could be covered with topsoil and reseeded in the autumn, within the end of October time frame. The notices can be varied to give effect to these revised time periods for compliance. Each of the appeals under Ground (g) succeeds to the extent that I have indicated above.

Decision on each Appeal

The decision is as follows:-

- The appeal on ground (g) succeeds to the extent that the requirements in Part 4 of each Enforcement Notice are as follows:-
 - Appeal 2014/E0040:-
 - 4. What you are required to do:**

- (1) cease the use of the lands for the purposes of siting a mobile home and shed by removing the mobile home and shed from the site before 31 October 2015; and
- (2) Remove the hardcore on which the mobile and shed are sited including the hardcored access to the public road (Back Lower Road) before 31 October 2015; and
- (3) Topsoil and reseed the land with grass before 31 October 2015.

- Appeal 2014/E0041:-

4. What you are required to do:

- (1) cease the use of the lands for the purposes of the storage of ELVs before 31 October 2015; and
- (2) Remove the hardcore and hardcored access to the public road (Back Lower Road) before 31 October 2015; and
- (3) Topsoil and reseed the land with grass before 31 October 2015.

- Both enforcement notices, as varied, are upheld.

COMMISSIONER M McCABE

2014/E0040 and 2014/E0041

Appearances

Planning Authority: Mr D Stewart,
Mr Sea'inin Mac Nia

Appellant: Mr C Cassidy, CMI Planners Ltd

Documents

Planning Authority : Statement of Case: 2014/E0040
Statement of Case: 2014/E0041

Appellant: Combined Statement of Case by CMI Planners Ltd

Enforcement Appeal Decision

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| Appeal Reference: | 2014/E0030 |
| Appeal by: | Dominic McSherry |
| Subject of Appeal: | An enforcement notice dated 24.9.2014 |
| Alleged Breach of Planning Control: | Siting of chalet dwelling (log cabin) |
| Location: | Lands approximately 300m north of 29 Dirnan Road, Derryganard, Cookstown. |
| Planning Authority: | Department of the Environment. |
| Planning Authority Reference: | EN/2014/0248 |
| Procedure: | Hearing on 2 nd June 2015. |
| Decision by: | Commissioner Mandy Jones, dated 15 th September 2015. |

Grounds of Appeal

1. The appeal was brought on Grounds (a) and (f) as set out in Article 69 (3) of the Planning (Northern Ireland) Order 1991. There is a deemed planning application by virtue of Article 71(5) of the Order.

The Notice

2. The steps required by the Notice in paragraph 4 are to '*Cease use of land for the siting of a chalet dwelling (log cabin) by removing the chalet dwelling (log cabin) from the land and restoring the land to its former state within 28 days from the date on which this Notice takes effect.*'
3. Given the extant planning permission for a dwelling on the site and the concrete foundations and concrete floor slab which are in place, I consider that it is unnecessary '*to restore the land to its former state*' and this can be removed from paragraph 4. I am satisfied that this correction can be made without injustice to the appellant or the Department.

Ground (a) the deemed planning application

4. The deemed application is defined by the breach, as set out in the Notice which is the use of the land for the siting of a chalet dwelling (log cabin). The Department advanced 3 reasons for refusal. The main issues relative to the deemed application are :

- Whether the use of the site for a residential caravan / mobile home is acceptable in principle in the countryside; and
 - Whether the use of the site has an adverse impact on visual amenity in terms of integration and design.
5. The site lies in the countryside and Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) provides the policy context for consideration of this appeal. Policy CTY 1 of PPS 21 states that there is a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The policy provides a list of acceptable development, one of which is a residential caravan or mobile home in accordance with Policy CTY 9. Policy PPS 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.
 6. The site is situated on the minor Dirnan Road approximately 2.8km north of the village of Churchtown. It is within the Sperrins Area of Outstanding Natural Beauty (AONB) as defined in the Cookstown Area Plan 2010. It is located to the northern side of Dirnan Road and immediately west of an existing laneway which serves a number of dwellings. The surrounding area is characterised by undulating agricultural land and dispersed rural dwellings.
 7. On the site at present are concrete foundations and a concrete floor slab. On top of this base sits a timber clad modular building. The mobile building is approximately 6m x 10m and occupies approximately 90 % of the concrete floor slab. There is a septic tank located close to the modular building.
 8. Planning history on the appeal site is as follows :
 - I/2002/0272/O: Renewal of outline planning application I/1999/0210 for a dwelling and garage issued on 14th June 2002 ;
 - I/2004/0170/RM: Proposed dwelling and garage approved 25th September 2004.

The council confirmed that the development of the approved dwelling commenced within the time frame of the permission.

9. Policy CTY 9 – Residential caravans and mobile homes states that planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

These exceptional circumstances include:

- The provision of temporary residential accommodation pending the development of a permanent development ; or
 - Where there are compelling and site specific reasons related to personal or domestic circumstances (cross referenced with Policy CTY 6).
10. I was told that the appellant purchased the site in June 2012 which had planning approval and the foundations and concrete floor slab were in place. They then purchased the mobile home and placed it on the foundations and concrete slab

until they were in a position to commence the building of the approved dwelling. The mobile home has been in place since 18th June 2013 and rates have been paid for 1 ½ years.

11. The appellant and his family lives in Belfast. The appellant and his wife both work in Belfast and the children are in school in Belfast. They asserted that they are in the process of selling their own dwelling in Belfast in order to raise the capital required to build the dwelling. I was told at the hearing that their house is registered with an estate agent but is not on the open market due to local difficulties of selling the house. They envisaged that due its higher price bracket of over £200,000 it may take some time to sell. They have also made contact with local schools. They had not pursued the sale as they were unsure of the planning status of the dwelling. I was told that they are using the mobile home periodically until they are in a position to commence building the approved dwelling which allows the family to visit the appellants' wife's parents. It is used most weekends.
12. The Department argued that as the approved dwelling had not been completed there is no residential use on the site. The issue of concern is the change of use to a temporary structure.
13. It is clear that the appellants' primary residence is in Belfast. There was no timescale put forward of when construction work was to begin or likely to begin. It was evident on the site that no effort had been made by the appellant to commence any building work on the site. I would have expected to be presented with evidence of an intention to start construction work, for example, Building Control Approval documentation, tender documentation, contractor / sub – contractors details, contract details, self – build mortgage details, evidence of the family home being sold etc. I was presented with no such information and I consider that the evidence presented of the appellant's intentions to build were vague and unclear. Policy allows for a temporary mobile home to facilitate the construction of a dwelling. It does not allow for a transitional dwelling to allow a family to be integrated into the community. Neither does it allow a mobile dwelling as a second home to be used occasionally. The deemed application relates to the breach and the retention of the chalet dwelling. However, the structure is sited in a position which would not allow for the completion of the dwelling. Relocation of the chalet dwelling would therefore require a further planning application.
14. Based on the evidence provided by the appellant I am not persuaded that there are exceptional circumstances which would allow temporary residential accommodation pending the development of a permanent dwelling. Accordingly, the Department have sustained part of their first deemed reason for refusal.
15. Policy CTY 6 – Personal and Domestic Circumstances states that planning permission will be granted for a dwelling in the countryside where there are compelling, and site specific reasons for this related to the applicants personal or domestic circumstances and provided that the following criteria are met :
 - the development is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused ;

- there are no alternative solutions to meet the particular circumstances of the case.
16. In the justification and amplification text of policy, paragraph 5.29 requires appellants to provide sufficient information to allow a proper assessment of the case; and such information is listed in paragraph 5.29.
 17. The appellant asserted that the site was purchased so that his wife and 3 children could spend more time with and assist her elderly parents who live at 29 Dirnan Road – across from the appeal site. Her father has gone through a number of operations since 2013 and due to periods of immobility she wants to be able to help. It has become difficult to stay with her parents with 3 young children. Consequently, they decided that they needed to move to the area on a permanent basis so that his wife could live close to her elderly parents and provide them with the support they need.
 18. They are using the mobile home periodically until such times as they are in a position to commence building. The mobile home allows them to visit most weekends and able to provide support.
 19. I would agree with the Department that the case presented by the appellant is not a compelling and site specific case for the deemed application. I note that no medical evidence was submitted or evidence relating to the level of care required. There was no explanation why care can only be provided at this specific location and no explanation of how genuine hardship would be caused if planning permission was refused. All of which is required by policy. From the evidence provided I am not persuaded that genuine hardship would be caused if planning permission for the mobile home was refused.
 20. In terms of the second criterion, no evidence was provided to demonstrate that there was no alternative solutions such as an extension or annex to the parents dwelling or conversion of an existing building within the curtilage of the property. Policy CTY 6 – personal and domestic circumstances does not support the deemed application. Consequently, it does not comply with Policy CTY 1. Accordingly, the Department's second deemed reason for refusal and the remaining part of the first deemed reason for refusal has been sustained.
 21. The third reason for refusal relates to policy CTY 13 – Integration and design of buildings in the countryside. It states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of appropriate design. A new building will be unacceptable where the design of the building is inappropriate for the site and its locality. Within this rural context are dispersed rural dwellings primarily finished with a rendered finish and slate pitched roof. The chalet dwelling is finished with a horizontal log timber effect and it has shallow pitched roof. It does not reflect the design or finishes of rural dwellings in the surrounding countryside and is inappropriate for the site and the locality. Accordingly, the Department's third reason for refusal has been sustained.

Ground (f) – that the steps required by the notice exceed what is necessary to remedy the breach of planning control.

22. The steps required are to cease the use of the land for the siting of a chalet dwelling (log cabin) by removing the chalet dwelling (log cabin).
23. The appellant considered that it was excessive to remove the chalet dwelling as they needed it until the dwelling was constructed and it will be difficult to provide respite care. These issues were addressed under the ground (a) appeal.
24. I agree with the Department that the steps required are necessary to remedy the breach. I agree that in the absence of planning permission the only remedy is the removal of the chalet dwelling (log cabin). Accordingly, the appeal on ground (f) fails.

Decision

The decision is as follows:-

Paragraph 4 of the Notice is varied to read '*Cease use of land for the siting of a chalet dwelling (log cabin) by removing the chalet dwelling (log cabin) from the land within 28 days from the date on which this Notice takes effect*'

- The appeal on Ground (a) fails.
- The appeal on Ground (f) fails.
- The enforcement notice as so varied is upheld.

COMMISSIONER MANDY JONES.

2014/E030

List of Appearances

Planning Authority:- Deirdre Gildernew
Maeve McKearney

Appellant - Mr D McSherry
Mrs C McSherry

List of Documents

Planning Authority:- 'A' Statement of Case.

Appellant: - 'B' Statement of Case.