

A

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 September 2016 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Clarke, Chair

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

Officers in Attendance

Mr Boomer, Planning Manager
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McNally, Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

H/2014/0331/O	Mr Hueston
LA09/2015/0863/O	Mr Cassidy
LA09/2015/0932/F	Mr Cassidy
LA09/2015/1213/F	Mr Maneely
LA09/2015/1287/F	Mr Ross
LA09/2015/1294/F	Mr McLaughlin
LA09/2016/0544/O	Mr Cassidy
LA09/2015/0471/O	Mr Cassidy
LA09/2016/0576/F	Mr Fearon

The meeting commenced at 7.00 pm

P149/16 Apologies

None.

P150/16 Declarations of Interest

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

Councillor McPeake declared an interest in the following planning applications:

- H/2014/0171/O
- H/2014/0436/F
- LA09/2015/1294/F
- LA09/2016/0981/F

Councillor Glasgow declared an interest in the following planning applications:

- LA09/2016/0523/F
- LA09/2015/1235/O

Councillor McAleer declared an interest in planning application:

- LA09/2015/1287/F

Councillor Cuthbertson declared an interest in planning application:

- LA09/2016/0271/F

Councillor Reid declared an interest in planning application:

- LA09/2016/0606/F

Councillor Mallaghan declared an interest in planning application:

- LA09/2016/0693/F

Councillor McKinney declared an interest in planning application:

- LA09/2016/0310/F

P151/16 Chair's Business

The Chair reminded members of the public attending to speak on an application that they had a maximum of three minutes speaking time.

The Chair advised the Committee that applications already on for approval should be approved by the members present without any other representation.

Proposed by Mallaghan
Seconded by Councillor Bell and

Resolved: That applications already on the list for approval to be agreed by members without any other representation.

P152/16 Confirm Minutes of the Planning Committee Meeting held on Tuesday 2 August 2016

Proposed by Councillor Bell
Seconded by Councillor Cuthbertson

Resolved That the minutes of the meeting of the Planning Committee held on Tuesday 2 August 2016, (P137/16 – P143/16 & P148/16), were considered and signed as accurate and correct.

Matters for Decision

P153/16 Planning Applications for Determination

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

**H/2014/0171/O Farm dwelling and garage approx. 135m N of 46
Tamlaghtduff Road, Bellaghy for Deaglan O'Reilly**

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

Proposed by Councillor Bateson
Seconded by Councillor Kearney and

Resolved That planning application H/2014/0171/O be approved subject to conditions as per the officer's report.

H/2014/0331/O Housing development at land to the SE of 1 Park Lane, Killyfaddy Road, Magherafelt for JFM Construction Ltd

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

Proposed by Councillor McPeake
Seconded by Councillor McEldowney and

Resolved: That planning application H/2014/0331/O be approved subject to conditions as per the officer's report.

H/2014/0436/F Agricultural shed approx. 265m N of 46 Tamlaghtduff Road, Bellaghy for Deaghan O'Reilly

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

Proposed by Councillor McEldowney
Seconded by Councillor Kearney and

Resolved: That planning application H/2014/0436/F be approved subject to conditions as per the officer's report.

**M/2014/0477/F Change of turbine type from previous approval
M/2013/0328/F to turbine measuring 40m to hub with 14.9m
blade radius, at unchanged position 200m NW of 39
Kilsannagh Lane, Dungannon for Rodney Kirkland**

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

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved: That planning application M/2014/0477/F be approved subject to conditions as per the officer's report.

LA09/2015/0480/O Site for dwelling at 13m W of 37 Coole Road, Coalisland for John Bell

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

Proposed by Councillor Reid
Seconded by Councillor Bell and

Resolved: That planning application LA09/2015/0480/O be approved subject to conditions as per the officer's report.

LA09/2015/0863/O Site for dwelling and garage 50m SW of 15 Falgortrevy Road, Maghera for Barney Bradley

Ms Doyle (SPO) presented a report on planning application LA09/2015/0863/O advising that it is recommended for refusal.

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

Mr Cassidy advised that that the applicant was a young farmer who was trying to enhance his business prospects through poultry farming. He said that his application had the support of the Director of Moy Park who felt that it was essential that the Mr Bradley be on site in case of an emergency as a few minutes could be detrimental to the survival of chickens.

The Planning Manager asked why an alternative site wasn't accepted to the applicant.

Ms Doyle (SPO) advised members that an alternative site was suggested to Mr Cassidy, but this was declined as the applicant only wanted the site previously proposed and it was decided to go to committee for decision.

The Planning Manager advised that the site suggested by officers could have environmental disadvantages in terms of its size and tendency to encourage ribboning. He also advised that under the policy a dwelling did not have to cluster but could be visual linked to a farm group. He asked what was the distance between the two.

Mr Cassidy advised that it was 110 metres from the site to the poultry farm.

The Planning Manager felt that the distance was greater than this and the figure given was to not the existing buildings but the proposed new buildings. He questioned whether this constituted a visual link.

Mr Cassidy reminded members of the Director of Moy Park being fully supportive of the applicant's proposals to extend the farm group.

The Planning Manager asked if any permission existed and was there a timeframe for the proposed farm buildings. Mr Cassidy's reluctance to answer was noted.

Councillor McKinney said that if there was 150m from the house to the poultry farm with possible room for expansion on site and taken that there was no objections from the nearest dwellings that he would be happy to consider the application.

Councillor Reid agreed with Councillor McKinney and said that if Moy Park were committed to putting money into something that they deemed feasible, then this Committee should agree with the application and where it was to be located.

The Planning Manager stated that there was no planning permission and commitment at this early stage and it may be possible that neighbouring houses wouldn't be supportive of the expansion of poultry houses.

Councillor Reid suggested putting the application on hold for a month to get all the relevant information from Moy Park as they are a major employer.

The Planning Manager advised that this application wouldn't be forthcoming within the next month and a decision would need to be made by Committee.

Councillor Glasgow advised that from a poultry farming background that the location of the dwelling to the actual unit was a much safer option as ventilation at these units are a major risk and there is a need to be beside the unit to protect investment and a few minutes can be crucial.

Councillor Cuthbertson said that the Committee were putting themselves in a situation for all types of various farming and that every application coming through having the site being put back a bit because of farm expansion. He felt that there was a need to be careful for setting a precedent for the future.

The Planning Manager advised that Councillor Cuthbertson made a valid point and that before a proposal was taken that careful consideration would need to be given to poultry houses and that Health and Safety would need to be adhered to as the odour can be very overpowering. He advised that it was reasonable for the Committee to make the decision giving weight to the undesirable of the alternative site, particularly the applicant's argument that they wished to be located closer to the poultry shed but sufficient distance away as to ensure that the poultry units did not raise environmental health concerns

Proposed Councillor Bateson
Seconded by Councillor Reid and

Resolved: To agree in principle of the proposal and that the Planning Manager word the outline of the conditions laid out.

With the proposal being put to the vote, 14 voted in favour and 2 against.

LA09/2015/0909/F Residential development of 12 dwellings (renewal of M/2008/0314/F) at site 30m S of St. Joseph's Primary School, Caledon for Caledon Estate Company

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

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2015/0909/F be approved subject to conditions as per the officer's report.

LA09/2015/0932/F Change of use of land and storage unit from window glazing to car sales and car hire at 155A Creagh Road, Castledawson for Ben McCormack

Ms Doyle (SPO) presented a report on planning application LA09/2015/0932/F advising that it is recommended for refusal.

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

Mr Cassidy advised that this site had always been a commercial site and a former existing window glazing business, guttering business and now a car showroom is being proposed. He said that he doesn't know any commercial business that doesn't sell the sale of products and felt that that this application should be agreed on that principle.

In response to Councillor Mallaghan's query, Ms Doyle (SPO) advised that the last application approval on this site was for the window glazing business in 1995.

The Planning Manager said that there was various definitions of retail which doesn't necessarily relate to selling and can't say that this is an authorised retail site. He advised that the site was within a recognised cluster which arguably had the characteristics of a settlement, although it was not formerly recognised as such. He also noted that car sales was also not strictly retailing and noted that there had been a change in the policy context given PPS5 had now been replaced by the SPPS. He said that he had listened to the argument and would like the application to be deferred for further consideration given the policy lacuna.

Councillor McPeake stated that he would be supportive of the application as he knows the site well. He said that it has always been known as a site with activity as there was always trading done there. He also said that there would never be an expansion of the site and asked if Roads Service had any issues with the site as no entrance out onto the main road.

Ms Doyle (SPO) advised that it goes to the north of the Thatch bar and that Roads Service had raised a list of conditions which had to be included.

Councillor Reid suggested deferring the application until more information is received.

Councillor Cuthbertson said that a possible way forward would be to hold the application until all the relevant information was received before refusing the application as it would save the applicant making another application.

The Planning Manager stated that in his opinion the debate on whether the past use was retail was a red herring and should be considered carefully and proposed caution if it was going to be approved in the rural setting.

McKinney left the meeting at 7.43 and returned at 7.46 pm.

Councillor Bateson advised that this used to be a retail site but accepted that this wasn't the case back 30 – 40 years ago but was always classed as a retail space. Many car sales are operating in the rural countryside and assuming that they are all legitimate businesses, he felt that it would be acceptable to approve the application.

Proposed Councillor Reid
Seconded Councillor Bateson and

Resolved: To defer application LA09/2015/0932/F until further information is received.

LA09/2015/1213/F Extension to existing store at 38 Castledawson Road, Magherafelt for Lidl NI GmbH

Councillor Glasgow left at 7.50 pm and returned at 7.53 PM.

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

Proposed by Councillor Robinson
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2015/1213/F be approved subject to conditions as per the officer's report.

LA09/2015/1287/F Partial demolition to include replacement front walls, with renovation and rear extension to create 2 no. terraced dwellings, 50 and 52 Moore Street, Aughnacloy for Martina O'Hanlon

Mr Marrion (SPO) presented a report on planning application LA09/2015/1287/F advising that it is recommended for refusal.

Councillor Gildernew felt that this issue could be resolved and proposed a deferral.

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

Mr Ross advised that the application was to replace the two existing dwellings into modern family dwellings. He said that Aughnacloy had many fine buildings and feels that the character of the village should be preserved. He said that No. 50 was not a notable building but was part of the street and the proposal was to create a new building to replicate the old building. The reasons for replications was purely economic to protect the character of the area and would like the opportunity to meet with planners to find a way forward.

Councillor Mallaghan advised that he knows what it's like to see a village where there are dilapidated dwellings and felt that it was a good opportunity to enhance the Aughnacloy area.

Councillor McAleer said that living conditions wasn't viably feasible due to dampness and that she was aware of other houses being left, but that there was a need for enhancing and saving the character of the village.

The Planning Manager said that he remembered when this area of townscape character was declared, the purpose of which was to control demolition to ensure any replacement development was in-keeping existing character. However planning policy had become stricter and was now similar to the conservation policy when it comes to the stipulations outlined. He felt that now that the applicant was aware of the problems and had indicated a willingness to negotiate there was an opportunity to sit down in an office meeting to try and resolve the issues.

Councillor Reid agreed with the Planning Manager that discussions should take place between the applicant and officers to try and come to some sort of agreement. He also agreed that if the windows were removed it would not work but still thinks that the character can be kept in the Aughnacloy village and proposed to agree the application.

Proposed Councillor Gildernew
Seconded Councillor Bell and

Resolved: To defer application LA09/2015/1287/F for an office meeting.

Councillor Robinson stated that it was important to retain the character of Aughnacloy village and that attention should be put on improving dilapidated buildings.

Gildernew agreed with Councillor Robinson that dilapidated buildings in villages should be enhanced.

LA09/2015/1294/F Construction of overhead electricity transmission line, support structures and other apparatus; 2 sections of underground cable – linking Brockaghboy B14 Wind Farm substation to NIE networks, for SONI Ltd

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

Proposed by Councillor J Shiels
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2015/1294/F be approved subject to conditions as per the officer's report.

LA09/2016/0088/F Amended house types of previous approval H/2010/0489/F and new garage at housing development on lands N of 42 Tobermore Road, Magherafelt for DMD Developments

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

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2016/0088/F be approved subject to conditions as per the officer's report.

LA09/2016/0271/F Retention of agricultural shed for livestock handling, storage of fodder and farm machinery and erection of an additional bay to provide machinery storage at 25 Fardross Road, Clogher for Damien McKenna

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

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2016/0271/F be approved subject to conditions as per the officer's report.

LA09/2016/0449/F Conversion of existing vacant café into 2 no. apartments of 64 Scotch Street, Dungannon for Sam Sinnamon

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

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/0449/F be approved subject to conditions as per the officer's report.

LA09/2016/0480/RM Infill dwelling and garage at site between 137 and 141 Coolreaghs Road, Cookstown for Brian and Joanne Mitchell

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

Proposed by Councillor Glasgow
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/0480/RM be approved subject to conditions as per the officer's report.

LA09/2016/0523/F New kick box club and associated car park, 25m NE of 4 Cavan Road, Dungannon for Dungannon Kick Boxing Club

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

Proposed by Councillor Reid
Seconded by Councillor J Shiels and

Resolved: That planning application LA09/2016/0523/F be approved subject to conditions as per the officer's report.

LA09/2016/0544/O Infill dwelling and garage 29m S of 6 Annaghmore Road, Cookstown for Sean Quinn

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0544/O advising that it is recommended for refusal.

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

Mr Cassidy advised that this application was not submitted under a cluster but there was at least 6 sheds, 10 houses, caravans and shop in the area, cluster upon cluster in area. The precedent has already been set by this committee and felt that the planning appeals supports this application.

Councillor Clarke raised concern about drawings being circulated around the chamber by Mr Cassidy at should a late stage and said that it was very difficult for the committee to give proper consideration to the application when documentation wasn't in on time.

Mr Cassidy advised that he had hand delivered all documentation before the deadline.

The Planning Manager said that it was impossible to expect the committee to make a decision when documentation is not received within a reasonable timeframe.

The Chair advised that when the Planning Meeting is on a Tuesday night and no documentation is received until a Friday evening, members may not have the opportunity to properly scrutinise documentation.

Councillor McKinney suggested that all documentation be made available to members one week prior to the Planning meeting taking place.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved: That application LA09/2016/0544/O be deferred until all documentation is received and considered at a reasonable time.

LA09/2016/0576/F Replacement dwelling and garage at 72 Killymeal Road, Dungannon for Mrs S Fearon

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

Proposed by Councillor Mullen
Seconded by Councillor Reid and

Resolved: That planning application LA09/2016/0576/F be approved subject to conditions as per the officer's report.

LA09/2016/0606/F Change of use from vehicle workshop to butchery; and new access road, at 83 Annaginny Road, Newmills for Mr Alan Elliott

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

Proposed by Councillor Glasgow
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2016/0606/F be approved subject to conditions as per the officer's report.

LA09/2016/0648/O Replacement dwelling approx. 100m N of 102 Glassdrummond Road, Aughnacloy for Mr Jason Stinson

Mr Marrion (SPO) presented a report on planning application LA09/2016/0648/O advising that it is recommended for refusal.

Councillor Gildernew said that it's a substantial farm of land and that he was in no doubt that in the past there was a dwelling on the site and felt that it was the remnants of an old farm.

Councillor Cuthbertson advised that in previous Committees there were proposals brought which had old walls which could have been an old church and asked was there not a need to apply the same rule.

The Planning Manager said that there was probably a dwelling at some stage on the site but looks as if it was some kind of outbuilding.

Councillor Mallaghan enquired if this person was an active farmer and if so then there could be a different avenue taken.

The Chair said that in his view there was a dwelling on site somewhere.

Councillor Reid said that it stood to sense that there was a building in the past as a person would not just build an outbuilding if there was no farm evident. He felt that the applicant should sit down with Officers to find a way forward.

Councillor Mallaghan said that it's his logic that if a person has put money towards paying for an application then there must be an avenue somewhere.

Proposed by Councillor Mallaghan
Seconded by Councillor J Shiels and

Resolved: That an office meeting be held to see if the applicant has any background in farming credentials and if not refuse the application.

LA09/2016/0693/F Detached shed for winter storage of caravan and general domestic use at 239 Ballygawley Road, Dungannon for Martin McCaul

Mr Marrion (SPO) presented a report on planning application LA09/2016/0693/F advising that it is recommended for refusal.

Councillor Mallaghan said that he had declared an interest in the application and felt that planning approval should have been passed. He said there should have been an opportunity to relocate the building to accommodate all concerned.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer

Resolved: That an office meeting be arranged to see if a forward can be reached.

LA09/2016/0981/F 25 Additional car parking bays at site at Gulladuff Road, 50m N of Main Street, Bellaghy for Mid Ulster District Council

All Members declared an interest in the application.

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

Councillor Reid felt that a safeguard should be in place to protect the committee if agreement isn't reached with Roads Service.

Councillor Glasgow said that caution should be shown as it may show one rule for us and one for the public and may look bad.

The Planning Manager stated that every now and then exceptions to rules arises.

Councillor Cuthbertson said that it would be important that Transport NI be involved to safeguard the Council on road safety.

The Chief Executive advised that discussions are ongoing with Transport NI from when the application was submitted and that he was confident of a successful outcome with any concerns raised from the Transport NI being suitably addressed.

Councillor McPeake advised that if the Chief Executive was confident of a positive outcome from Transport NI then he would be happy to agree the application.

Councillor Cuthbertson asked that a update on the roads issues be provided to members before the next meeting.

Proposed by Councillor McPeake
Seconded by Councillor Mallaghan and

Resolved: That planning application LA09/2016/0981/F be approved subject to conditions as per the officer's report.

LA09/2015/0471/O Dwelling and garage 621m S of 79 Kinrush Road, Ardboe for Geraldine Ryan

Ms McCullagh presented a report on planning application LA09/2015/0471/O advising that it is recommended for refusal.

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

Councillor Cuthbertson stated that in his view all avenues have been exhausted on this application, i.e sites meeting and offices meetings etc and feels that nothing has changed to support an approval.

Mr Cassidy advised that the site is situated at the air-drum between Ardboe and Moortown. He said that there are vocal points within the area namely clay pigeon shooting, a business park and an air-drum and feels this application meets the criteria for an approval.

Councillor Cuthbertson stated that this has previously all being discussed at the office meeting and that nothing has changed to overturn the decision.

The Planning Manager agreed that this was the same application with all the same information provided with nothing more included.

Proposed by Councillor Cuthbertson
Seconded by Councillor McKinney and

Resolved: To accept the recommendation of the Planning Manager to refuse application LA09/2015/0471/O.

LA09/2015/1184/O Dwelling and garage approx. 80m S of 99 Killeeshil Road, Dungannon for Martin Hamill

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

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2015/1184/O be approved subject to conditions as per the officer's report.

LA09/2015/1235/O Dwelling and garage on a farm adjacent to 220 Drum Road, Cookstown for Mr Eric Lyttle

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

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2015/1235/O be approved subject to conditions as per the officer's report.

LA09/2016/0310/F Dwelling and garage on a farm at land 30m NW of 112 Sixtowns Road, Draperstown for Gerard McNamee

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

Proposed by Councillor Reid
Seconded by Councillor Glasgow

Resolved: That planning application LA09/2016/0310/F be approved subject to conditions as per the officer's report.

LA09/2016/0507/O Dwelling on a farm adjacent to 76 Moor Road, Coalisland for Mr Patrick O'Neill

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

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/0507/O be approved subject to conditions as per the officer's report.

LA09/2016/0602/O Dwelling on a farm at 43 English Road, Dungannon for Steven Hughes

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

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/0602/O be approved subject to conditions as per the officer's report.

LA09/2016/0631/F Remove or vary condition 3 of approval M/2013/0578/F at lands approx. 113m NE of 8 Derryvale Road, Coalisland for Mr Pat O'Neill

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

Proposed by Councillor Reid
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/0631/F be approved subject to conditions as per the officer's report.

Matters for Information

P154/16 Report of Delegated Decisions Issued in July 2016

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

P155/16 Development Plan

The Sustainability Appraisal (including SEA) of Options for the Local Development Plan Preferred Options Paper (POP) is underway and the Project Management Group met on 29th June and 25th August 2016 to appraise the options. The POP and SA/SEA Interim Report will be presented to a Special Council Meeting on 27th September 2016 to agree prior to public consultation.

CONFIDENTIAL BUSINESS

Proposed by Councillor J Shiels
Seconded by Councillor Reid and

Resolved: That items P156/16 to P158/16 taken as confidential business.

P159 /16 Duration of Meeting

The meeting commenced at 7pm and ended at 9.20 pm.

Chair _____

Date _____

B



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: October 2016	Item Number:
Application ID: I/2012/0293/F	Target Date:
Proposal: Reclamation of former gravel pit/quarry	Location: Brigh Quarry, Brigh Road Stewartstown
Referral Route: Objection received	
Recommendation:	APPROVE
Applicant Name and Address: MP Coleman Ltd Brigh Quarry Brigh Road Stewartstown BT71 5JP	Agent Name and Address: McKeown And Shields 1 Annagher Road Coalisland Co Tyrone BT71 4NE
Executive Summary: The proposal is for reclamation of a former gravel pit for the purposes of providing a hard core yard area for lorry access and parking.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Transport NI - Omagh Office	Add Info Requested
Non Statutory	NI Water - EIA Applications	Considered - No Comment Necessary
Non Statutory	Env Health Omagh District Council	Consulted in Error
Non Statutory	Land and Resource Management	Superseded by further Consultation
Non Statutory	Water Management Unit	Add Info Requested
Non Statutory	Rivers Agency	Considered - No Comment Necessary
Non Statutory	Env Health Cookstown District Council	Acceptable in Policy terms - Cond. Attached
Non Statutory	NIEA	Substantive Response Received

Statutory	Transport NI - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Rivers Agency	No Objection
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Transport NI - 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

Characteristics of the Site and Area

The site is located at Brigh Quarry on Brigh Rd, Stewartstown. The lands includes a builder's yard, asphalt production area and an existing quarry. The proposed work has commenced on site.

Planning Assessment of Policy

The proposal is described as 'Reclamation of former gravel pit/quarry'. Reclamation includes all operations required to return the land to an acceptable environmental condition. This proposal involves the infilling of approx. 100,000m³ of imported fill material including soil/sand and concrete.

PPS11 is the relevant policy in relation to waste management.

The policy objective relevant in this application is to 'secure appropriate restoration of proposed waste management sites for agreed after users'.

Policy WM1 -

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;

None of the statutory consultations have any issues in this regard.

- the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;

The use of the land is a hard cored area for lorry turning. It will fit into the character of the area, which is an active working quarry.

- the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;

There will be no unacceptable visual impact of the works from public viewpoints The Quarry sits on lower ground than Brigh Road and will be acceptable in the landscape.

- the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated; adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles; wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;

A Transport Assessment form was submitted on 6 May 2016, and Transport NI consulted with it. Following re-consultation they have no objections. EHO have no objections subject to the infilling operations being carried out in such a manner not to give rise to adverse impacts on neighbouring properties arising from dust and noise. There are no immediate residential properties that would be impacted upon.

- the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.

The proposal is on a tributary of the Kingsmill stream which is a tributary of the Upper Ballinderry River and hydrologically connected to Lough Neagh. Due to the location of the proposal and the diluting effect of the larger Kingsmill catchment and the Ballinderry River it is considered that the proposal could have no conceivable impact on the features or conservations objectives of Lough Neagh and Lough Beg SPA/Ramsar. The Kingsmill Stream enters the Ballinderry River downstream of the SAC. It is concluded that this proposal is unlikely to have a significant impact on the features or conservation objectives of the Upper Ballinderry River SAC.

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

There are no archaeological/built heritage interests on the site.

- the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;

The yard surface water drains directly to the Quarry. There is a 300mm diameter outlet pipe to the west of the quarry which discharges to a local watercourse, which ultimately discharges to

Lough Neagh. NIEA- Waste Management Unit were consulted and after considering the information submitted have provided general advice with no objection.

NIEA - Water Management unit are concerned with water quality. They have considered the proposal of land reclamation, including filling up land under NIEA landfill exception paragraph 19 and reclaiming the land and have no further comment or objection. The waste codes to be used will be 17 05 04 for soil/sand and 17 01 01 (concrete) and these types of material are acceptable for infill, NIEA have confirmed this is the case, The consent to discharge from NIEA has also been provided and through this checks for water quality will take place.

NIEA – Waste Management Unit (formerly Land resource m'tment) have stated the applicant needs to apply to NIEA to obtain a pollution prevention and control permit in order to operate an inert landfill site. This is a separate permission to planning approval and informatives will be added to the decision notice to identify to the applicant what they are required to obtain from NIEA in order to meet the Landfill Regulations (NI) 2003.

- the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;

Rivers Agency flood maps show there is no evidence of historic flooding on the site. To mitigate flooding land drains will be installed in the filled area. The existing over flow pipe will be regularly maintained to ensure the top water level in the quarry to control it to a level below existing site levels. Infilling of the quarry will be done over a long period of time and there will be no noticeable increase in flow to nearby watercourse.

PPS15 is a relevant policy consideration. In relation to FLD1, the proposal does not lie within a 1 in 100 year fluvial flood plain. Policy FLD2 relates to protection of flood defense and drainage infrastructure, in this case there are no flood defenses or drainage infrastructure within the proposed site.

Policy FLD3 goes into detail on development and surface water, flood risk outside flood plains. A drainage assessment has been submitted and Rivers consulted. Rivers Agency flood maps for surface water indicates that the site is not affected by pluvial flooding. There will be no increase in storm run-off from the proposed development and there will be no increased risk to flooding outside the site. The proposal is in compliance with policies FLS1, 2 & 3 of PPS15.

Rivers Agency do not object to the proposed development from a drainage or flood risk perspective. It is the responsibility of the applicant to ensure the accuracy of the submitted Drainage Assessment and for the implementation of the proposed flood risk measures.

- the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;

In this case the land is not agricultural in nature.

- In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

It has been indicated the use for the reclaimed land is for a hard cored area for lorries to turn. This is a practical use for the vehicles already using the quarry.

Policy WM4 - Land Improvement is also relevant in this case. The disposal of inert waste by its deposition on land will be permitted where it is demonstrated that it will result in land improvement and the following criteria has been met;

- It will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1); and
- There is a local need for the development, as it is essential for the running of the business that the vehicles have the ability to turn on the site.
- Only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited; - detailed measures are included for the appropriate restoration.

Other Material Considerations

A letter of objection was received from Dr RT William McCrea, relating to potential flooding issues from the adjacent land owner and risk of pollution to ground water and surface water in the area. Rivers Agency advised a drainage assessment would address the objector issues, and have no issues with the content of that which has been submitted.

An amended P1 form received on 26 August 2016 states the surface water will be disposed of as per the submitted drainage assessment report and their permit to discharge consent. (Copy on file). Water Quality is regularly tested for contaminants and pollutants as part of this consent.

NIEA have no objections to the policy or the inert waste to be used in the proposal. These waste codes will be conditioned to ensure no others are used.

Approval is recommended with conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended with conditions.

Conditions

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

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

2. Only waste codes falling under the following shall be used ;

17 01 01 - Concrete

17 05 04 - Soil and Sand

Reason: To ensure no other waste codes are used for infill and to protect the amenity of surrounding properties.

Informatives

1.The proposed site is classified as an inert landfill site and therefore must be considered in compliance with Regulation 5 of the Landfill Regulations which requires that the following considerations must be taken into account when considering the location of a landfill site:

2.The site will require a Pollution Prevention and Control Permit to operate. The applicant will be required to apply to obtain a permit demonstrating full compliance with the Landfill Regulations (NI) 2003, as amended, The Pollution Prevention and Control (IE) Regulations (NI) 2012, as amended and the Groundwater Regulations (NI) 2009.

Signature(s)

Date:

ANNEX

Date Valid	2nd August 2012
Date First Advertised	20th August 2012
Date Last Advertised	8th July 2013
Details of Neighbour Notification (all addresses) R.T William McCrea MP DUP Constituency Office, 5-7 School Street, The Square, Ballyclare, BT39 9BE	
Date of Last Neighbour Notification	2nd September 2016
Date of EIA Determination	
ES Requested	No
Planning History	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2014/0572/O	Target Date: 25.03.2015
Proposal: Renewal of residential development (M/2007/0787/O), maximum of 210 units, with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon	Location: 15m NE of 67a Donaghmore Road Dungannon
Referral Route: Major Scheme One objection to the application was received.	
Recommendation:	Approve
Applicant Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland
Executive Summary: The application is an in time renewal for housing development within the settlement limit of Dungannon. One objection was received from DSD to land ownership of DSD Car Park at south of application site which has transferred to Mid Ulster Council. The car park has been removed from the application site, however it is still proposing to use the access onto Greer's Road. Notice was served to DSD as owners of that land. Land ownership issues are civil matters between the applicant and the land owner, outside the remit of the Council. The application is being assessed against same policy context as the 2007 application and therefore I recommend approval.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Protecting Historic Monuments	Add Info Requested
Statutory	NIEA	Content
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Rivers Agency	No Objection
Non Statutory	Rivers Agency	Add Info Requested

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

Rivers Agency requested a Drainage Assessment in line with requirements of PPS 15 – Planning and Flood Risk. They returned comment of no objection to the D.A. supplied.

Transport NI, NIEA PHM, and NI Water returned comment of no objection to the proposal.

Characteristics of the Site and Area

The site remains largely unchanged since the original application was approved in 2011 and the current application site area has only been extended by the inclusion of 24 Woodlawn Drive. The site remains undeveloped and is used for grazing animals and as a car park off Greer's Road. The vast body of the site remains as grass land to the north as before, extending as far as Quarry Lane. The land mass falls from the south and west downwards towards the centre of the site. Towards the south of the site is the car park and the site is largely bounded on its eastern and western sides by residential development. At the northern extremity of the site is gaelic football pitches.

Planning Assessment of Policy and Other Material Considerations

History: M/2007/0787/O - Residential development - maximum 210 units at 15m N.E. of 67a Donaghmore Road, Dungannon with access roads onto Greers Road, Donaghmore Road and Quarry Lane approved 20.12.2011 under same policy context as currently exists.

PPS 3 - Access, Movement and Parking
 PPS 6 - Planning, Archaeology and the Built Environment
 PPS 7 - Quality Residential Environments
 PPS 8 - Open space, sport and outdoor recreation.
 PPS 12 - Housing in settlements.
 The Strategic Planning Policy Statement for NI.

The site lies within the settlement limit of Dungannon town as defined in the Dungannon & South Tyrone Area Plan 2010.

Part of the site has been zoned Phase 1 housing land in the plan, there are no key site requirements relating to access, pedestrian access, foul sewer pumping, survey and planting scheme, design considerations and child play provision. These considerations can be resolved and agreed at RM stage.

Transport NI, Rivers Agency, NI Water, NIEA and Environmental Health were consulted for opinion and collectively have no objection to the proposal.

PPS 3- Access, Movement and Parking.

Policy AMP 1 - Creating and Accessible Environment.

AMP 1 is about creating an accessible environment for all. The detailed design considerations should be incorporated into any final scheme at RM stage and assessed at that time.

AMP 2- Access to public roads.

AMP2 serves to promote road safety and only allow the intensification of an access where it will not prejudice road safety or significantly inconvenience the flow of traffic. Transport NI have been consulted for opinion and returned comment of no objection in the original 2007 application. The applicant has proposed the same access points in this application. Transport NI will be consulted at RM stage for full consideration of the detailed drawings.

AMP 7 - Car parking and Servicing Arrangements

The car parking and servicing arrangements can be resolved at RM stage. There is ample space within the red outline to provide car parking and servicing arrangements. The access arrangements onto Greer's Lane can be resolved at RM stage. The applicant has served notice on DSD as owner of part of the site.

PPS 7 - Quality residential Environments

QD1 - Quality in new residential development

The 2007 application has been assessed against this same policy context. There is ample space within the application site for open space provision and once again this can be verified and approved at RM stage. The shape of the site also lends itself to flexibility in terms of design solutions.

This proposal is located within the settlement limit of Dungannon where there is a general presumption in favour of development. The site has been designated as housing - Phase 1 development land in the Area Plan.

The development shall respect the surrounding context and will be appropriate to the character and topography of the site at RM stage in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

a mix of house types will be included in the proposal and densities can be examined at RM stage. A landscaping scheme shall be provided and examined in detail to soften the impact of the new build in the urban setting.

There are a mix of house types on each side of the application site, the final scheme shall undoubtedly draw up on each of these.

The proposal shall also be assessed to ensure it is appropriate to the character and topography of the site in term of layout, scale, proportions and the massing and appearance of the buildings. Consideration shall be given to the surrounding properties to ensure separation distance are within guidelines and no loss of amenity would result

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. At final design stage any archaeological zonings will be double checked in the immediate vicinity.

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

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development; this has been dealt with as part of the original full approval in 2007, I am dealing solely with renewal of the original permission and expect neighbourhood facilities shall be provided e.g. connection of footpaths to those surrounding the site easing access to town centre. QD1 also requires 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 which will be full assessed.

Other design considerations such as deterring crime and promoting personal safety shall considered as part of design scheme and incorporated accordingly.

No consultee objection received.

One letter of objection was received from Patrick Anderson, Dept of Social Development, NI relating to the access onto Greers Road. The applicant had shown an intent to use the car park and access owned by DSD to service the proposal. Notice had been given to DSD as owners of the land and Committee Members are advised these lands have now transferred to Mid Ulster Council. The current application site excludes the car park but still proposes to use the Council owned access onto Greer's Road.

I do not consider this an impediment to renewing the application and the site area is the same as the previous approval, albeit no 24 Woodlawn Drive has been added. If permission is forthcoming again, then the permission does not infer any rights over land or transfer of ownership.

I recommend the application should be renewed.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend the application be approved as no consultee returned comment of objection. The proposal is for an in time renewal against the same policy context. The site has been reduced to exclude the Council owned car park. Access onto Greer's Road is as previously approved and the Councils interests are not affected.

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.The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their

surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance; the colour, texture and type of facing materials to be used for external walls and roofs.

Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

4.A detailed landscaping scheme, including delineated areas of public and private open space and boundary details for all plots, shall be submitted with any application for approval of reserved matters and no development shall commence on site before it is agreed in writing with the Council. The landscaping scheme shall include a specification for ground preparation and planting and a schedule setting out details of species, size at time of planting, siting of plants and the total number of plants.

Reason: To ensure that areas of public open space, landscaping and boundary details are incorporated into the design in accordance with Policy QD 1 of PPS 7 and Policy OS 2 of PPS 8.

5. Unless otherwise agreed in writing with Mid Ulster Council, the landscaping scheme and open space required by condition number 3 above shall be carried out during the first planting season after the commencement of more than twenty five dwellings on the site and boundary definition shall be provided before each respective unit is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Department gives written consent to any variation.

Reason: To ensure that areas of public open space and landscaping contribute to a quality residential environment in accordance with Policy QD 1 of PPS 7 and Policy OS 2 of PPS 8.

6. Simultaneously with any application for approval of reserved matters, a landscape management plan setting out the period of the plan, long term objectives management responsibilities performance measures and maintenance schedules for all public open space and landscaped areas shall be submitted for the Council's written approval. No development shall commence before the written agreement of the Council has been obtained and the landscape management plan shall be carried out as approved.

Reason: To secure the long-term maintenance of public areas of open space and landscaping.

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

Reason: In the interest of the visual amenity of the wider area and to ensure that the design contributes towards a quality residential environment.

8. A tree survey shall be submitted with any application for approval of reserved matters identifying the position of all trees with a minimum circumference of 250mm measured at 750mm above ground level. The survey shall accurately identify the centre of each trunk and the drip line of each tree being surveyed and the centre line and full width of all hedgerows on the site. The survey shall distinguish between trees and hedgerows to be retained and trees and hedgerows to be removed and shall specify details for protection during construction. No development shall commence on site before the detail of trees and hedgerows to be removed has been agreed in writing with the Council nor before protection measures have been put in place on site.

Reason: To achieve the optimum retention of mature trees on the site.

9. Not more than 210 dwelling units shall be constructed on the site unless otherwise agreed in writing with the Council.

Reason: To ensure that the flow of traffic on the local road network is maintained at an acceptable level.

10. Using PICADEY or other methodology agreed by the Council, detailed re-modelling of the traffic lights at the Anne Street/William Street junction, and the double roundabout junction at Donaghmore Road/Quarry Lane shall be submitted simultaneously with any application for approval of reserved matters that individually or cumulatively seeks approval for more than 100 residential units on the site. Working drawings and a specification of traffic infrastructure improvements to be implemented at those junctions, designed in accordance with the detail of the re-modelling exercise, shall be submitted simultaneously with any application for approval of reserved matters that individually or cumulatively seeks approval for more than 210 residential units on the site. Development to implement any such application shall not commence before the written agreement of the Council has been obtained by the developer in respect of the detail of the traffic infrastructure improvements.

Reason: To ensure that consideration can be given to the detail of traffic infrastructure improvements to be provided in accordance with policy AMP 6 of PPS 3 and General Principle 5 of PPS 13.

11. Not more than 100 residential units shall be occupied on the site before the traffic infrastructure improvements required by condition 10 above have been fully implemented.

Reason: To facilitate vehicular traffic movements at the Thomas Street roundabout.

12. Prior to the commencement of any other development on site a 6.0 metre wide road and combined cycle path and footway to link Quarry Lane and the Thomas Street link road shall be constructed in accordance with the Design Manual for Roads and Bridges.

Reason: To facilitate the free flow of traffic in the wider area.

13. Prior to development commencing on site the Council's written approval shall be sought and obtained for a car-parking scheme to compensate for the loss of existing car-park spaces at the southern end of the site and the scheme shall be carried out before any development takes place on the existing car-park at the southern end of the site.

Reason: To ensure that existing car-parking provision in the area is maintained.

14. The Private Streets (Northern Ireland) Order 1980. The development shall be in accordance with the requirements of the design guide 'Creating Places' and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	10th December 2014
Date First Advertised	24th December 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 38A Charlemont Street Drumcoo The Owner/Occupier, 1 Ard Gannon Drumcoo Dungannon The Owner/Occupier, 1 Charlemont Street Drumcoo Dungannon The Owner/Occupier, 1 Woodlawn Drive Drumcoo Dungannon The Owner/Occupier, 1-3 Union Place Drumcoo The Owner/Occupier, 10 Woodlawn Park, Dungannon. The Owner/Occupier, 10 Charlemont Street Drumcoo Dungannon The Owner/Occupier, 10 Woodlawn Drive Drumcoo Dungannon The Owner/Occupier, 11 Woodlawn Park, Dungannon. The Owner/Occupier, 11 Charlemont Street Drumcoo Dungannon The Owner/Occupier, 11 Donaghmore Road Drumcoo Dungannon The Owner/Occupier, 11 Woodlawn Drive Drumcoo Dungannon The Owner/Occupier, 12 Woodlawn Park, Dungannon. The Owner/Occupier, 12 Charlemont Street Drumcoo Dungannon The Owner/Occupier, 12 Woodlawn Drive Drumcoo Dungannon The Owner/Occupier, 13 Woodlawn Park, Dungannon. The Owner/Occupier, 13 Charlemont Street Drumcoo Dungannon The Owner/Occupier, 13 Donaghmore Road Drumcoo Dungannon The Owner/Occupier, 13 Woodlawn Drive Drumcoo Dungannon The Owner/Occupier, 14 Woodlawn Park, Dungannon.	

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 14 Charlemont Street Drumcoo Dungannon
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 2 Woodlawn Drive Drumcoo Dungannon
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 2-4 Union Place Drumcoo
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 20 Charlemont Street Drumcoo Dungannon
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 20 Donaghmore Road Drumcoo Dungannon
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21A Donaghmore Road Drumcoo Dungannon
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21B Donaghmore Road Drumcoo Dungannon
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26 Charlemont Street Drumcoo Dungannon
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26 Donaghmore Road Drumcoo Dungannon
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27 Donaghmore Road Drumcoo Dungannon
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27 Union Place Drumcoo Dungannon
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27A Donaghmore Road Drumcoo Dungannon
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The Owner/Occupier,
3 Charlemont Street Drumcoo Dungannon
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3 Union Place Drumcoo Dungannon
The Owner/Occupier,
3 Woodlawn Drive Drumcoo Dungannon
The Owner/Occupier,
30 Donaghmore Road Drumcoo Dungannon
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30 Union Place Drumcoo Dungannon
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31 Donaghmore Road Drumcoo Dungannon
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31 Union Place Drumcoo Dungannon
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31A Union Place Drumcoo Dungannon
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32 Donaghmore Road Drumcoo Dungannon
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33 Donaghmore Road Drumcoo Dungannon
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33 Union Place Drumcoo Dungannon
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36 Donaghmore Road Drumcoo Dungannon
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37 Donaghmore Road Drumcoo Dungannon
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37 Meadowvale, Dungannon BT70 1QJ
The Owner/Occupier,
37 Union Place Drumcoo Dungannon
The Owner/Occupier,
37A Union Place Drumcoo Dungannon
The Owner/Occupier,
38 Donaghmore Road Drumcoo Dungannon

The Owner/Occupier,
38 Meadowvale, Dungannon BT70 1QJ
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 95 Donaghmore Road Drumcoo Dungannon
 The Owner/Occupier,
 Hall Charlemont Street Drumcoo
 Patrick Anderson
 Regional Development Office, Department for Social Development NI, Kevlin
 Buildings, Kevlin Avenue, Omagh, BT78 1ER
 The Owner/Occupier,
 The Haven 17 Quarry Lane Drumcoo

Date of Last Neighbour Notification	18th December 2014
Date of EIA Determination	8th April 2015
ES Requested	Yes /No

Planning History

Ref ID: M/2014/0572/O

Proposal: Renewal of residential development (M/2007/0787/O), maximum of 210 units, with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon

Address: 15m NE of 67a Donaghmore Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2014/0080/F

Proposal: Proposed 3 no. dwellings (1 no. one and three quarter storey detached dwelling, 2no. two storey, semi detached dwellings on site of 20 Woodlawn Drive, Dungannon

Address: 20 Woodlawn Drive, Dungannon,

Decision: PR

Decision Date: 26.06.2014

Ref ID: M/2013/0592/F

Proposal: Proposed alterations and extension inc. new ramp access to provide committee rooms, disabled w.c and storage

Address: Scout Hall, Charlemont Street, Dungannon,

Decision: PG

Decision Date: 06.02.2014

Ref ID: M/2011/0322/F

Proposal: Renewal of planning approval M/2005/2069/F (Retail Development and Associated Carparking).

Address: Anne Street, Dungannon,

Decision:

Decision Date: 21.12.2011

Ref ID: M/2010/0342/F

Proposal: Proposed Full Size GAA Playing Pitch, Pitch Surround Fencing, Ball Catchers & Floodlighting. (amended plans)

Address: Lands Approx. 150m East of Junction of Quarry Lane & Donaghmore Road, Dungannon.

Decision:

Decision Date: 05.07.2012

Ref ID: M/2008/1186/F

Proposal: Proposed raising of ridge height to create new bedrooms, hot press, storage area, en suite, bathroom & study on first floor, replacement of windows & doors & sun lounge extension to dwelling.

Address: 20 Woodlawn Drive, Quarry Lane, Dungannon

Decision:

Decision Date: 16.12.2008

Ref ID: M/2007/1443/F

Proposal: Proposed alterations & extension to hall to provide committee room, disabled WC & storage also to provide new ramped access for disabled users

Address: Scout Hall, Charlemont Street, Dungannon

Decision:

Decision Date: 18.03.2008

Ref ID: M/2007/0958/Q

Proposal: Proposed Level Access approach at Dungannon Scout Hall

Address: Charlemont Street, Dungannon

Decision:

Decision Date:

Ref ID: M/2007/0831/F

Proposal: Mixed use development, including retail space in 12 no. retail units, kiosk/cafe, 84no. apartments, associated landscaping, access, associated infrastructure and car parking.

Address: Vacant land to north of Anne Street, Dungannon. Approximately, 25m north of 11-17 Anne's Court, Anne Street, Dungannon

Decision:

Decision Date: 22.12.2009

Ref ID: M/2007/0787/O

Proposal: Residential development - maximum 210 units at 15m N.E. of 67a Donaghmore Road, Dungannon with access roads onto Greers Road, Donaghmore Road and Quarry Lane.

Address: 15m North East of 67a Donaghmore Road, Dungannon

Decision:

Decision Date: 16.01.2012

Ref ID: M/2007/0659/LDP

Proposal: Conversion of existing attic void to bedroom, ensuite and stores including provision of internal stair case and erection of 2 dormer windows to rear of dwelling

Address: 12 Woodlawn Park, Dungannon

Decision:

Decision Date:

Ref ID: M/2006/2080/F

Proposal: Proposed replacement of existing dwelling to provide two new dwellings

Address: 20 Woodlawn Drive, Quarry Lane, Dungannon (Re Advertisement - Amended Certificate of Ownership)

Decision:

Decision Date: 22.06.2007

Ref ID: M/2006/1442/Q
Proposal: Housing Development
Address: Quarry Lane, Dungannon
Decision:
Decision Date:

Ref ID: M/2005/2069/F
Proposal: Renewal of M/1999/0232 (Retail Development and Associated Carparking).
Address: Dunnes Stores, Anne Street, Dungannon
Decision:
Decision Date: 10.05.2006

Ref ID: M/2005/0081/F
Proposal: Retail warehousing & associated car parking, housing and new access road -
Renewal of M/1999/0016
Address: Land bounded by new link road-Donaghmore Road & Quarry Lane,
Dungannon
Decision:
Decision Date: 12.04.2005

Ref ID: M/2003/0328/F
Proposal: Extension to dwelling
Address: 12 Woodlawn Park, Dungannon
Decision:
Decision Date: 06.05.2003

Ref ID: M/2003/0288/F
Proposal: Proposed change of use of derelict building to provide extended licensed
premises, off sales and 6 No. self contained flats.
Address: 5,7,9 & 11 Donaghmore Road, Dungannon
Decision:
Decision Date: 10.06.2003

Ref ID: M/2001/0085/A41
Proposal: Re-roofing of single storey section of Hall
Address: 1st Tyrone Scout Hall, Charlemount Street, Dungannon
Decision:
Decision Date:

Ref ID: M/2000/1173/O
Proposal: Proposed housing development
Address: Lands to the rear of 45 & 47 Donaghmore Road, Dungannon
Decision:
Decision Date: 25.02.2002

Ref ID: M/1999/0232

Proposal: Proposed Retail Development including associated car parking (Amended Site)

Address: Dunnes Stores Anne Street Dungannon

Decision:

Decision Date: 31.10.2000

Ref ID: M/1999/0068

Proposal: Retail Development

Address: 30M WEST OF 30 UNION PLACE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/0016

Proposal: Retail Warehousing and associated car parking, housing and new access road (amended scheme)

Address: Land bounded by new Link Road Donaghmore Road and Quarry Lane Dungannon

Decision:

Decision Date: 19.04.2000

Ref ID: M/1997/6030

Proposal: Shopping development Anne Street Dungannon

Address: Anne Street Dungannon

Decision:

Decision Date:

Ref ID: M/1997/0792

Proposal: Retail Warehousing and Associated Carparking, Housing and New Access Road

Address: LANDS BETWEEN QUARRY LANE DONAGHMORE ROAD AND NEW LINK ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0061

Proposal: Site for Housing Development

Address: ADJACENT TO WOODLAWN DRIVE QUARRY LANE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/6200

Proposal: Site for Housing Development Quarry Lane Dungannon

Address: Quarry Lane Dungannon

Decision:

Decision Date:

Ref ID: M/1994/0220

Proposal: Site for Housing Development

Address: 33 ANNE STREET, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/1993/6118

Proposal: Housing Development Union Place Dungannon

Address: Union Place Dungannon

Decision:

Decision Date:

Ref ID: M/1991/4065

Proposal: Alterations to dwelling

Address: 35 DONAGHMORE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1989/4008

Proposal: Private garage and store

Address: REAR OF 27/29 DONAGHMORE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1986/0245

Proposal: DWELLING

Address: QUARRY LANE, DUNGANNON, CO TYRONE

Decision:

Decision Date:

Ref ID: M/1981/0049

Proposal: 1 NO DWELLING

Address: UNION PLACE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1980/0018

Proposal: EXTENSION TO BUNGALOW

Address: 18 WOODLAWN DRIVE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1979/0942

Proposal: IMPROVEMENTS TO DWELLING

Address: 24 WOODLAWN DRIVE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1979/020601

Proposal: 2 STOREY DWELLING HOUSE AND GARAGE

Address: QUARRY LANE, DUNGANNON, CO TYRONE

Decision:

Decision Date:

Ref ID: M/1979/0206

Proposal: ONE NO HOUSE (TWO STOREY)

Address: QUARRY LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1979/0070

Proposal: 11 KV O/H LINE, 33 KV O/H LINE

Address: GRANVILLE, LISNAHULL, MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0659

Proposal: ERECTION OF DWELLING

Address: QUARRY LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0463

Proposal: EXTENSION TO DWELLING

Address: 16 WOODLAWN PARK, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0180

Proposal: EXTENSION TO DWELLING

Address: 14 WOODLAWN DRIVE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/0427
Proposal: ERECTION OF HOTEL
Address: ANN STREET, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1976/0344
Proposal: ERECTION OF 5 SUBSIDY BUNGALOWS
Address: UNION PLACE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1976/0110
Proposal: PLANNING APPLICATION FOR CAR PARK
Address: ANN STREET, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1973/0032
Proposal: HOTEL
Address: NOS 15-17, ANN STREET, DUNGANNON
Decision:
Decision Date:

Summary of Consultee Responses

No objection.

Drawing Numbers and Title

Drawing No. 01

Type:

Status: Approved

Drawing No. 05

Type:

Status: Approved

Drawing No. 04

Type:

Status: Approved

Drawing No. 02

Type:

Status: Approved

Drawing No. 03

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: 4 th October 2016	Item Number:
Application ID: LA09/2015/0391/F	Target Date: 25.09.2015
Proposal: Proposed housing development consisting of 12 semi detached houses and 2 detached houses including estate roads and foul water treatment plant	Location: 92 Roughan Road (off Drumreagh Crescent) Newmills Dungannon
Referral Route: Letter of Objection	
Recommendation:	Approve
Applicant Name and Address: Firtree Developments (NI) Ltd. 97 Derryloughan Road Coalisland Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Case Officer: Paul McClean	
Signature(s):	

Case Officer Report

Site Location Plan



Neighbour Notification Checked: Yes

Representations:

Letters of Objection

1

Summary of Issues

See main body of report

Description of proposal

This is a full planning application for a housing development consisting of 12 semi detached houses and 2 detached houses including estate roads and foul water treatment plant.

Characteristics of Site and Area

The site is located within the development limits of Newmills and encompasses No.92 Roughan Road (a single storey property) and an agricultural field to the south and east of this property. The site rises from west to east and most of the boundaries are defined by existing hawthorn hedges, except for the western boundary which is shared with the adjacent Newmills Presbyterian Church and is defined by a 1m high wire fence. The curtilage to No 92 is defined by mature tree cover.

To the north of the site is a housing development, Drumreagh Crescent, which is defined by terraced and semi-detached 2 storey dwellings, and is quite dense. To the south and east is existing agricultural land. Further south is the heart of the village of Newmills. The area has an rural village feel. Travelling north on Roughan Road, it is not long until you enter the countryside.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010: unzoned white land within the Settlement of Newmills. The area plan states that housing developments in excess of 15 units will normally not be permitted. Housing developments should reflect the essentially rural character of the settlement and not lead either individually or cumulatively to large scale suburban estate type layouts.

Relevant Planning History

None

Key planning Policy

The proposal is for housing development within an existing village. The Strategic Planning Policy Statement advises that the policy provisions of PPS7 still stand until such times as an up-to-date Area Plan is in place. Under Policy QD1 of PPS 7- Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In terms of QD1 of PPS7, Proposals are expected to meet 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;

The proposal is for 12 semi detached houses and 2 detached houses including estate roads and foul water treatment plant. The proposal is reflective of housing layout and design of existing development in the area. The proposed house types are two-storey detached and semi-detached dwellings (7.6m ridge height from FFL) with grey dash plaster finish, one dwelling has a sandstone 2 storey porch projection. The proposed design has ground floor projecting bay windows. The house types are acceptable for the site and locality and are reflective of the house type found in this area.

In terms of the surrounding context of the area, two-storey properties are evident, mainly pairs of semi-detached and terraced housing. In terms of density, the proposal is reflective of existing density in the area. Each plot size generously affords the proposed design, with ample amenity space afforded. There is a mix of housing in the surrounding residential area and this is not dissimilar to that in the area. The proposal is for 14 no. units and is not contrary to advice contained within the Area Plan.

Each property is in keeping with surrounding properties. It is considered criteria (a) of QD1 is met.

(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;

The site is located within close proximity of a historic monument TYR 046:025. NIEA were consulted and advise that conditions are attached should permission be granted.

No built heritage features identified on GIS search or within area plan.

Some existing planting exists along the site boundaries will be retained and this will be conditioned to be retained at a height of not less than 2 meters above ground level at that point should permission be granted.

The proposal includes supplementary planting which will soften the impact of the proposed development.

(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;

No open space is included within the proposed design. However, each site has a generous amount of private amenity space, with a separation distance of at least 10m to proposed rear boundaries. Proposed 1.8m high wooden screen fences are proposed between properties to provide privacy. This can be conditioned for completion prior to the occupation of any dwelling hereby approved should permission be granted.

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

The proposal is for 14 No. dwellings that will integrate into the local neighbourhood. No additional facilities are proposed than what exists, but each property will be afforded generous living space and is located close to the centre of Newmills where local neighbourhood facilities are located.

(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;

Transport NI have been consulted and have no objections subject to standard conditions and informatives. The proposed site is located within the settlement limits of Newmills and footpaths are proposed which will link into existing footpath network and supports walking and cycling. There appears to be no infringement on rights of way. Access is afforded to the front of No 92 Roughan Road.

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

Transport NI have no objections subject to standard conditions and informatives. Each property has provided ample in-curtilage parking and turning for vehicles.

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

A mix of housing and finishes exists in the surrounding residential area. The proposed design of 12 No. properties of similar house type will reflect the housing design found in the locality and will not detract from the appearance of the area.

(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

Proposed site No. 4 will be gable onto No. 92 Roughan road. The FFL will be 2 meters higher than the existing bungalow, but with the retention of the existing rear vegetation to No 92, and the provision of a 1.8m high privacy fence, it is my view that there will be no issues of

overlooking or over-dominance to the rear garden of No 92. from the proposed development (and vice-versa). There will be no overlooking windows on this gable. No objections have been received from No. 92.

A letter of concern was supplied on behalf of Newmills Presbyterian Church raised concern that a 2 storey dwelling close to its boundary may have an overbearing and over-dominant impact on the Church. This dwelling has now been removed from the plan to cater for a temporary waste water treatment plant, therefore no issues of over dominance or overbearing will exist.

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

The properties will look forward onto properties on the opposite side of of the development. The proposal has got good surveillance of surrounding land and is designed with safety and overlooking of public space in mind, while retaining privacy and security to the rear.

In terms of PPS 7 (Addendum) - Safeguarding the Character of Established Residential Area, the proposed housing density would result in an acceptable density when read with surrounding development. Whilst the house types, design and layout have changed, it is considered the proposed scheme is not contrary to QD1 of PPS7 or PPS 7 Addendum.

Other considerations

Transport NI have no objections subject to conditions and informatives.

NI Water indicate that the existing waste water treatment plant within Newmills is at insufficient capacity to accept mains sewage connection from this proposed development. The Developer has now provided a temporary waste water treatment plant (TWWTP). Environmental Health were consulted on potential noise and odour impacts of this proposal and have replied stating that NIW will be responsible for issuing consent for this means of disposal and in doing so will be considering potential noise and odour impacts, therefore EHD do not require any additional information. Therefore, through discussion with colleagues, it has been decided that the developer can be advised of this through an informative. Conditions can be attached for the TWWTP to be removed and the development connected to mains once there is sufficient capacity to accept the development.

The objector also raised concern about the development connecting to the storm pipe. Again, NIW will have to grant consent for any connection and any upgrade will have to be made by the developer.

There is no requirement for the applicant to include the existing store extension to the rear of the church on their plans. Any development of the site when the waste water treatment plant is removed will be subject to a planning application, and any impact between the development and the rear of the Church can be assessed at this point. In my view the proposed relationship will not result in an overbearing or over-dominant impact to the Church. In terms of a retaining wall, it is in the developer's interest to develop a sufficient structure which will not impact on third properties as this will be a 3rd party dispute.

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

The Private Streets drawing No 09 rev2 shows additional housing to that indicated in drawing No. 02 rev2 and 12. On discussion, I will attach an informative to clarify that drawing No 09 rev2 is for Private Street purposes only and that the approved layout relates to drawings No 02 rev2 and 12 which are reflective of the description of the proposal.

A drainage assessment was supplied, as a requirement of PPS15 Planning and Flood Risk, and Rivers Agency are content with this assessment subject to informatives.

Summary of Recommendation:

That permission be granted subject to the following conditions.

Conditions

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

Reason: Time Limit.

2. The housing layout relates only to drawings No. 02 rev2 and 12 which were date stamp received 5th July 2016, unless otherwise agreed by Mid Ulster Council in writing.

Reason: To ensure an appropriate number of dwellings are constructed.

3. The development shall be completed in accordance with levels indicated in drawing No. 02 rev2 date received 5th July 2016, unless otherwise agreed by Mid Ulster Council in writing.

Reason: To safeguard existing and proposed residential amenity.

4. 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 rev2 which was received 5th July 2016, unless otherwise agreed by Council.

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

5. The development shall be served by a private sewage treatment plant until such times as the necessary upgrade of the Waste Water Treatment Works has been completed. On completion of the necessary improvements to the Waste Water Treatment Works the dwellings approved under this planning permission shall be connected to the public sewerage system and the private sewage treatment plant shall be decommissioned and removed from the site within 3 months of successful connection to the public sewerage system.

Reason: To ensure that a satisfactory, permanent means of sewage disposal is achieved.

6. The existing natural screenings of this site, as indicated in blue on drawing No 02 rev2 date stamp received 5th July 2016, shall be permanently retained at a height not less than 2 meters above ground level at that point unless otherwise agreed by Mid Ulster Council in writing.

Reason: To safeguard visual and residential amenity.

7. During the first available planting season after the commencement of development on site, all trees indicated in drawing No 02 rev2 date received 5th July 2016, shall be planted as shown and be permanently retained thereafter.

Reason: In the interest of visual amenity and to indicate the edge of the settlement of Newmills.

8. 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.

9. The vehicular access, including visibility splays, shall be provided in accordance with Drawing No. 09 Rev 2 bearing the date stamp 30th March 2016, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

10. 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.

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

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

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

Mid Ulster District 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 2 bearing the date stamp 30th March 2016.

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

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

No other 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. 09 Rev 2 bearing the date stamp 30th March 2016.

The Mid Ulster District Council 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.

14. The visibility splays of 2.4 metres by 33.0 metres both directions at the junction of the proposed access road with the public road shall be provided in accordance with Drawing No. 09 Rev 2 bearing the date stamp 30th March 2016, prior to the commencement of any other works or other development.

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

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

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	12th June 2015
Date First Advertised	22nd June 2015
Date Last Advertised	3rd August 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Brodmorr Court Drumreagh Otra Dungannon The Owner/Occupier, 1 Lough Terrace Drumreagh Otra Dungannon The Owner/Occupier, 2 Drumreagh Crescent Drumreagh Otra Dungannon The Owner/Occupier, 27 Drumreagh Crescent Drumreagh Otra Dungannon The Owner/Occupier, 29 Drumreagh Crescent Drumreagh Otra Dungannon R Wilkins 38 Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HP The Owner/Occupier, 4 Brodmorr Court Drumreagh Otra Dungannon The Owner/Occupier, 43 Drumreagh Crescent, Drumreagh Otra, Dungannon, Tyrone, BT71 4HJ, The Owner/Occupier, 5 Brodmorr Court Drumreagh Otra Dungannon The Owner/Occupier, 9 Drumreagh Crescent Drumreagh Otra Dungannon The Owner/Occupier, 96 Roughan Road Drumreagh Otra Stewartstown	
Date of Last Neighbour Notification	2nd September 2016



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 th Oct 2016	Item Number:
Application ID: LA09/2015/0512/F	Target Date:
Proposal: Proposed extension to existing servicing centre for agricultural vehicles and machinery and new access	Location: 149c Drumbolg Road Upperlands Maghera
Referral Route: Application recommended for refusal.	
Recommendation: Refusal.	
Applicant Name and Address: Andrew Armstrong 149c Drumbolg Road Upperlands Maghera BT46 5UZ	Agent Name and Address: MDF Architecture 211 Blackthorn Road The Brambles Newtownabbey BT37 0GH
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues No representations have been received in relation to this proposed development.	
Characteristics of the Site and Area Description of Proposal The proposal is for the erection of a large industrial type building measuring 35.0m x 12.0m with an eaves height of 5.2m and a ridge height of 5.9m above ground level. The proposed building is to run parallel to and adjacent to the rear of the existing building but extending forward of the south western gable towards the existing laneway. The external finishes to the building are to be :- Walls - Smooth render plaster to exposed walls with cladding on the upper part to match the existing building; Roof – profiled cladding to match the existing building; Doors – Roller shutter doors in grey colour The building includes an area to the front which will accommodate office (40m ²) and ancillary accommodation while the remainder of the building (341m ²) will provide a servicing area for large farm/plant machinery. The area to the south east of the proposed building is to be grassed over with new hedging planted along the north eastern and south eastern boundaries.	
Characteristics of the site and environs The site is comprised of a large area to the rear of a bungalow on a roadside site. The site contains an existing building and occupies an elevated position in the landscape. The rear yard is accessed via a separate hard cored lane with a large industrial type building set to the rear. The existing building which has a footprint measuring 24.6m x 12.31m and was approved under a previous planning application H/2008/0622/F on the basis of agricultural need and for that use. However the existing building is being entirely used as a commercial servicing centre. This is in breach of an approval in connection with a part farm diversification scheme granted under H/2010/0451/F. Within the existing building there is office accommodation at the rear with first floor storage space over. In addition a small retail shop has been provided which is open to members of the public to purchase vehicle parts and accessories. To the rear of the existing building a large yard has been excavated to a level approximately 0.75m below the level of the adjoining field to the south east. At present this yard is used for the parking of plant and machinery. The north eastern, south eastern and south western boundaries are defined by post and wire fencing. There are important critical views of the site when travelling from the junction of Gorse Road and Killycon Road and also when travelling north east along the Drumbolg Road from a point 140m south west of the site.	
3. Relevant planning history H/2008/0622/F - Proposed shed to accommodate winter store cattle, cattle feed, a tractor and be used as a garage also – Approved 15.04.2009 H/2010/0451/F - Retrospective planning for part farm diversification to accommodate Agricultural Servicing area (165m ²) within existing shed and domestic garage with shared access to No 149c Drumbolg Road, Upperlands – Approved 05.01.2012	

Planning Assessment of Policy and Other Material Considerations

4. Development Plan and key policy considerations

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

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

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4 and for Farm Diversification proposals under Policy CTY11.

PPS 4 Policy PED 2 – Economic Development in the Countryside which states that approval will be granted for an expansion of an established economic development in accordance with PED3.

Policy PED 3 – Expansion of an established economic development use in the countryside advised that such a proposal will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area. Consideration must be given as to whether the present level of activity and its evolution in breach of a restricted small ancillary element to a farm shed can reasonably be considered as the expansion of an established use however. Certainly the present extent of use has not been confirmed as being lawful and is subject to ongoing enforcement investigations.

The proposed building measures 35.0m x 12.0m giving a footprint of 420m² whereas the existing building has a footprint of 302m². However, when considering that the original building was approved with a condition restricting the area of floor space which was to be used for the business to 165m², the proposed building will result in an increase in excess of 250% in the floor space for the business. This is considered to be a substantial increase in the floor space and given that it is located on an elevated site with virtually no existing hedges or boundary vegetation to provide any level of screening, the proposal is considered to be detrimental to the character of the local area. Furthermore, there is a substantial increase in the site area. The previous approvals granted under H/2008/0622/F and H/2010/0451/F restricted the site boundaries.

Given that the existing building, which is being completely utilised by the business, is the only building on the site, the reuse of buildings is not possible. However, an appropriate extension of the existing building could be accommodated. While it has not been demonstrated that an extension to the existing building has been considered, (this proposal in my view is more a separate building) any extension would most likely be positioned to the rear of the existing building and on the position of the proposed building. Notwithstanding that, any new building should be in proportion to the existing building and will need to integrate as part of the overall development. The proposed building will not integrate as it not only lacks sufficient boundary vegetation or planting to provide any degree of screening or backdrop but the scale of the proposal is such that it will be prominent within the landscape when viewed from the Drumbolg Road.

Although the proposed building will match the existing building in terms of the design and materials, it is of such a scale that it will dominate the existing building and therefore cannot be considered to respect the scale of that building.

In this case, the major expansion of the existing industrial enterprise has failed to demonstrate that the relocation of the enterprise is not possible; that it makes a significant contribution to the local economy (an additional 1-2 staff above the 4 presently employed is anticipated) and that it does not undermine the rural character. Therefore the proposal is considered to be contrary to the provisions of this policy.

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

- (a) The use is compatible with surrounding land uses. Although it is not the ideal location for this type of industrial use, it is for the expansion of an existing use;
- (b) It is my view that the separation distance is adequate to ensure that the proposal does not impact on neighbouring amenity by reason of loss of light, overshadowing, visual intrusion or overlooking. Environmental Health have not raised any issues relating to noise or other nuisances;
- (c) The site is will not have any adverse impact on either natural heritage or built heritage;
- (d) The proposal is not located within a flood risk area nor will it cause or exacerbate flooding;
- (e) Environmental Health have not raised any issues relating to noise;
- (f) No concerns regarding emissions or effluent have been raised;
- (g) Transport NI have not raised any issues relating to the road network or additional traffic being generated by the proposal;
- (h) Transport NI requested additional drawings to demonstrate that there is adequate space within the site to accommodate all parking, turning movements and servicing associated with the proposal;
- (i) As the site is located in a rural area, access to the site is generally by motor vehicle. However, given the nature of the proposal this would generally be acceptable;
- (j) Although the building design is acceptable, the increase in the site layout is considered to be excessively large which would necessitate a substantial amount of good quality landscaping;
- (k) At present the site is not adequately screened from the public view. The proposed extension is larger than the existing building and will create the need for substantial boundary treatment as there is not at present. The level of landscaping required to provide adequate screening and to aid integration will take a substantial time to mature. Therefore the proposed building will lack a sense of enclosure and the external yard will not be adequately screened from public view on the Drumboig Road. In addition significant amounts of outdoor storage of plant and machinery as a result of the increased level of the use is visually unacceptable.
- (l) As the site is located to the rear of the applicants dwelling, it is generally designed to deter crime and promotes personal safety;
- (m) Although the site is located to the rear of the applicants existing shed, which is in the countryside, it lacks sufficient boundary vegetation to adequately screen the proposed building. The new building is a substantial structure which is to be located on a prominent site. The proposal will therefore rely almost totally on proposed landscaping to provide a sense of enclosure and to aid integration. Such landscaping will inevitably take a substantial time to provide an adequate degree of enclosure and integration.

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

In assessing the proposal against the criteria of this policy, it is considered to be unacceptable for the following reasons;

- the building occupies a prominent position in the landscape;
- the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate in to the landscape;
- the proposed building will rely primarily on new landscaping to achieve an acceptable degree of integration; and
- the building fails to blend with the landform, existing trees, slopes or other natural features which provide a backdrop.

Policy CTY11 (Farm Diversification) is a consideration for this proposal (the agent has confirmed that agricultural activity still takes place) although I remain concerned that the level of any agricultural activity is very much minor and secondary to the vehicle servicing use. I understand that the applicant leases 2 small fields.

The applicant's 2010 application was based on an assessment under this Policy. This approval was granted with the following condition **'The area to be used for agricultural servicing shall be restricted to that area referred to as 'Servicing Area' on drawing No 02/2 date stamped 28 Nov 2011, for the following reason 'To ensure the part diversification of the building and limit the approved use to an appropriate scale.'**

The reason for the condition is key here and its references to appropriate scale. The proposed expansion of the use to a scale which is now not appropriate flies in the face of this condition and is contrary to Policy CTY11. This policy requires farm diversification proposals to be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape. This proposal cannot achieve this.

Additionally the key bold text of Policy CTY11 requires that such proposals must be run in conjunction with the agricultural operations on the farm. I see little evidence of this.

There is evidence that the applicant now operates sales from the site for telescopes, telehandlers, loaders and tractors all intensifying the nature of the use and introducing a wider commercial element to what was intended to be a small farm based agricultural servicing activity appropriate to its rural setting.

5. Other policy and material considerations

It is clear that at the time the H/2010/0451/F application was granted, the Planning Department were of the opinion that the business should be restricted in scale to an appropriate size, which was what was approved. The building and site as now proposed far exceed the size and scale of original approval and would not be in the spirit and intent of that approval. In my opinion, the proposed development is too large and even if there is a business need for the amount of floor space sought, then the business should relocate to an appropriate industrial area.

PPS 3 - Access, Movement and Parking; Transport NI have been consulted and have advised that additional plans should be submitted to demonstrate that there is adequate space within the site to accommodate all parking, turning movements and servicing associated with the proposal. As the proposal is considered to be unacceptable for other reasons as discussed above, these amendments have not been requested.

Support for the proposal has been submitted by Sandra Overend MLA who has stated that the applicant requires a large area for his business and at present there are no alternative sites. Mrs Overend has also outlined the potential for further employment and states that 3 jobs will be lost if the business was to cease trading. An office meeting has already taken place having been requested by Cllr Forde.

Environmental Health
EHD were consulted and advised that they have no issues of concern.

Recommendation

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

Neighbour Notification Checked	Yes
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 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 4, Planning and Economic Development: Policy PED 3 - Expansion of an Established Economic Development Use in the Countryside, in that the development would, if permitted; harm the rural character and appearance of the local area and there is a major increase in the site area; result in a building which is not in proportion to and does not respect the scale of the existing building and cannot be satisfactorily integrated into the surrounding landscape; and it has not been demonstrated that relocation of the enterprise is not possible and that the proposal would make a significant contribution to the local economy. 3. The proposal is contrary to Planning Policy Statement 4, Planning and Economic Development: Policy PED 9 - General Criteria for Economic Development, in that the development would, if permitted fail to integrate into the surrounding landscape as the site lacks appropriate boundary treatment; a means of enclosure and there are areas of external storage not adequately screened from public view. 4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape. 5. The proposal is contrary to Policy CTY11 of PPS21 in that it constitutes a proposal which hasn't been clearly identified as being run in conjunction with the agricultural operations on the farm and is of a scale and nature not appropriate to this rural location. 	
<p>Signature(s) M.Bowman</p> <p>Date: 22/9/16</p>	

ANNEX	
Date Valid	8th July 2015
Date First Advertised	20th July 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2008/0622/F Proposal: Proposed shed to accomodate winter store cattle, cattle feed, a tractor and be used as a garage also. Address: 230m North West of 149 Drumbolg Road, Upperlands. Decision: Decision Date: 16.04.2009 Ref ID: H/2007/1070/RM Proposal: Proposed dwelling & garage Address: 230m North West of 149 Drumbolg Road, Upperlands Decision: Decision Date: 23.05.2008 Ref ID: H/2010/0451/F Proposal: Retrospective planning for part farm diversification to accommodate Agricultural Servicing area (165 sq.m) within existing shed and domestic garage with shared access to No 149c Drumbolg Road, Upperlands. Address: 149c Drumbolg Road, Upperlands Decision: Decision Date: 09.01.2012 Ref ID: H/2004/0395/O	

Proposal: Site of Dwelling and Garage
Address: 230m North North West of 149 Drumbolg Road, Upperlands
Decision:
Decision Date: 19.06.2006

Ref ID: LA09/2015/0512/F
Proposal: Proposed extension to existing servicing centre for agricultural vehicles and machinery and new access
Address: 149c Drumbolg Road, Upperlands, Maghera,
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2015/0549/F	Target Date:
Proposal: Proposed shed extension to supersede previously approved unit ref H/2012/0168/F	Location: 23 Ballymacombs Road Portglenone
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Peter Donnelly 23 Ballymacombs Road Portglenone	Agent Name and Address: CMI Planners Ltd 80 / 82 Rainey Street Magherafelt BT45 5AG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
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

No representations have been received in relation to this application.

Description of proposal

The proposal, which is by now retrospective as the building has largely been completed, is for the erection of a large industrial unit measuring 32.6m x 23.6m and having a ridge height of 10.3m with a wall plate height of 7.8m above ground level. The proposed shed will utilise the

existing access. The proposed building is described as 'proposed shed extension to supersede previously approved unit Ref: H/2012/0168/F. However, the original drawings referred to 'Farm shed adjacent to previously approved...'. These have now been amended to 'Proposed extension to Industrial Units'. The shed is to be sited at the extreme south western end of the existing complex with the associated car parking and extended yard area to the south west of the proposed building. This boundary is to be landscaped with a buffer strip of planting to provide a visual screen of the site.

Characteristics of the site and area

The site is set to the western side of an existing storage and distribution centre which has a number of large units all fronting onto the Ballymacombs Road and enclosed by security fencing. At present there are ten units which are all adjacent to each other and all are accessed via a large gated entrance leading to a concrete yard which provides for parking, turning, loading and off-loading. There is a laneway leading along the side of the most westerly unit but this is outside the confines of the existing industrial complex. A second fence runs along the other side of the laneway. The unit previously approved under H/2012/0168/F was to be constructed over the existing laneway and on the same site as this current proposal. This will extend the curtilage of the existing site in a south-westerly direction. The proposed site has been substantially infilled, bringing it up to the same ground level as the existing units.

Planning Assessment of Policy and Other Material Considerations

At present the existing buildings are occupied by non agricultural uses. Unit 1 being the most south westerly and Unit 10 being the most north easterly units. The units are occupied by the following:-

Units 1-2 Doherty Woodshavings
 Unit 3 – 4 Kindercraft
 Unit 5 McAtamneys Butchers
 Unit 6 McAleese Fruit & Veg store
 Unit 7 McAtamneys Food Factory
 Unit 8 – 10 Donnelly's Potato store with office at front
 Unit 11 – Approved but not yet constructed

The previously approved shed ref: H/2012/0168/F has not been constructed. The original units on the site may have been agricultural, however, planning approval was granted under application H/1989/0155 for the change of use from agricultural sheds to stores on 6.6.89.

Subsequent applications were submitted under;

H/2003/0038/F - 3 No. Industrial Units (retrospective) – approved 28.09.2003;

H/2006/0458/F - Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning – Appeal upheld 28.07.2010;

H/2008/0494/F - Retention of hardcore area used for turning area, parking and storage area to existing industrial units – approved 26.05.2009; and

H/2010/0426/F - Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area – appeal dismissed 05.01.2012.

H/2012/0168/F - One additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments – Approved 22.10.2012

These applications all serve to indicate that the existing uses of these premises are industrial and not agricultural. Furthermore, a check of the Land & Property Services Valuation Lists shows that the units are paying commercial rates which are not applicable to agricultural premises.

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

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

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The SPPS goes on to advise that 'All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed' and in addition to the 'other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS'. It further reinforces this by stating that 'In all circumstances 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 criteria'. It further advises that the supplementary planning guidance contained within 'Building on Tradition': A sustainable Design Guide for NI Countryside' must be taken into account in assessing all development proposals in the countryside.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4. Therefore the overarching criteria for considering industrial development in the countryside is PPS 4 Policy PED 2 – Economic Development in the Countryside which states that approval will be granted for an expansion of an established economic development in accordance with PED 3.

Policy PED 3 – Expansion of an Established Economic Development Use in the Countryside advises that such a proposal will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area. While new buildings may be approved provided they are in proportion to the existing buildings and will integrate as part of the overall development, in all cases measures to aid integration into the landscape will be required for both the extension and the existing site.

In considering the proposal it is critical to consider the planning history of this site. The most relevant of the above history applications are H/2010/0426/F and H/2012/0168/F. H/2010/0426/F proposed to extend the existing site to the south west with two additional units running side by side and adjacent to the existing sheds and measuring approximately 34m x 14.5m each, with ridge heights of 11m. These units extended the built form by 29m to the south west. In addition to the two units, the proposal included a large increase in area of the yard by extending the south western boundary by an additional 27m to create an additional parking and turning area. This proposal was found to be unacceptable and was refused as the proposal was contrary to Policies PED 3 of PPS 4, CTY 1, 13 & 14 of PPS 21. The subsequent appeal was also dismissed with the PAC upholding all three refusal reasons.

In considering that appeal, the Commissioner advised that 'in light of the size of the two units approved to the north east of the site, I consider that the proposed units would be in proportion to the existing buildings and for this reason the proposed units would integrate as part of the overall development. Furthermore, the units would respect the scale, design and materials of the original buildings. While the two additional units would extend the built form by some 29m, when the additional space proposed for parking and turning is also taken into account, the proposal would extend the confines of the existing complex by a total some 56m into an area of open countryside. The visual expression of the proposal would therefore be significant and it

would enlarge the complex in a linear form along the road front to the south west. The area into which the expansion is proposed currently represents an element of relief and a significant visual break in development along Ballymacombs Road. The scale of the proposed encroachment into it would therefore erode and harm the rural character of the local area."

The proposed unit measures 32.6m x 23.6m, has a wall plate height of 7.8m and a ridge height of 10.3m above ground level. This building is of similar size to the two units which were subject of the aforementioned appeal. The building, which has already been erected, adjoins the existing units and is in line with those. However, the proposed unit stands 2.8m above the overall height of those original units. The proposed unit extends the built form by 23.6m while the associated parking/turning area will extend the confines of the existing complex by 50m. This is only 6m less than the proposal which the PAC found to be unacceptable as it would have extended the complex in a linear fashion along the Ballymacombs Road. The footprint of the proposed building is very similar to that of the refused development and as the Commissioner found that the refused development would integrate as part of the overall development, I would not disagree with that opinion. However, in considering Policy PED 3 of PPS 4 and in particular in relation to the proposed boundary treatment entailing a 2.4m high fence and a tree lined boundary to aid integration, the Commissioner found that "while the height of the trees could be conditioned, it is unlikely that they could sufficiently integrate the proposed development as the proposed units would be around 11m in height, some 3m higher than their immediate neighbours. ... There are direct views into the site on approach from the south west due to a combination of topography and scant vegetation cover. While the vegetation along the road front increases on approach to the site, there are still gaps and it would fail to provide a suitable degree of enclosure to integrate the proposal" (my emphasis). The proposed development is of a similar size, scale and design to the refused development with a ridge height 0.7m lower. While, the previous approval, H/2012/0168/F proposed a security fence along the south and east boundaries with a 5m wide buffer planting strip, which appears as a double row of trees, to give visual screening, the current proposal only proposes a single 3m wide buffer planting strip.

The commissioner also found that whilst job creation is a material consideration it has to be balanced against the potential for an adverse impact on the rural environment. Furthermore the Commissioner stated that "such a large expansion into the countryside would be significant and would detrimentally impact on the rural character of the area.... Alternative options for expansion could be explored by including a much reduced extension to the south west." The Commissioner went on to state that "in the specific circumstances of this case, I find that the scale of the proposal would adversely impact on the rural character of the area and this outweighs the economic considerations. The proposal does not therefore comply with Policy PED 3." The Commissioner also found that "the proposal would be an unduly prominent feature on approach from the south west as it would fail to satisfactorily integrate. This would detrimentally impact on the rural character of the area." The current proposal is no different in that regard and is still considered to be contrary to PED 3 for the same reason.

A subsequent application H/2012/0168/F for 'one additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments' was later approved to the south west of the existing site. That proposal was for a much reduced scheme of one unit measuring 32.7m x 15.25m and having an overall ridge height of 7.5m which is the same height as the existing units. The approved scheme extended the built form by 15.25m, with the confines of the existing complex being extended by a total of 25m. This development was seen as being in keeping with the Commissioners comments on the previous appealed development in that the proposed unit was of similar size to the existing units and the extension into the countryside to the south west was to a much lesser extent.

PPS 21 – Policy CTY 13 Integration and Design of buildings in the Countryside allows for a building to be approved where it can be visually integrated into the surrounding landscape. Such a building will be unacceptable where it is a prominent feature in the landscape or it relies

primarily on the use of new landscaping for integration. As detailed above, the commissioner found that the proposal would be unduly prominent as it would fail to satisfactorily integrate. In my opinion, this proposed development is no different due to its similar size, scale, the lack of long established boundaries and the reliance on proposed landscaping to aid integration and therefore it is contrary to the requirements of this policy.

PPS 21 – Policy CTY 14 Rural Character allows for a new building to be approved provided it does not have a detrimental change or further erode the rural character. The proposed development is considered to be unacceptable, as like the aforementioned appeal and as detailed in consideration of CTY 13 above, the proposal is considered to be unduly prominent on approach from the south west as it would fail to satisfactorily integrate. Furthermore, it would extend the complex in a linear fashion into an area which provides a significant visual break in development along the Ballymacombs Road. The scale of the extension of development into the visual break is such that it would harm and erode the rural character of the local area.

As discussed above, the proposal must be considered against the requirements of 'Building on Tradition': A Sustainable Design Guide for NI Countryside'. In doing so, it is my opinion that the proposal fails to satisfy these requirements, as being similar to the proposal subject of the aforementioned appeal and in the words of the Commissioner 'it would be an unduly prominent feature'. The proposal is also positioned on a full frontage roadside site which lacks sufficient defined boundary vegetation to provide any sense of enclosure and thereby fails to achieve an acceptable degree of integration.

In assessing the proposal, it is noted that the applicant has not provided, nor were they asked to provide, any justification for the proposed development. In my opinion, it would have been inappropriate to put the applicant to the additional expense of providing justification for the development when it is clearly at odds to the relevant policies. Furthermore, if the applicant has a genuine need for additional floorspace, they already have an extant approval for 'Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning' which was granted approval following an appeal under 2008/A0064 on 28.07.2010. That development appears to have been commenced but has not been completed. Therefore, in my opinion, if the applicant requires additional floorspace for his business, it should be located on the site of that appeal.

In its totality, the proposed development is very similar to the development subject of the appeal, in terms of the footprint, height, scale, design and overall layout. In essence, the applicant would appear to have totally ignored the PAC's decision on the aforementioned appeal and has ultimately decided to proceed with the development of the site regardless. In my opinion little has changed between the appeal situation and this proposal and in my opinion the refusal reasons which were sustained at appeal 2010/A0305 are very much relevant to this proposal and therefore the application should be refused for the following reasons.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons listed below.

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for NI, Policy CTY 1 of Planning Policy Statement 21 and Policy PED3 and PED 9 of PPS 4 'Planning and Economic Development' in that the development would, if permitted, have an adverse impact on the

environment by virtue of the increase in the site area of the enterprise and the significant building works and hard landscaping areas on a site located in the open Countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy 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 and ancillary works to integrate into the landscape and relies primarily on the use of new landscaping for integration.

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, be unduly prominent in the landscape and the impact of ancillary works would damage rural character cumulatively resulting in further erosion of the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	17th July 2015
Date First Advertised	10th August 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/2012/0168/F Proposal: One additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments Address: 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 22.10.2012 Ref ID: H/2013/0272/F Proposal: Construction of a carpark in connection with an established business Address: 60m South West of 23 Ballymacombs Road, Portglenone, Decision: PR Decision Date: 15.05.2014 Ref ID: H/2012/0318/F Proposal: 11KV Overhead Powerline Address: 180m NNE of 23A Ballymacombs Road, Portglenone, Decision: PG Decision Date: 16.10.2012 Ref ID: H/2013/0149/F Proposal: Amendment to planting scheme approved under previous application H/2012/0168/F Address: 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 15.04.2014 Ref ID: H/1987/0024 Proposal: ALTS AND ADDS TO HOUSE Address: 10 BOYNE ROW CASTLEDAWSON	

Decision:
Decision Date:

Ref ID: H/1975/0001
Proposal: SITE OF REBUILDING OF FIRE DAMAGED LICENSED PREMISES
Address: CLADY, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/2004/0484/O
Proposal: Site of dwelling.
Address: Adj to 23A Ballymacombs Road, Portglenone.
Decision:
Decision Date:

Ref ID: H/1988/0296
Proposal: CHANGE OF USE FROM AGRICULTURAL SHEDS TO STORES
Address: 23 BALLYMACOMBS ROAD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1989/0155
Proposal: CHANGE OF USE FROM AGRICULTURAL SHEDS TO STORES
Address: 23 BALLYMACOMBS ROAD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1987/0218
Proposal: AGRICULTURAL SHED
Address: 23 BALLYMACOMBS ROAD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/2007/0120/F
Proposal: To change the use from food storage to food processing and storage.
Address: Unit 7, 23 Ballymacombs Road, Portglenone, Co. Antrim
Decision:
Decision Date: 17.05.2007

Ref ID: H/2003/0038/F
Proposal: 3 No. Industrial Units (retrospective).
Address: 23 Ballymacombs Road, Portglenone.
Decision:
Decision Date: 30.09.2003

Ref ID: H/2006/0458/F
Proposal: Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning
Address: 23 Ballymacombs Road, Portglenone
Decision:
Decision Date:

Ref ID: H/2010/0426/F

Proposal: Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area

Address: 23 Ballymacombs Road, Portglenone

Decision:

Decision Date: 15.03.2011

Ref ID: H/2008/0494/F

Proposal: Retention of hardcore area used for turning area, parking and storage area to existing industrial units

Address: 23 Ballymacombs Road, Portglenone

Decision:

Decision Date: 28.05.2009

Ref ID: H/2015/0033/LDP

Proposal: Erection of farm shed utilising existing access.

Address: 23 Ballymacombs Road Portglenone,

Decision: PR

Decision Date:

Ref ID: LA09/2015/0549/F

Proposal: Proposed shed extension to supersede previously approved unit ref H/2012/0168/F

Address: 23 Ballymacombs Road, Portglenone,

Decision:

Decision Date:

Summary of Consultee Responses

No issues raised

Drawing Numbers and Title

Drawing No. 02/4
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05/1
Type: Cross Sections
Status: Submitted

Drawing No. 03/3
Type: Floor Plans
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0102/O	Target Date:
Proposal: Proposed site of infill dwelling and domestic garage.	Location: 60 m north east of 36 Drummuck Road Maghera
Referral Route: This application is being referred to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Ciaran O'Hagan 100 Coleraine Road Maghera BT46 5BP	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No objections have been received in respect of this application.

Characteristics of the Site and Area

The site consists of a road frontage field with a 2-3m high roadside hedge set to the rear of 1.0-1.5m wide grass verge. A dwelling which was approved to the north east of the site has not yet been commenced and therefore there is no building to that side of the proposed site. No.36 has its gable to the road with an elongated out-building next to the site and also along the road frontage. The field falls gently from the road towards the north west with the access point indicated close to the brow of a hill.

Relevant planning history

While there is no planning history on the application site, there is the following history on the site to the north east.

H/2004/0303/O - Site of dwelling and garage. Approved 20.07.2005

H/2006/0559/F - Proposed variation of 5 on outline approval ref H/2004/0303/O to change the 5.5m height restriction to 6.5m to allow for a bungalow with first floor attic conversion. Withdrawn following a recommendation to refuse on 07.02.2007.

H/2006/0974/RM - Proposed single storey dwelling and single garage. Approved 09.02.2007

Description of proposal

The proposal is an outline application for a dwelling and garage on an infill site.

The site location map indicates the access point to be at the north eastern corner of the site.

Planning Assessment of Policy and Other Material Considerations

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

PPS 21 – sustainable development in the countryside

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

The site is bounded to the west by an outbuilding with a further dwelling beyond that. So there are two buildings along the road frontage to the south west but there are no buildings to the north east. Although there is an approved site 50m to the north east, this does not constitute a building as required by Policy CTY 8 for the purposes of having a substantial and continuously built up frontage.

This stance has been confirmed by the Planning Appeals Commission in consideration of appeal 2015/A0120 where the Commissioner stated that 'The appellant argues that the buildings relevant to the appeal site as an infill opportunity are the existing buildings and the proposed buildings which are the subject of unimplemented planning permission.' While the Commissioners also refers to the Minister's Statement of July 2013, the Commissioner also advises that the Ministers Statement however did not change the policy which must be interpreted objectively. The Commissioner goes on to state that 'There is nothing in Policy CTY8 which indicates that an unimplemented planning permission should be taken into account when assessing whether or not a substantially built up frontage exists. This is not surprising given that

the approved buildings may not be erected. I agree with the Commissioner's assessment in appeal decision 2014/A0002 that for the purposes of the policy, the word 'building' must be given its everyday natural meaning and possible future buildings cannot be taken into account when assessing a built up frontage as they do not exist at this time. Therefore the site is not considered to be a gap site and as such it would create a ribbon development along this part of the Drummuck Road.

Furthermore, on 1st March 2016 Committee considered a similar application ref: I/2014/0390/O at Shivey Road, Cookstown, which was the subject of planning appeal 2015/A0131. That appeal was dismissed by the Planning Appeals Commission on the basis that 'Foundations/footings do not constitute a building and given its everyday meaning there are no buildings on the site to the north-east of the appeal site. It would not, therefore, be appropriate to take account of these possible future buildings in assessing whether there is an infill opportunity in terms of Policy CTY 8.' While each application should be assessed on its own merits, Committee agreed at that meeting, that this stance should be adopted by the Planning Department in assessing applications for such infill sites.

While the site fails to satisfy the requirements of CTY 8, it also has to be considered under other policies ie. CTY 13 – Integration and CTY 14 – rural character.

CTY 13 – Integration

The proposed site will require the removal of the site frontage in order to provide the necessary visibility splays. This will inevitably open up views into the site and in doing so, will leave a dwelling with less potential to integrate into the surrounding landscape. The result being that any dwelling on this site would then rely heavily on proposed planting to aid integration.

CTY 14 – Rural Character

As the site is not considered to be an infill site, and given that the site frontage will be required to be removed to provide the necessary access arrangements, any dwelling on this site will then be intervisible and will be read with the existing dwelling at no's. 36 and the associated out buildings as well as the dwelling opposite no.36. This will particularly be the case on approach from the north east from where a dwelling on this site would appear as a continuation of the existing built form along Drummuck Road thereby resulting in ribboning and a suburban style build-up of development.

Consultations

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

Recommendation

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refuse for the reasons stated below.

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 a gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Drumlamph Road.
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 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 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.

Signature(s)**Date:**

ANNEX	
Date Valid	29th January 2015
Date First Advertised	8th February 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 36 Drummuck Road Drummuck Maghera The Owner/Occupier, 39 Drummuck Road Drummuck Maghera	
Date of Last Neighbour Notification	9th February 2016
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: H/1983/0513 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 36 DRUMMUCK ROAD, MAGHERA Decision: Decision Date: Ref ID: LA09/2016/0102/O Proposal: Proposed site of infill dwelling and domestic garage. Address: 60 m north east of 36 Drummuck Road, Maghera, Decision: Decision Date:	
Summary of Consultee Responses No issues raised	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0540/F	Target Date:
Proposal: Proposed replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation	Location: 89 Tirkane Road Maghera
Referral Route: Refusal recommended – contrary to BH 8 and BH 11 of PPS 6	
Recommendation: Refusal	
Applicant Name and Address: Declan McKenna 143 Tirkane Road Maghera BT46 5NH	Agent Name and Address: D.M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	
Statutory	Historic Environment Division (HED)	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Characteristics of the Site and Area</p> <p>The proposal site is located on the roadside of Tirkane Road, Maghera. On site there is a single storey structure that has been abandoned a long time ago, the building was two dwellings before its abandonment. Currently the structure has four remaining walls, window openings, door openings and a tin roof intact. The site is very overgrown at present. The building is listed.</p> <p>There are no immediate neighbours to this proposal site.</p> <p>The proposal site is triangular in shape and surrounded by agricultural land.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 21 - Sustainable development in the countryside Planning Policy Statement 15 - Planning _ flood risk Planning Policy Statement 6 - Planning, Archaeology _ built heritage</p> <p>Consultees: - In the consideration of this proposal several bodies were asked to comment and responded as follows: - Historic Environment Division - they responded on 18.05.2016 and consider the proposal to fail against Policy BH8 and BH11 as it would have an adverse impact on the listed building</p>		

detracting from the appearance, character and setting resulting in a loss of its architectural and historic integrity by reason of;

A detailed design that is out of keeping with the architectural form, design and character of the listed building in terms of scale, form, massing, proportions, alignment and materials.

In relation to the proposed replacement dwelling HED commented that it would, if permitted, adversely affect the setting of the listed building by reason of; The proposal is out of keeping within its setting. Also to protect the listed building against a detailed design that is out of keeping with the listed building in terms of scale, form, massing, proportions, alignment and materials.

- NI Water responded on 1.05.2016 with no objections

- Transportni were asked to comment and responded on 04.08.2016 with no objections to the proposal as submitted.

- Environmental Health were asked to comment and responded on 06.05.2016 with no objections.

- Rivers Agency were asked to comment as the site is within a pluvial surface water floodzone, they responded on 24.05.2016 with no objections subject to advice.

There were no neighbouring properties notified directly of this proposal.

In line with legislation this proposal was advertised in several local press publications during May 2016 and no representations or objections have been received to date.

In line with CTY 3 of PPS21 planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact, however planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

In addition it should be noted that the setting of a listed building is often an essential part of the building's character. As such planning permission will not normally be permitted when it would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all of the following criteria are met:

- the detailed design respects the listed building in terms of scale, height, massing and alignment;
- the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- the nature of the use proposed respects the character of the setting of the building.

In this particular instance HED commented that the development as presented, if permitted, would adversely affect the setting of the listed building by reason of;

- the proposal is out of keeping with the context and character of the setting and the listed buildings relationship within its setting. Also to protect the listed building against a detailed design that is out of keeping with the listed building in terms of scale, form, massing, proportions, alignment and materials.

The proposed retention and refurbishment portion of the submitted development is the retention of the main fabric but replacing the roof with a tiled roof and a large extension to the side of the property. While the proposed replacement has a larger ridge height of approx. 5.7m in height, its in an 'L' shaped shape and the finishes are to match those of the proposed refurbished dwelling. Although this proposed replacement is similar in design it is my opinion that the

development of this would detract from the nature of the listed building and would detract from its historical fabric.

Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended – contrary to BH 8 & BH 11 of PPS6

Reasons for Refusal:

1. The proposal is contrary to Policy BH8 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Article 42 of the Planning (NI) Order 1991 and the extension/alterations and additional unit would, if permitted, detract from its appearance, character and setting resulting in a loss of its architectural and historic integrity by reason of its detailed design which is out of keeping with the architectural form, design and character of the listed building in terms of scale, form, massing, proportions, alignment and materials.

2. The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Article 42 of the Planning (NI) Order 1991 [89 Tirkane Road, Maghera] by reason of its detailed design which is out of keeping with the listed building in terms of scale, form, massing, proportions, height, alignment and materials.

Signature(s)

Date:

ANNEX	
Date Valid	18th April 2016
Date First Advertised	5th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 90 Tirkane Road Tirnony Maghera	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1976/0194 Proposal: 11KV O/H LINES (C.8461) Address: TULLYHERNA, TIRNONY, CRAIGMORE AND TAMNYMULLAN, MAGHERAFELT Decision: Decision Date: Ref ID: LA09/2016/0540/F Proposal: Proposed replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation Address: 89 Tirkane Road, Maghera, Decision: Decision Date: Ref ID: LA09/2016/0593/LBC Proposal: Proposed replacement dwelling plus retention ,renovation and extension of existing listed building to provide single unit of accommodation Address: 89 Tirkane Road, Maghera, Decision: Decision Date:	

Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Existing Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0544/O	Target Date:
Proposal: Proposed dwelling and garage	Location: 29m South of 6 Annaghmore Road Cookstown BT80 0JQ
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Sean Quinn 6 Annaghmore Road Cookstown BT80 0JQ	Agent Name and Address: CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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 - Contrary to PPS 21 - CTY 1, CTY 2A, CTY 8, CTY 14

Characteristics of the Site and Area

The site comprises a small slightly off square field located at 29 metres South of Number 6 Annaghmore Road, Cookstown. The field is accessed at the North Eastern corner via an existing agricultural gap, the field is currently covered with overgrown grass, weeds and other

scrub including a scattering of small trees. There is a small boat parked at the entrance with a strand of tape across the access. Immediately North of the site is a bungalow (no.6 Annaghmore Road) which is separated from the site by a closed board timber fence. All the remaining boundaries of the site are defined by a mixture of native species hedgerow and mature trees.

The site lies just outside and North of the settlement limit of Moortown in the open countryside. The area is predominantly agricultural fields with a scattering of single dwellings and farm holdings located along the roadside. On this particular stretch there are 3 number dwelling immediately north of the site (no.s 6,8,10) with site frontages of 30m, 50m, and 80m respectively. To the south the gap is 95 metres to the curtilage of the next dwelling at number 4 Annaghmore road.

The proposal seeks planning permission for an infill site for a dwelling.

Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles

PPS 3 Access, Movement and Parking

Building on tradition: A sustainable design guide for the Northern Ireland countryside
Cookstown Area Plan 2010

PPS 21 Sustainable Development in the Countryside

CTY 1 Development in the Countryside

CTY 8 Ribbon Development

CTY 13 Integration and Design of Buildings in the Countryside

CTY 14 Rural Character

Site History

I/2000/0146/O - Site for dwelling - Refusal

I/2005/0310/O - Site for a dwelling - Refusal

I/2006/1286/F - Dwelling - Withdrawn after recommendation for refusal by planning department.

I/2007/0669/F - Dwelling - Refusal

2010/A0180 - Appeal upheld for planning refusal I/2007/0669/F

There is a gap of approx. 95metres between numbers 4 and 6 Annaghmore Road, Coalisland, where this site is located. There are three dwellings located to the North of the site no.s 6, 8 and 10 which in addition to the farm buildings at number 10 form a row of development, however, the gap between number 6 and number 4 to the South of the site is quite considerable. The dwelling at number 4 is not visible from the north of the site due to the layout of the road and the substantial amount of mature vegetation acting as a buffer. It is therefore my opinion that this would not constitute the definition of a substantially built up frontage. It is my opinion that the gap between the frontages of development is sufficient to accommodate at least 3 dwellings when taking into account existing plots sizes along the Annaghmore Road. My opinion would be in agreement with the recent appeal 2010/A0180 on the site 'the gap between the dwelling immediately North to the dwelling the South is approx. 150 metres, this is not in my view a small gap and is capable of accommodating more than the maximum of 2 dwelling permissible under cty8. Also the gap represents a substantial visual break between development to the north of the site and the existing development on the small settlement of Moortown to the south, and serves to maintain the essentially rural character of the surrounding area. In fact the proposed site would add to the existing ribbon of development to the north of the site and thereby significantly alter the essentially rural character.

The proposal is contrary to policy CTY8 of PPS21 in that the gap between the frontage of development is sufficient to accommodate at least 3 dwellings and that it if approved will add to a ribbon of development.

The proposal will add to an existing ribbon of development, and will further erode the rural character of this area of countryside, adding to an existing suburban style build-up in the area. The proposal is contrary to CTY14 of PPS21.

Recommendation- refuse. Contrary to CTY 1 CTY8, and CTY14 of PPS21.

Further consideration.

Further to the planning committee meeting 6th September 2106, the agent has proposed the site as a cluster and therefore policy CTY 2a must be given greater consideration.

Policy CTY2A states that Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- 1) - the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings; - There are three dwelling sNorth of the proposed site.
- 2) - the cluster appears as a visual entity in the local landscape; - There is a group of three dwellings nad a number of farm buildings which are read together.
- 3) - the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads, - The site is not located at a cross roads nor is it associated with any focal point. The applicant has submitting a drawing with circled focal points and existing clusters, none of which relate to the site and are not relevent to this proposal.
- 4) - the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster; - The site is only bounded on one side by development.
- 5) - development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; - The site if approved would only add to a ribbon of development.
- 6) - development would not adversely impact on residential amenity.

It is clear therefore that the proposal does not comply with a number of the relevent criteria in Policy CTY 2A and therefore is not acceptable.

Recommendation- refuse as before. Contrary to CTY 1 CTY2A, and CTY14 of PPS21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is contrary to policy CTY2A of PPS21 in that the cluster is not associated with a focal point and is not located at a cross-roads, also the proposed site is not bounded on at least two sides with other development.

The proposal will add to an existing ribbon of development, and will further erode the rural character of this area of countryside, adding to an existing suburban style buildup in the area. The proposal is contrary to CTY14 of PPS21.

Contrary to CTY 1 CTY8, and CTY14 of PPS21.

Refusal Reasons

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the cluster is not associated with a focal point and is not located at a cross-roads; also the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

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 to the North;

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

and would therefore would further erode the rural character of the countryside and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Annaghmore Road and would, if permitted, result in a detrimental impact on the rural character, appearance and amenity of the countryside.

Signature(s)

Date:

ANNEX

Date Valid	18th April 2016
Date First Advertised	5th May 2016
Date Last Advertised	

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
 2 Annaghmore Road, Cluntoe (Quin), Ardboe, Cookstown, Tyrone, BT80 0JQ,
 The Owner/Occupier,
 4 Annaghmore Road, Cluntoe (Quin), Ardboe, Cookstown, Tyrone,,
 The Owner/Occupier,
 5 Annaghmore Road, Cluntoe (Quin), Ardboe, Cookstown, Tyrone, BT80 0JQ,
 The Owner/Occupier,
 6 Annaghmore Road Cluntoe (Quin) Ardboe
 The Owner/Occupier,
 7 Annaghmore Road, Cluntoe (Quin), Ardboe, Cookstown, Tyrone, BT80 0JQ,
 The Owner/Occupier,
 8 Annaghmore Road Cluntoe (Quin) Ardboe

Date of Last Neighbour Notification

28th April 2016

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: I/1991/0209

Proposal: Dwelling

Address: ADJACENT TO 10 ANNAGHMORE ROAD CLUNTOE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/0942/RM

Proposal: Proposed dwelling and garage.

Address: 30m South of 8 Annaghmore Road, Coagh.

Decision:

Decision Date: 13.11.2004

Ref ID: I/2000/0146/O

Proposal: Site for dwelling and garage

Address: 30m approx south of 8 Annaghmore Road

Coag

h Decision:

Decision Date:

Ref ID: I/2005/0310/O

Proposal: Proposed site for new dwelling

Address: Approx 80m South of No10 Annaghmore Road, Coagh.

Decision:

Decision Date: 26.10.2005

Ref ID: I/2007/0669/F

Address: Approx 80m South of No10 Annaghmore Road, Coagh

Decision:

Decision Date: 21.10.2010

Ref ID: I/2006/1286/F

Proposal: Proposed dwelling

Address: Approx 80m South of 10 Annaghmore Road, Coagh

Decision:

Decision Date: 17.05.2007

Ref ID: I/1993/0174

Proposal: Dwelling and Garage

Address: 40M SOUTH OF 10 ANNAGHMORE ROAD CLUNTOE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/6077

Proposal: Housing Development 30m South of 10 Annaghmore Road Coagh

Address: 30m South of 10 Annaghmore Road Coagh

Decision:

Decision Date:

Ref ID: I/1997/0179

Proposal: Site for bungalow

Address: 80M SOUTH OF 8 ANNAGHMORE ROAD COAGH

Decision:

Decision Date:

Ref ID: I/2009/0635/F

Proposal: Retrospective application for the resiting and change of house type to that approved under, I/2006/0298

Address: 120m north of No.164 Battery Road, Coagh, Cookstown, BT80 0HS

Decision:

Decision Date: 12.02.2010

Ref ID: I/1993/0173

Proposal: Dwelling and Garage

Address: OPPOSITE 7 ANNAGHMORE ROAD CLUNTOE COAGH

Decision:

Decision Date:

Ref ID: I/2006/0298/F

Proposal: Dwelling and Garage.

Address: 120m North of No. 164 Battery Road, Coagh, Cookstown

Decision:

Decision Date: 19.09.2006

Ref ID: I/2005/0064/F

Proposal: Extension to dwelling

Address: 30m South of 8 Annaghmore Road, Coagh

Decision:

Decision Date: 15.03.2005

Ref ID: I/2003/0934/O

Proposal: Proposed dwelling and garage

Address: 120m north of no 164 Battery Road, Coagh, Cookstown, County Tyrone

Decision:

Decision Date: 04.02.2004

Ref ID: LA09/2016/0544/O

Proposal: Proposed dwelling and garage

Address: 29m South of 6 Annaghmore Road, Cookstown, BT80 0JQ,

Decision:

Decision Date:

Summary of Consultee Responses – TNI were consulted with no Objections.

Drawing Numbers and Title

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6th September 2016	Item Number:
Application ID: LA09/2016/0556/F	Target Date:
Proposal: Proposed dwelling and garage renewal of Ref. H/2011/0183/F	Location: Rear of 3 Loughinsholin Park Castledawson
Referral Route: Objection received	
Recommendation: Approval	
Applicant Name and Address: Mark And Catherine Cooke 3 Loughinsholin Park Castledawson BT45 8DF	Agent Name and Address:
Executive Summary: Recommended for approval. One objection has been received.	
Signature(s): <i>N.Hasson</i>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - 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 objection received, relating to road safety and residential amenity

Characteristics of the Site and Area

The site is located within the settlement limit of Castledawson, as defined by the Magherafelt Area Plan 2015. There are no designations on the site.

This site is located within the rear garden of No. 3 Loughinsholin Park, a detached bungalow. Loughinsholin Park is a long established housing development, with a mix of dwelling types. The immediate locality of the site within the housing development is defined by a mix of detached bungalows and 1.5 storey dwellings.

The boundaries of the site are defined by mature vegetation. The boundary between the proposed site and No. 3 is as yet, undefined. A wooden fence also defines the boundary with No. 13 Loughinsholin Park.

Planning Assessment of Policy and Other Material Considerations

Proposal:

The proposal is a detached dwelling and garage. This application is a renewal of previous planning approval H/2011/0183/F.

Site History:

H/2011/0183/F for a 'Proposed Dwelling and Garage' was previously approved on 5th July 2011.

Representations:

One letter of objection has been received for the proposal. This letter related to the following issues:

- The proposal will result in a rise in the level of traffic and have a detrimental impact on road safety.
- The proposal will overlook the objector's property at No. 23 and have a detrimental impact on their privacy.
- The objection letter suggests that the proposed dwelling could be sited differently to reduce the impact on the dwelling at No. 23.
- The objection letter states that the majority of the dwellings in the cul de sac are bungalows. Skylight windows would be more considerate and less intrusive than the proposed dormer windows.

Development Plan and Key Policy Considerations:

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

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

In accordance with Policy SETT 2 of the Magherafelt Area Plan 2010, favourable consideration will only be given to proposals within the development limit which are sensitive to the size and character of the settlement in terms of scale, form, design and materials.

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. The SPPS aims to increase housing density in settlements, promote sustainable development and encourage good design. The SPPS also endeavours to promote good quality housing within the settlement limits.

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 immediate locality is characterised by primarily detached dwellings. The design of the proposed dwelling is compatible with existing surrounding development. 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. Furthermore, it does not conflict with conservation interests and there are satisfactory arrangements for access, parking and sewage disposal.

The principle of development in this location was previously approved under H/2011/0183/F on 5th July 2011 with a condition of approval being that development should be commenced within 5 years of the date of planning permission. This planning application for renewal of H/2011/0183/F was received on 20th April 2016; before the original application expired.

Transport NI have no objection to the proposal, subject to conditions and informatives. The suggested conditions are slightly less onerous on the applicant, therefore it is my opinion that the conditions are updated to reflect Transport NI's current assessment of the access.

Seven neighbours were notified of the development. One letter of objection was received. Following consultation with Transport NI, I have no concerns that the proposal will have a detrimental impact on road safety. The proposed dwelling is located approximately 25 metres away from the closest wall of No. 23. The development is characterised by a mix of bungalows and 1.5 storey dwellings, with two dwellings in the immediate locality utilising dormer windows. It is my opinion that the proposed development will not have a detrimental impact on the residential amenity of the occupiers of No. 23.

This current application for renewal was made within 5 years of the date of approval. It is my opinion that the previous planning approval should be given determining weight in assessing this application. I recommend approval of this planning application, having regard to the local development plan and the other material considerations.

Neighbour Notification Checked

Yes

Summary of Recommendation:

It is my opinion that this planning application should be approved, having regard to the local development plan and the other material considerations.

Conditions:

1. As required by Section 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.

2. The vehicular access, including visibility splays of 2.0 x 33m to the SW, and Forward Sight Distance of 33m shall be provided, prior to the commencement of any other works or other development hereby permitted.

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

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

4. The access gradient(s) 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.

Informatives

1. 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 Infrastructure 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
- The developer should note that this planning approval does not give consent to discharge water into a DfI Transport NI drainage system.

Notwithstanding the terms and conditions of the Fermanagh and Omagh 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 Infrastructure'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 Transport NI Section Engineer whose address is Molesworth Plaza, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

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

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

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

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

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

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

Signature(s) N.Hasson

Date: 21/9/16

ANNEX	
Date Valid	20th April 2016
Date First Advertised	5th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Loughinsholin Park Tamnadeese Castledawson The Owner/Occupier, 13 Loughinsholin Park Tamnadeese Castledawson The Owner/Occupier, 15 Loughinsholin Park Tamnadeese Castledawson The Owner/Occupier, 17 Loughinsholin Park,Tamnadeese,Castledawson,Londonderry,BT45 8DF, The Owner/Occupier, 23 Loughinsholin Park,Tamnadeese,Castledawson,Londonderry,BT45 8DF, Zara O'Neill 23, Loughinsholin Park, Castledawson, Londonderry, Northern Ireland, BT45 8DF The Owner/Occupier, 25 Loughinsholin Park,Tamnadeese,Castledawson,Londonderry,BT45 8DF, The Owner/Occupier, 5 Loughinsholin Park Tamnadeese Castledawson The Owner/Occupier, 7 Loughinsholin Park Tamnadeese Castledawson The Owner/Occupier, 9 Loughinsholin Park Tamnadeese Castledawson	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1995/0537 Proposal: BUNGALOW AND GARAGE Address: ADJOINING 17 LOUGHINSHOLIN PARK CASTLEDAWSON Decision: Decision Date: Ref ID: H/1994/6023 Proposal: SITE OF CHALET BUNGALOW ADJ TO 17 LOUGHINSHOLIN PARK CASTLEDAWSON	

Address: ADJ TO 17 LOUGHINSHOLIN PARK

Decision:

Decision Date:

Ref ID: H/2011/0183/F

Proposal: Proposed Dwelling and Garage

Address: Rear of 3 Loughinsholin Park, Castledawson,

Decision:

Decision Date: 07.07.2011

Ref ID: H/2002/0631/O

Proposal: Site of Dwelling

Address: Rear of 5 Loughinsholin Park, Castledawson

Decision:

Decision Date: 18.09.2002

Ref ID: H/2004/0162/RM

Proposal: Chalet type bungalow. (outline ref:H/20002/0631/O).

Address: Rear of 5 Loughinsholin Park, Castledawson.

Decision:

Decision Date: 24.06.2004

Ref ID: H/1999/0247

Proposal: SITE OF BUNGALOW

Address: BETWEEN 13+3 LOUGHINSHOLIN PARK CASTLEDAWSON

Decision:

Decision Date: 18.12.1999

Ref ID: H/1996/0210

Proposal: EN-SUITE TO EXISTING BEDROOM

Address: 3 LOUGHINSHOLIN PARK CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1978/0147

Proposal: SITE OF PRIVATE HOUSING

Address: MAGHERAFELT ROAD, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: LA09/2016/0556/F

Proposal: Proposed dwelling and garage renewal of Ref. H/2011/0193/F

Address: Rear of 3 Loughinsholin Park, Castledawson,

Decision:

Decision Date:

Summary of Consultee Responses

Consultation:

Transport NI have no objection to the development, subject to conditions and informatives.

Drawing Numbers and Title

Drawing No. 05

Type: Elevations and Floor Plans

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

Drawing No. 04

Type: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4th October 2016	Item Number:
Application ID: LA09/2016/0581/F	Target Date:
Proposal: Variation of Condition No.11 of planning Approval I/1977/0072/F - retention of scrap associated with and to be reused in the maintenance of existing mineral development plant and quarry.	Location: 230 Metres West of 29 Crancussy Road Cookstown
Referral Route: Objections received	
Recommendation: Approval	
Applicant Name and Address: Core Aggregates 155 Drum Road Cookstown BT80 9DW	Agent Name and Address: Kevin Teague 69A Killycolpy Road Dungannon BT71 5HG
Executive Summary: The application is for a variation of condition in relation to a Quarry which is currently active and established. The condition is to be varied to read 'for the retention of scrap associated with and to be reused in the maintenance of existing mineral development plant and quarry'. The original approval had a condition that no scrap shall be retained on the site during the operator of the development.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Environmental Health Mid Ulster Council	Content
Non Statutory	Rivers Agency	No Objection
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	NIEA	Considered - No Comment Necessary
Non Statutory	Environmental Health Mid Ulster Council	

Representations:

Letters of Support	None Received
Letters of Objection	5
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is located within an existing operational Sand & Gravel Quarry, approved under I/1977/0072

It is within Lough Doo ASSI (a designated site) which is of national importance and is protected by The Environment (NI) Order 2002, and is within the Sperrins AONB.

The block shows the area for storage will be 1,824sq m. Existing on site is plant equipment and machinery parts.

Along the roadside are existing trees, bushes and shrubbery between the site and the Crancussy Road.

Planning Assessment of Policy

The application applies for the variation of Condition 11 of approval I/1977/0072/F for a 'Sand washing plant, garage, office, weighbridge etc' and the Condition reads ' No scrap or waste material shall be retained on site during the operation of this development'.

The machinery is currently being stored on the site, and this application has been submitted in an attempt to regularise the approved application I/1977/0072/F, where the original condition 11 has not been met.

The relevant policies are MIN1-MIN8 of A Planning Strategy for Rural NI.

POLICY MIN 1 - ENVIRONMENTAL PROTECTION

This section of the policy is to assess the need for the mineral resource against the need to protect and conserve the environment. The quarry has been approved and assessed against this policy at the time of its approval.

The agent has indicated the reason for the application is that Core Aggregates have purchased equipment for the maintenance of the plant and quarry. The equipment is stored on the sites so that when a part breaks down they will be in a position to insert the spare part and enable the plant to be back in operation in a timely manner.

It will only be items for the maintenance of the plant and quarry that will be stored on the site. Any other material located elsewhere in the Quarry are to be located within the red line of the site.

POLICY MIN 2 - VISUAL IMPLICATIONS

The storage area is not easily visible from the main Crancussy Road, it is well screened by existing thick bushes, trees and shrubbery. There is no detrimental impact on any amenities for neighbouring properties. The existing vegetation is outside the red line of the application site and so cannot be conditioned to be retained. However it was conditioned under the 1977 approval under conditions 13 _ 14 relating to the planting and thickening of the screen banks in order to minimise the impact on the landscape.

POLICY MIN 3 - AREAS OF CONSTRAINT

Relevant consultees were asked to comment on the proposal and any impact it may have on the AONB or ASSI the site is located within.

Dept of Agriculture, Environment & Rural Affairs have a duty to ensure the natural and historic environment is conserved, enhanced and managed for the benefit of present and future generations. They have no comment to make on the proposal.

NIEA - Water Management unit have considered the impacts on the proposal on the surface water environment and have no objection.

NIEA - Natural Environment Division have assessed the impacts of the proposed activity with regard to natural heritage interests on the site, and are content there are no significant impacts on Lough Doo ASSI or any other designated sites directly or indirectly, if the storage is confined to the area shown on submitted plan.

Shared Environmental Services having considered the nature, scale, timing, duration and location of the project. The potential impact of the proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regs (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

POLICY MIN 4 - VALUABLE MINERALS

This application is not for exploitation of valuable or uncommon minerals.

POLICY MIN 5 - MINERAL RESERVES

This application for a variation of condition would not prejudice future exploitation of valuable mineral reserves.

POLICY MIN 6 - SAFETY & AMENITY

The applicant must adhere to the Quarry Regulations in terms of Health and safety. The Quarries Regulations 1999- Approved Code of Practice will indicate what shown to be carried out by each Quarry. The Regulations aim to protect those working at a quarry and others who may be affected by quarrying activities, eg those living, passing or working nearby, or visitors to the site.

POLICY MIN 7 - TRAFFIC IMPLICATIONS

The equipment is currently stored on site to be used when a part breaks down they will be in a position to insert the spare part and enable the plant to be back in operation in a timely manner. This will only be used within the existing Quarry and as it on site will not be transported out of the site, so will not cause any environmental disturbance to people living nearby.

POLICY MIN 8 - RESTORATION

The agent has stated the usage of the material will depend on the consistency of the plant continuing to operate without faults or material on site that is not required in foreseeable future and therefore would be sold on, so they have asked for a 4 year time limit, as this will effectively be a temporary permission.

Ensuring that replacement parts are readily available on site could assist with eliminating any potential noise and disturbance issues. For example, if a particular piece of equipment was squeaking, it could quickly be replaced if a part was on site to enable this to be done. This could help in keeping noise and disturbance down, lessening these impacts for neighbours.

The Quarry, which is active, has its own restoration conditions associated with its original approval which will still have to be adhered to.

Other Material Considerations

Objections have been received from a neighbouring property, No 31 Crancussy Road.

They raise the point that the scrap material is not compatible with the others equipment with the operating plant in the quarry, and they should be removed and stored elsewhere. They state the applicants have a larger plant near Cookstown and the parts could be stored there and brought out in 20 minutes if needed. However as the application applied for relates to the storage on the Quarry site, it will be assessed as such. The agent has stated they are located here to be close to the machinery on site, so if a piece of equipment does fail the replacement will be close by to save time and avoid work not being carried out.

Another concern raised is about the amount of scrap that could be potentially stored on site. There has been no quantification of plant applied for. The applicant has sought permission for an area as identified within the red line, and so this will determine and control the amount of plant as none will be permitted outside the red line.

The objector also questioned the possibility that the equipment may be contaminated and may contain toxics. EHO and NIEA have made no objections to the proposal.

Approval is recommended subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Taking into account the policy considerations, objector comments and consultee responses, an approval subject to conditions is recommended.

Conditions

1. The permission hereby granted pertains solely to the variation of Condition 11 of Planning approval I/1977/072 to that specified in Condition 11 of this approval only and all other conditions within the original permission remain applicable.

Reason: To ensure all other Conditions of this Planning approval are adhered to.

2. Only scrap machinery material shall be stored within the red line of the application site as shown on approved location plan 01 date stamped 20 April 2016, for a period of 4 years from the date of this permission. Such scrap metal or machinery should be used solely for the purposes of providing spare parts for machinery operational on the site.

Reason: To protect the amenity of the site and of nearby properties.

3. The existing hedgerow and vegetation shown on plan 02 date stamped 20 April 2016 and shall be removed only if requested and agreed in writing to the Council.

Reason: To ensure screening to the site.

4. After a period of 4 years from the date of this decision remove all scrap within the land outlined in red, reinstate the land by re-soiling with 150mm of topsoil and reseeding in grass.

Reason: To ensure restoration of the site.

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. 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.
4. 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.
5. 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.
6. 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.

Signature(s)

Date:

ANNEX	
Date Valid	22nd April 2016
Date First Advertised	12th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) Guy Glencross 31 Crancussy Road Evishacrancussy Pomeroy Guy Glencross 31 Crancussy Road,Evishacrancussy,Pomeroy,Tyrone,BT80 9PW Guy Glencross 31, Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

Drawing No.
Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

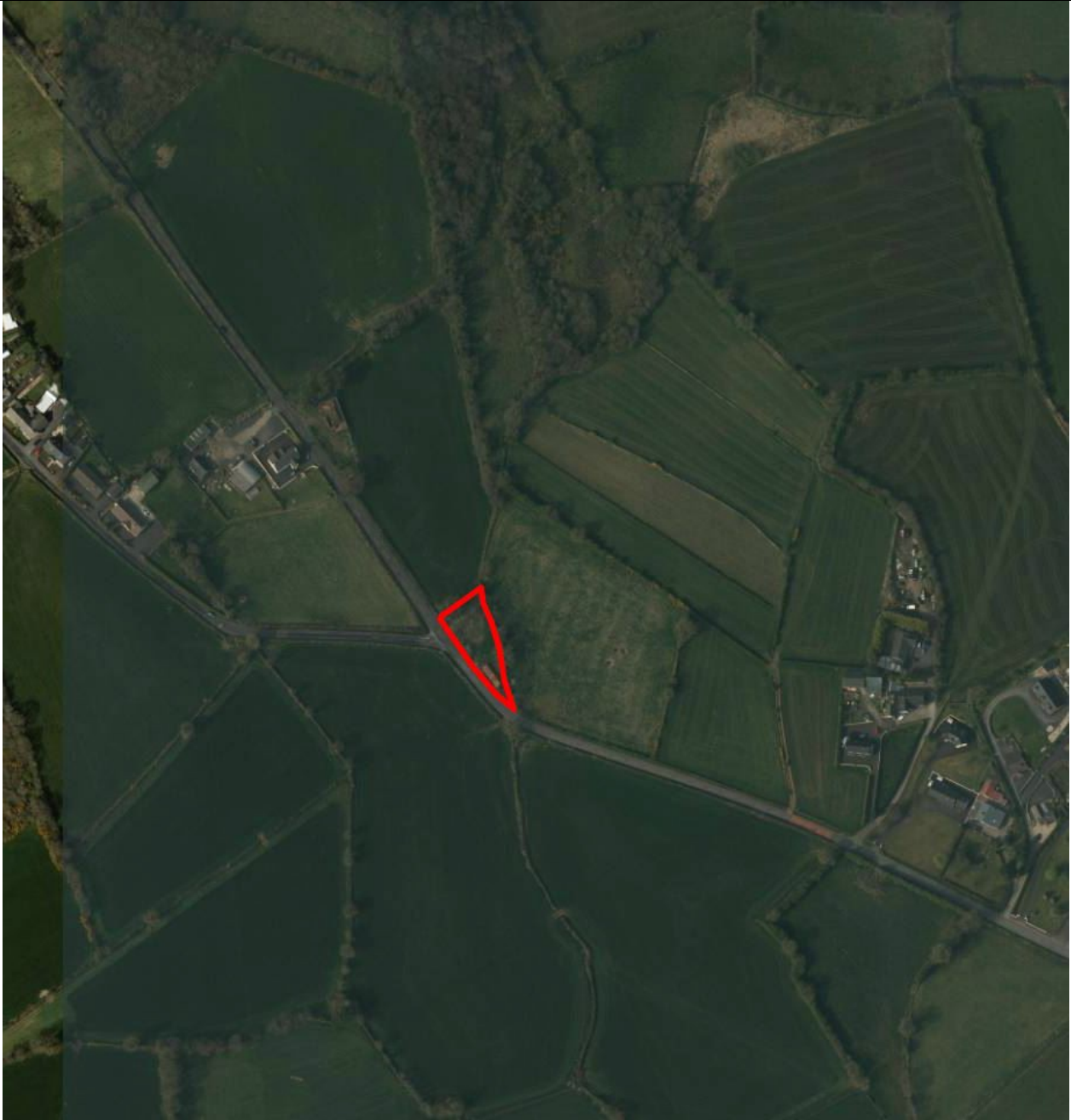
Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0593/LBC	Target Date:
Proposal: Proposed replacement dwelling plus retention ,renovation and extension of existing listed building to provide single unit of accommodation	Location: 89 Tirkane Road Maghera
Referral Route:	
Recommendation:	REFUSE
Applicant Name and Address: Declan McKenna 143 Tirkane Road Maghera	Agent Name and Address: D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Historic Environment Division (HED)	Substantive Response Received

Representations:

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

Summary of Issues

Refusal recommended – as the proposal fails to satisfy Policy BH8 and BH11 as the proposals would have an adverse impact on the listed building.

Characteristics of the Site and Area

The proposal site is located on the roadside of Tirkane Road, Maghera.

On site there is a single storey structure that has been abandoned a long time ago, the building was two dwellings before its abandonment. Currently the structure has four remaining walls, window openings, door openings and a tin roof intact. The site is very overgrown at present. The building is listed.

There are no immediate neighbours to this proposal site.

The proposal site is triangular in shape and surrounded by agricultural land.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable development in the countryside

Planning Policy Statement 15 - Planning _ flood risk

Planning Policy Statement 6 - Planning, Archaeology _ built heritage

Consultees: - In the consideration of this proposal Historic Environment Division were asked to comment, they responded on 18.05.2016 and consider the proposal to fail against Policy BH8 and BH11 as it would have an adverse impact on the Grade B2 listed building.

While it is encouraged for the re-use of the listed building as presented the scheme would, if permitted, detract from its appearance, character and setting resulting in a loss of its architectural and historic integrity by reason of;

A detailed design that is out of keeping with the architectural form, design and character of the listed building in terms of scale, form, massing, proportions, alignment and materials.

In relation to the proposed replacement dwelling HED commented that it would, if permitted, adversely affect the setting of the listed building by reason of; The proposal is out of keeping with the context and character of the setting and the listed buildings relationship within its setting. Also to protect the listed building against a detailed design that is out of keeping with the listed building in terms of scale, form, massing, proportions, alignment and materials.

There were no neighbouring properties notified directly of this proposal.

In line with legislation this proposal was advertised in several local press publications during May 2016 and no representations or objections have been received to date.

In line with CTY 3 of PPS21 planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact, however planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

In addition it should be noted that the setting of a listed building is often an essential part of the building's character. As such planning permission will not normally be permitted when it would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all of the following criteria are met:

- the detailed design respects the listed building in terms of scale, height, massing and alignment;
- the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- the nature of the use proposed respects the character of the setting of the building.

In this particular instance HED commented that the development as presented, if permitted, would adversely affect the setting of the listed building by reason of;

the proposal is out of keeping with the context and character of the setting and the listed buildings relationship within its setting. Also to protect the listed building against a detailed design that is out of keeping with the listed building in terms of scale, form, massing, proportions, alignment and materials.

The proposed retention and refurbishment portion of the submitted development is the retention of the main fabric but replacing the roof with a tiled roof and a large extension to the side of the property. While the proposed replacement has a larger ridge height of approx. 5.7m in height, its in an 'L' shaped shape and the finishes are to match those of the proposed refurbished dwelling. Although this proposed replacement is similar in design it is my opinion that the development of this would detract from the nature of the listed building and would detract from its historical fabric.

Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy BH8 and BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage as the proposal would, if permitted, have an adverse impact on the listed building, detracting from its appearance, character and setting resulting in a loss of its architectural and historic integrity by reason of; A detailed design that is out of keeping with the architectural form, design and character of the listed building in terms of scale, form, massing, proportions, alignment and materials.

Signature(s)

Date:

ANNEX	
Date Valid	25th April 2016
Date First Advertised	12th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/1976/0194 Proposal: 11KV O/H LINES (C.8461) Address: TULLYHERNA, TIRNONY, CRAIGMORE AND TAMNYMULLAN, MAGHERAFELT Decision: Decision Date: Ref ID: LA09/2016/0540/F Proposal: Proposed replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation Address: 89 Tirkane Road, Maghera, Decision: Decision Date: Ref ID: LA09/2016/0593/LBC Proposal: Proposed replacement dwelling plus retention ,renovation and extension of existing listed building to provide single unit of accommodation Address: 89 Tirkane Road, Maghera, Decision: Decision Date:	

Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved Drawing No. 02 Type: Existing Plans 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: 4 th October 2016	Item Number:
Application ID: LA09/2016/0598/O	Target Date:
Proposal: Off site replacement dwelling south west of 73 Derryvale Road, Coalisland	Location: Adjacent to 73 Derryvale Road Coalisland
Referral Route: Recommended for refusal.	
Recommendation: Refusal.	
Applicant Name and Address: Dominic Halligan 73 Derryvale Road Coalisland Dungannon	Agent Name and Address: Carol McIlvar The Gadda Building 89 Main Street Garvagh BT51 5AB
Executive Summary: The building does not exhibit the essential characteristics of a dwelling. It is my view that this building is an agricultural outbuilding associated with 73 Derryvale Road. The proposal does not therefore satisfy the policy criteria and I recommend refusal.	
Signature(s): 	

Case Officer Report

Site Location Plan



Figure 1: Red line site

Consultations:

Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	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

No representations received.

Characteristics of the Site and Area

The site is located approximately 1.5Km west of Coalisland town centre. While the immediate area is made up of agricultural land with some dispersed rural settlement and farm holdings, there is both industrial and residential some 150m south of the site.

The site is accessed via an existing laneway, both of which adjoin the boundary of the settlement limits for Coalisland as defined within the Dungannon and South Tyrone Area Plan.

The red line encompasses a building which is set within the curtilage of 73 Derryvale Road and a field further west at the end of the existing laneway. The proposal seeks permission to replace the aforementioned building and to locate a dwelling off-site. The site proposed has well-established and mature hedgerow boundaries. It is set back approximately 100m west of Derryvale Road and site levels fall from the lane southwards.

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement
- Dungannon and South Tyrone Area Plan (2010)
- PPS3: Access, movement and Parking
- PPS21: Sustainable Development in the Countryside

The main policy considerations is Policy CTY 3 – Replacement Dwellings of PPS21. The first test of this policy is to establish if the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. All walls of the building are intact.

The building is situated on the edge of the existing laneway within the curtilage of 73 Derryvale Road. The building is generally of stone construction however internally there is some evidence of brick and block work. It is single storey and has a lean too/ mono pitched roof. The building is separated into compartments. The middle and western compartments are used for general storage while the third (at the eastern gable) is completely separate. This section of the building is accessed from a door on the northern elevation. There is a single small high level window on the eastern gable above which there appears to have been some more recent works carried out which include the provision of concrete blocks above a timber head. This section of the building is relatively small and measures approximately 4x4m to the external walls. There is a chimney breast inside which is constructed in red brick with concrete block above. It projects through the corrugated zinc roof. There is no evidence of any former openings between this section of the building and the remaining sections nor are there any other window openings which have been closed up. Whilst acknowledging the presence of a chimney within the building, such a feature was not uncommon to a byre to provide heat to animals. It is my view that the building does not exhibit the essential characteristics of a dwelling.



Figure 2: Building subject of application.

In reference to historic maps, the subject building appears in association with Torrent Cottage, namely 73 Derryvale Road. The building itself does not have a number or address assigned to it. In my opinion this is an agricultural building associated with 73 Derryvale Road.

On an email of 4th August 2016 from the agent, a photograph of a letter was attached. The letter is from a Mrs M Donnelly and states that she recalls visiting this farm in the 1940's. She states that a farm labourer lived in the corner house and that he cut hay and milked cows.

In a subsequent email of 9th August 2016, a photograph of an additional letter from a Mr Paul McCann was received from the agent. This letter states that when the man was a child he worked for the farm labourer at Hamills farm. He states that the farm labourer lived in a small house in the corner of the yard and that accordingly to his father the farm labourer came to the house not long after the war in 1948.

The information received suggests that no.73 was the principle farm house and the subject building was an associated outbuilding in which the farm labourer stayed. Despite this claim, there is no persuasive evidence to demonstrate that this building was used on a permanent basis as a dwelling house.

Policy CTY 3 continues to state, "Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy".

It is my view that this building is an agricultural outbuilding associated with 73 Derryvale Road. The proposal does not satisfy the policy criteria and I recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend refusal.

Refusal Reasons

The proposal is contrary to Policy CTY 3 replacement Dwellings of PPS 21 in that it does not exhibit the essential characteristics of a dwelling.

Signature(s)

Date:

ANNEX	
Date Valid	26th April 2016
Date First Advertised	12th May 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 73 Derryvale Road Drumreagh Etra Coalisland The Owner/Occupier, 75 Derryvale Road Drumreagh Etra Coalisland	
Date of Last Neighbour Notification	9th May 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2015/0377/RM Proposal: Proposed single storey dwelling Address: Adjacent to 73 Derryvale Road, Coalisland, Decision: PG Decision Date: 22.09.2015 Ref ID: LA09/2016/0598/O Proposal: Off site replacement dwelling south west of 73 Derryvale Road, Coalisland Address: Adjacent to 73 Derryvale Road, Coalisland, Decision: Decision Date: Ref ID: M/1989/0527 Proposal: Replacement Dwelling Address: ADJACENT TO 73 DERRYVALE ROAD DRUMREAGH ETRA COALISLAND Decision: Decision Date: Ref ID: M/1989/4013 Proposal: Improvements to dwelling Address: 73 DERRYVALE ROAD DUNGANNON Decision: Decision Date: Ref ID: M/1990/0062 Proposal: 11 KV. system improvement (part 4)	

Address: TOWNLANDS OF CULLION, FARLOUGH, BRACKAVILLE, LISNASTRANE
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/6021

Proposal: Site for 2 no dwellings and estate road Approx 30m West of 6 Derryvale Park
Derryvale Road Coalisland

Address: Approx 30m West of 6 Derryvale Park Derryvale Road

Decision:

Decision Date:

Ref ID: M/1995/6104

Proposal: Site for Housing Derryvale Road Coalisland

Address: Derryvale Road Coalisland

Decision:

Decision Date:

Ref ID: M/1999/1010/O

Proposal: Dwelling

Address: Approximately 80 m south of 73 Derryvale Road Coalisland Co Tyrone

Decision:

Decision Date: 13.01.2001

Ref ID: M/2000/0155/F

Proposal: Replacement dwelling

Address: 75 Derryvale Road, Coalisland

Decision:

Decision Date: 05.06.2000

Ref ID: M/2002/0469/F

Proposal: Proposed Replacement of existing Animal Rehabilitation Unit with new purpose built
building

Address: Drumreagh House, 440 Metres North of 73 Derryvale Road, Coalisland

Decision:

Decision Date: 19.06.2002

Ref ID: M/2012/0602/O

Proposal: Proposed farm dwelling and garage

Address: 40m SE of 75 Derryvale Road, Coalisland, Dungannon BT71 4DY,

Decision: PG

Decision Date: 15.04.2013

Ref ID: M/2014/0175/O

Proposal: Infill dwelling and garage

Address: Adjacent to 73 Derryvale Road, Dungannon,

Decision: PG

Decision Date: 21.01.2015

Summary of Consultee Responses

No consultations issued.

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



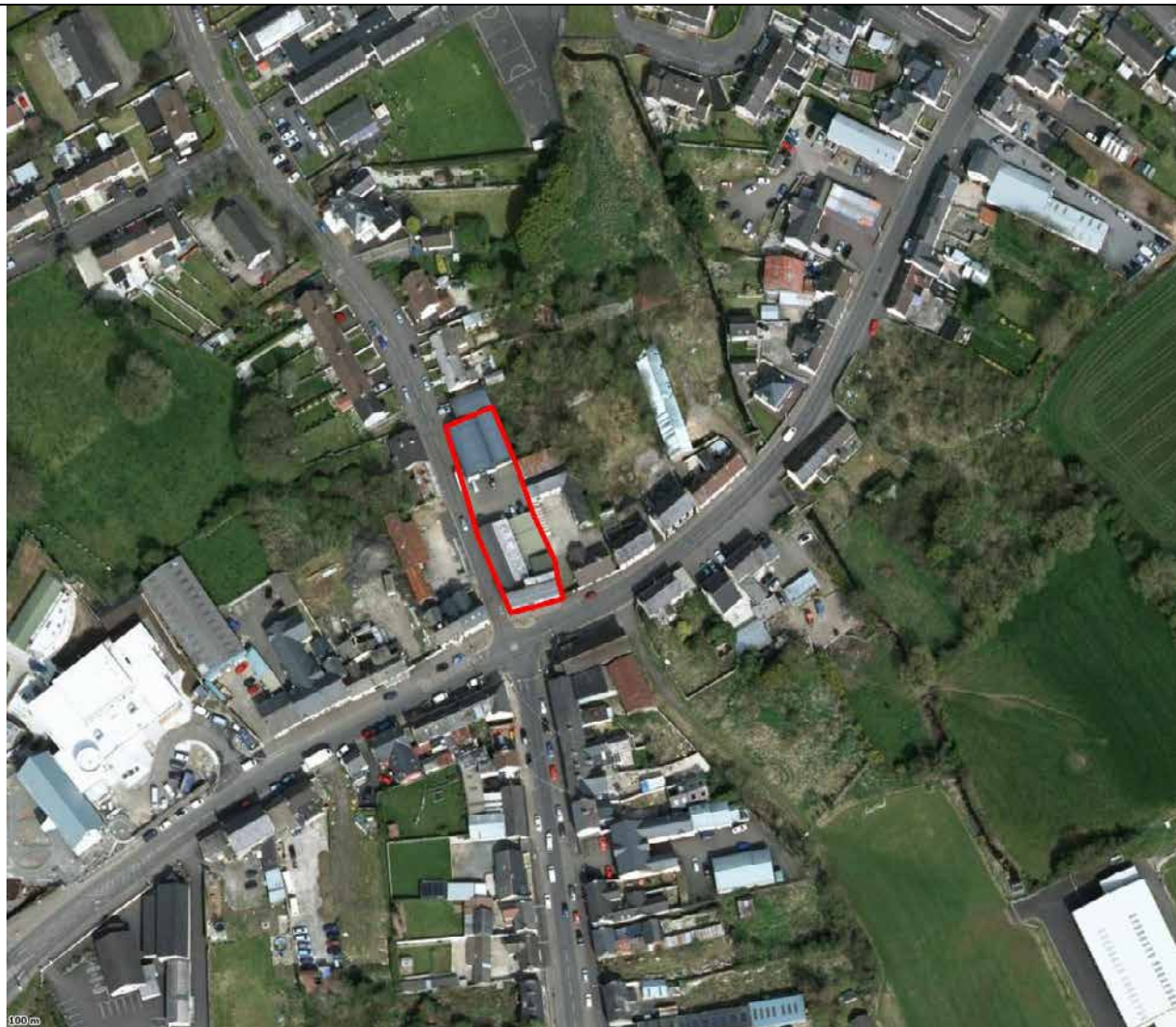
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0771/F	Target Date:
Proposal: Extension and alterations to existing commercial premises to create rear single storey entrance lobby, additional shop floor area and storage area. Includes the provision of a section of the premises becoming two storey	Location: 17-19 Main Street Bellaghy
Referral Route: Approval recommended, considered exception to policy PPS3 & against recommendation of Transportni.	
Recommendation: Approval	
Applicant Name and Address: Mr Hugh Graham 17-19 Main Street Bellaghy BT45 8HS	Agent Name and Address:
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Historic Environment Division (HED)	Content

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues	
Characteristics of the Site and Area <p>The proposal site is a long established grocery retail outlet located within the centre of Bellaghy. The property is located on the corner of Mullaghyboy Road and Main Street and surrounded by many different uses, for example residential, fast food outlets, a primary school, a chemist are some of the uses adjacent to the proposal site. The current building is a two storey building to the front with a single storey rear element. There is a large agricultural shed to the rear of the building and a limited number of parking spaces are available between this shed and the shop premises.</p>	
Planning Assessment of Policy and Other Material Considerations <p>I have assessed this proposal under the following:</p> <p>SPSS Magherafelt Area Plan 2015 Planning Policy Statement 3 - Access, Parking and Movement Planning Policy Statement 5 - Retailing and town centres</p> <p>Site visit - 20.07.2016</p> <p>Neighbours/notified: - Owners/occupiers of several properties within close proximity to the proposal site were notified of this proposal on 21.06.16 with no objections having been received to date.</p> <p>Consultations: - Historic Environment Division were asked to comment on this proposal as the site is within an area of archaeological potential AAP03 _ within limits of archaeological site and monument LDY 037:057 _ LDY 037:068. They responded on 21.07.2016 with no objections stating they were content the proposal is satisfactory to SPPS _ PPS6 archaeological policy requirements.</p> <p>Environmental Health were asked to comment on the proposal and responded on 23.06.2016 with no objections</p> <p>In line with legislation this proposal was advertised in several local press publications during June 2016 and no representations have been received to date.</p> <p>Transportni were asked to comment on this proposal and responded on 23.08.2016 stating that the proposal was lacking in parking in accordance with recognised standards.</p> <p>The existing premises is a long established retail business and this proposal is for 'extension and alterations to existing commercial premises to create rear single storey entrance lobby,</p>	

additional shop floor area and storage area. Includes the provision of a section of the premises becoming two storey'.

The proposal includes a small increase in shop floor area to achieve this particular part of the proposal there is no increase to the existing footprint of the proposal, the only increase in footprint is for a rear entrance lobby at the existing rear entrance and to increase height of the storage area roof in order to increase storage capacity.

This business is within the centre of Bellaghy and so any customers could make use of on street parking as already happens without increasing inconvenience for neighbouring land uses or customers to the shop.

Policy on retailing is provided by the SPSS which facilitates shops to meet local (ie day to day needs) such as this, providing it is of appropriate scale, nature and design.

In terms of location this is the village centre and is an established supermarket and I am satisfied that the scale and design is appropriate and will not impact on the character of the area or on neighbouring amenity.

According to the submitted P1 form there is no expected increase to numbers of staff vehicles or goods vehicles expected and the expected increase of employees attending the premises daily is stated as 1 and for others attending is projected to be 100.

The proposal is to have an overall increase to floor space 106m², this is in the form of sales floor space increasing by 95m, offices reducing in floor space by 15m and an increase in storage floor space of 26metres. The proposal is ultimately only for a small addition to floorspace of an existing supermarket within a town centre and would really only require an increase of approx. 5 additional spaces, however as I am not aware of any existing parking issues I feel it is acceptable to accept the parking as shown in drawing No 02 and remaining customers to park on street.

Recommendation: Approval

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions:

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

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

Informatives

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

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

Signature(s)

Date:

ANNEX	
Date Valid	31st May 2016
Date First Advertised	16th June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Main Street Mullaghboy Bellaghy The Owner/Occupier, 1 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 11 Main Street Mullaghboy Bellaghy The Owner/Occupier, 13 Main Street Mullaghboy Bellaghy The Owner/Occupier, 15 Main Street Mullaghboy Bellaghy The Owner/Occupier, 2 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 20 Main Street Old Town Downing Bellaghy The Owner/Occupier, 21 Main Street Mullaghboy Bellaghy The Owner/Occupier, 22 Main Street, Bellaghy The Owner/Occupier, 23 Main Street Mullaghboy Bellaghy The Owner/Occupier, 25 Main Street Mullaghboy Bellaghy The Owner/Occupier, 3 Main Street Mullaghboy Bellaghy The Owner/Occupier, 3 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 4 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 5 Main Street Mullaghboy Bellaghy The Owner/Occupier, 5 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 6 Main Street Old Town Deer Park Bellaghy The Owner/Occupier, 6 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 7 Main Street Mullaghboy Bellaghy The Owner/Occupier, 7 Mullaghboy Road Mullaghboy Portglenone	

The Owner/Occupier, 8 Mullaghboy Road Mullaghboy Portglenone The Owner/Occupier, 9 Main Street Mullaghboy Bellaghy The Owner/Occupier, 9B Main Street Mullaghboy Bellaghy	
Date of Last Neighbour Notification	21st June 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/0771/F Proposal: Extension and alterations to existing commercial premises to create rear single storey entrance lobby, additional shop floor area and storage area. Includes the provision of a section of the premises becoming two storey Address: 17-19 Main Street, Bellaghy, Decision: Decision Date: Ref ID: H/1978/0324 Proposal: BUNGALOW WITH GARAGE Address: GLEN, TULLYHERON, MAGHERA Decision: Decision Date: Ref ID: H/2001/0376/F Proposal: New Shop Front, Alterations to Existing Shop & Dwelling, Sales Area Increased in Size, Office & Flat Proposed for First Floor Address: 17 Main Street, Bellaghy Decision: Decision Date: 25.06.2001 Ref ID: H/1976/0327 Proposal: SITE OF EXTENSION TO GENERAL STORE Address: 17 MAIN STREET, BELLAGHY Decision: Decision Date: Ref ID: H/1997/0070 Proposal: CONVERSION OF SITTING ROOM TO SHOP FLOOR SPACE WITH ACCESS AND PARKING IMPROVEMENTS Address: 17 MAIN STREET BELLAGHY	

Decision:
Decision Date:

Ref ID: H/1998/0324
Proposal: ALTERATIONS TO SHOP
Address: 17 MAIN STREET BELLAGHY
Decision:
Decision Date:

Ref ID: H/1997/0537
Proposal: SATELLITE DISH
Address: 17-19 MAIN STREET BELLAGHY
Decision:
Decision Date:

Ref ID: H/1989/0192
Proposal: BUNGALOW
Address: ADJ TO 11 MAIN STREET BELLAGHY
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 05

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 03

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 02

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 04

Type: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0787/A	Target Date: 08.09.2016
Proposal: Hotel Signage	Location: Adjacent to the junction of Tullylagan Road and A29
Referral Route: Recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr A Martin 40b Tullylagan Road Cookstown BT80 8UP	Agent Name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
Case Officer: Paul McClean	
Signature(s):	



Case Officer Report

Site Location Plan



Description of proposal

This is an advertisement consent for a 3.5m high, 0.9m long and 0.3m wide totem advertisement for Tullylagan Hotel.

Characteristics of site and area

The sign is proposed to be located at the junction of Dungannon Road with Tullylagan Road, adjacent to a protected route as defined in the Cookstown Area Plan 2010, and located in the countryside. This area is rural in character and is defined by tree lined roadways, agricultural land and dispersed single dwellings.

Approx 120m west of the site is the entrance for Tullylagan Hotel, and this is defined by directional signage on an oval shaped sign directing vehicles towards the hotel.

Planning Assessment of Policy and Other Material Considerations

Development Plan

Cookstown Area Plan 2010- the site is located on unzoned land adjacent to a protected route.

Relevant Planning Histories:

There are no relevant histories to consider.

Legislation and Policy

Under the provisions of Article 67 (1) of the Planning (NI) Order 1991 (now provided for in Section 130 of the Planning Act (NI) 2011) the interests of 'amenity' and 'public safety' are the only considerations that can be assessed in the exercise of advertisement control.



PPS17- Control of Outdoor Advertisements

Policy AD1 of PPS17 provides for outdoor advertisement consent where the proposal respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety.

Amenity

This sign is a free standing totem measuring 3.5m high, 0.9m long and 0.3m wide. The totem will be finished in black or chrome with applied vinyl lettering. The purpose of the sign is to advertise Tullylagan House Hotel, and will advertise other elements such as food, the associated restaurants, a website and other information (see drawing No. 03). This free standing sign will have the appearance of not relating to any business, as Tullylagan House Hotel is not visible from this approach while travelling along Dungannon Road. It will look incongruous in this area of countryside which is defined by mature tree cover. The size, scale and location of the sign is not appropriate for the site or locality and in my view will have a detrimental impact on the visual amenity of this area of countryside. The sign does not seem to be internally illuminated and in my view is of a sufficient distance from residential development to have a detrimental impact.

Public Safety

Policy AD1 requires the sign to not prejudice public safety. TransportNI have advised that the sign in its current design and recommends that the proposal should be refused as it is contrary to PPS17 in that it will cause a distraction to drivers on a high speed road. They have also advised that they own the land and would not give consent to the signs erection.

In my view should this sign be granted consent, it may lead to a proliferation of signs in the area which would create further traffic hazards and detriment to visual amenity in the countryside.

Other considerations

No 3rd Party objections have been received on this proposal.

The site is not subject to flooding.

There are no human health or environmental impacts to consider. No trees will be disturbed should permission be granted.

Summary of Recommendation:

That planning permission be refused for the following reasons.

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement and to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that it will, if consented, have a detrimental impact upon the visual amenity of the locality.
2. The proposal is contrary to the Strategic Planning Policy Statement and to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that it will, if consented, be prejudicial to the safety and convenience of road users due to its close proximity to a road junction and high speed road and will distract the attention of motorists, thereby creating a traffic hazard.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

ANNEX	
Date Valid	26th May 2016
Date First Advertised	Not required
Date Last Advertised	Not required



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0816/O	Target Date:
Proposal: Proposed infill / gap site for dwelling (ridge height 7.6m) and domestic garage based on policy cty 8	Location: 30mts south/ south east of no.68 Moneyhaw road- Drummullan Moneymore
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Daniel McCloy 68 MoneyShawRoad Drumullan Moneymore	Agent Name and Address: CMI Planners Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

none

Characteristics of the Site and Area

The site comprises a rectangular shaped cut out of a larger agricultural field. The Northern and Eastern boundaries are undefined on the ground, the southern and western boundaries consists of a hedgerow and a number of large mature trees. The site is relatively flat rising only gently to

the North, at the time of site visit it was laid in barley. To the South is a small pond which is surrounded in a mixture of trees, shrubs and other vegetation. To the North West is a two storey dwelling at number 68 Moneyhaw Road. To the West there are three detached dwellings at number 70, 70a and 72 Moneyhaw.

The site is located just outside and North of the settlement limit of Drumullan. The area to the North, West and East is predominantly agricultural fields with a scattering of single dwellings and farmsteads, to the south along the Drumullan road there is a more built up suburban feel with approx 10 houses located along a short span of road, the primary school and church are also located a short distance to the South.

The proposal seeks Outline planning permission for an infil site.

Planning Assessment of Policy and Other Material Considerations

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

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

The application is seeking an infil site between numbers 68 and 70A Moneyhaw Road. There are a further two dwellings (No.s 70 and 72) to the South of number 70A. The site itself lies to the South of Number 68 and to the East of number 70a. In my opinion the four dwellings mentioned do not constitute the definition of a substantially built up frontage. The first three dwellings are all in line and do share a common frontage however, the last dwelling appears to be set a lot further back off the end of the laneway.

Policy CTY 8 of PPS21 states that “an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.” In this case it is my opinion that the proposal does not constitute a continuously built up frontage, as the frontage of number 68, is different from the first three dwellings in that it is set further back with a good visual break and therefore the proposed site would not respect the existing development pattern.

The proposal does not comply with policy CTY8 of PPS21.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has mature boundary vegetation on two sides it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character

of an area. It is considered that the site if approved would add to a ribbon of development and result in a suburban style build-up of development when viewed with the existing dwellings.

The application was advertised on 23rd June 2016 and Neighbour Notifications were issued on 22nd June 2016.

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in ribbon development along the Moneyhaw Road (associated laneway) and does not represent a gap site.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: a dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would create or add to a ribbon of development.

Signature(s)

Date:

ANNEX	
Date Valid	7th June 2016
Date First Advertised	23rd June 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Drummullan Road Drummullan Moneymore The Owner/Occupier, 66 Moneyhaw Road Annahavil Moneymore The Owner/Occupier, 68 Moneyhaw Road Drummullan Moneymore The Owner/Occupier, 70 Moneyhaw Road Drummullan Moneymore The Owner/Occupier, 70A Moneyhaw Road,Drummullan,Moneymore,Londonderry,, The Owner/Occupier, 72 Moneyhaw Road Drummullan Moneymore The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0816/O Proposal: Proposed infill / gap site for dwelling (ridge height 7.6m) and domesticgarage based on policy cty 8 Address: 30mts south/ south east of no.68 Moneyhaw road-, Drummullan,Moneymore, Decision: Decision Date: Ref ID: I/2013/0376/F Proposal: Proposed dwelling and garage (change of house type) Address: To rear of 66 Moneyhaw Road, Cookstown, Decision: PG Decision Date: 25.03.2014 Ref ID: I/1998/0022	

Proposal: Site for Dwelling and Garage
Address: 68 MONEYHAW ROAD DRUMMULLAN MONEYMORE
Decision:
Decision Date:

Ref ID: I/1998/0022B
Proposal: Erection of Dwelling and Garage
Address: 68 MONEYHAW ROAD DRUMMULLAN
Decision:
Decision Date:

Ref ID: I/1990/6042
Proposal: Site for dwelling At junction of Drumullan Road/Moneyhaw Road Cookstown
Address: At junction of Drumullan Road/Moneyhaw Road Cookstown
Decision:
Decision Date:

Ref ID: I/1979/030401
Proposal: BUNGALOW
Address: DRUMMULLAN, MONEYMORE
Decision:
Decision Date:

Ref ID: I/1979/0304
Proposal: BUNGALOW
Address: DRUMMULLAN, MONEYMORE
Decision:
Decision Date:

Ref ID: I/2002/0832/O
Proposal: Proposed site for new bungalow
Address: Adjacent to 72 Moneyhaw Road, Moneymore
Decision:
Decision Date: 21.05.2003

Ref ID: I/2011/0021/F
Proposal: New single storey farm dwelling
Address: 60m south east of 72 Moneyhaw Road, Moneymore, BT45 7XR,
Decision:
Decision Date: 16.02.2012

Ref ID: I/2012/0330/F

Proposal: Proposed change of house type from previously approved application I/2011/0021/F to provide single farm dwelling with attic conversion and a storey and a half detached garage
Address: 60m SE of 72 Moneyhaw Road, Moneymore,
Decision: MAA
Decision Date: 07.01.2013

Ref ID: I/2003/0815/O
Proposal: Proposed dwelling and garage
Address: Site adjacent to 70 Moneyhaw Road Moneymore
Decision:
Decision Date: 10.03.2004

Ref ID: I/2004/0556/F
Proposal: Proposed dwelling & garage
Living Accommodation
Address: Adjacent to 70 Moneyhaw Road, Moneymore
Decision:
Decision Date: 07.10.2004

Ref ID: I/2013/0329/F
Proposal: Proposed retention of a change of use from domestic store to hairdressing salon
Address: 70 Moneyhaw Road, Drummullan, Moneymore,
Decision: WITHDR
Decision Date: 07.04.2014

Ref ID: I/1981/0011
Proposal: BUNGALOW
Address: ANNAHAVIL, MONEYMORE
Decision:
Decision Date:

Ref ID: I/2005/1320/O
Proposal: Proposed single storey dwelling and garage
Address: Adjacent to 66 Moneyhaw Road, Drummullan, Cookstown
Decision:
Decision Date: 15.02.2006

Ref ID: I/1979/0029
Proposal: BUNGALOW
Address: DRUMMULLAN, MONEYMORE
Decision:
Decision Date:

Ref ID: I/1979/002901
Proposal: RETIREMENT BUNGALOW
Address: DRUMMULLAN, MONEYMORE
Decision:
Decision Date:

Ref ID: I/2009/0348/F
Proposal: Retention of shed for domestic purposes only
Address: 72 Moneyhaw Road, Moneymore, Co Derry
Decision:
Decision Date: 22.09.2009

Ref ID: I/2008/0328/F
Proposal: Restrospective application for erection of domestic garage
Address: 72 Moneyhaw Road Drummullan Moneymore
Decision:
Decision Date:

Ref ID: I/1998/0273
Proposal: 11KV Overhead Line Approx. 200m Long
Address: APPROX. 20M SOUTH OF 66 MONEYHAW ROAD - 68 MONEYHAW ROAD
MONEYMORE
Decision:
Decision Date:

Ref ID: I/2006/0529/O
Proposal: Proposed Single Storey Dwelling with Garage
Address: To rear of 66 Moneyhaw Road, Cookstown
Decision:
Decision Date: 19.10.2006

Ref ID: I/2009/0581/F
Proposal: Proposed dwelling with garage
Address: To the rear of 66 Moneyhaw Road, Cookstown
Decision:
Decision Date: 15.02.2010

Ref ID: I/2005/1319/O
Proposal: Proposed single storey dwelling and garage
Address: To rear of 66 Moneyhaw Road, Drummullan, Cookstown
Decision:
Decision Date: 16.03.2006

Summary of Consultee Responses
TNI have been consulted and have no objections.
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:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0828/F	Target Date: 22.09.2016
Proposal: Proposed new single storey dwelling and associated external works.	Location: Lands 10m NE of 111 Back Lower Road killycolpy Dungannon
Referral Route: recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Emmett Hurrell / Terri Ryan 111 Back Lower road Killycolpy Stewartstown	Agent Name and Address: Paul Kennedy 24 Claremount Drive killen Dungannon BT71 5JX
Case Officer: Paul McClean	
Signature(s):	



Case Officer Report

Site Location Plan



Description of proposal

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

Characteristics of Site and Area

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

Planning Assessment of Policy and Other Material Considerations

Planning History

There is no relevant planning history to consider

Development Plan

Cookstown Area Plan 2010- land is not zoned and is located in open countryside.

Key Planning Policy



The proposal is for a dwelling in the countryside. The Strategic Planning Policy Statement for Northern Ireland states that the policy provisions contained with PPS21 are still applicable. Planning Policy Statement 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable in the countryside including proposals to accommodate the long term needs of the applicant where there are compelling and site specific reasons related to personal or domestic circumstances.

The applicant has provided a case to meet the policy criteria of policy CTY6- personal and domestic circumstances. As the content of this report is sensitive in nature I am limited to what I can refer to in my assessment. In my view, the applicant has failed to demonstrate that genuine hardship will be caused if planning permission is refused.

The applicant has failed to properly investigate any alternative solutions that may meet the particular circumstances of the case. Sufficient information has not been presented to demonstrated that this solution is the only viable option open to the applicant.

As the proposed dwelling is modest in size with a 3.5m ridge height it is my view that it will integrate onto this site and will not have a detrimental impact on the visual amenity of the area. While the design of the dwelling is not desirable in terms of traditional rural design, due to its size and scale it will not have a detrimental impact to the visual amenity of this area of countryside and CTY13 of PPS21 is not offended.

In my view a dwelling on this site will add to an existing build up of development in the area and will further erode rural character. In this respect I find the proposal contrary to policy CTY14 of PPS21.

The dwelling will also add to an existing ribbon of development that exists along Back Lower Road which is contrary to CTY8 of PPS21.

Other considerations

Transport NI have no objections to the proposal subject to 2.4m by 60m sightlines in both directions.

Environmental Health have no objections to this proposal subject to adequate land drainage for the dispersal of septic tank effluent.

There are no objections to this proposal from the public.

In my view there will be no negative impacts on the residential amenity of existing dwellings in the area should permission be granted.

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

Summary of Recommendation:

That planning permission be refused for the following reasons.

Refusal Reasons

1. The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not amongst the range of developments which are considered in principle to be acceptable in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory



long term 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 and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

3. The proposal is contrary to SPPS and 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 not respect the traditional pattern of settlement exhibited in that area;

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

and would therefore result in a detrimental change to and further erode the rural character of the countryside.

4. The proposal is contrary to SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Back Lower Road.

Signature(s)

Date:



Application ID: LA09/2016/0828/F

ANNEX	
Date Valid	9th June 2016
Date First Advertised	23rd June 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 113 Back Lower Road Back Lower Mountjoy	
Date of Last Neighbour Notification	21st June 2016



Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date: 04/10/2016	Item Number:
Application ID: LA09/2016/0843/F	Target Date: 26/09/2016
Proposal: 2no Free Range Poultry Sheds with 2no Feed Bins and a Standby Generator Building (each poultry shed to contain 6,000 free range egg laying hens giving a total site capacity of 12,000 free range egg laying hens)	Location: Land approx. 85m NE of 117 Aghnagar Road Galbally
Referral Route: Application does not comply with all criteria contained within policy CTY 12 of PPS 21, however, members may wish to consider it as an exception to policy on the basis of advice contained in the Ministerial Review into PPS 21.	
Recommendation: Approve subject to conditions	
Applicant Name and Address: Mr Dominic Rafferty 21 Killyliss Road Dungannon BT70 1RP	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Approve – Proposal is in keeping with the Ministerial Review of PPS 21 and complies with CTY 12 of PPS21, PPS 2 and PPS 3.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	No Objection
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Rivers Agency	Content
Non Statutory	Environmental Health Mid Ulster Council	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

There have been no objections from any consultee or third party.

Characteristics of the Site and Area

The application site is a 0.97 hectare plot of agricultural land located approx. 85m NE of 117 Aghnagar Road, Galbally. Number 117 is the applicants dwelling. The site is outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It is set well back from the public road and a new access is proposed coming directly off the Aghnagar Road. There is an agricultural building to the South of the site and another to the South West. The site boundaries are undefined on the ground apart from the Northern boundary which is defined by a low level gorse hedgerow. There is currently a wire and post fence and some semi matures trees cutting through the middle of the site in a North-South direction. The site sits at a lower level than the Aghnagar Road and falls gently in a NE direction.

The area is rural in character with the predominant form of development being single dwellings and farms. The topography of the landscape is rolling drumlin hills. The Sessiadonaghy Burns flows to the East of the site.

Planning Assessment of Policy and Other Material Considerations

SPPS – Strategic Planning Policy Statement for Northern Ireland
 PPS 2 – Natural Heritage
 PPS 3 – Access, Movement and Parking
 PPS 21 – Sustainable Development in the Countryside
 Dungannon and South Tyrone Area Plan 2010

The proposal is for the erection of 2 no. free range poultry sheds with 2 feed bins and a standby generator building (each shed will contain 6000 free range egg laying hens –total capacity 12000). The units are “L” shape with both sections measuring 14m x 66m x 4.2m excluding the area which links both buildings. The turning area has a 25m diameter. The feed bins are 8.75m in height with a 2.4m diameter. The generator building is 3.6m x 4m x 2.75m. The roof will be finished in juniper green cladding. The walls will be finished with a blockwork base and juniper green cladding. The feed bins will be finished in galvanised steel sheeting and the generator building in smooth render and profiled cladding.

The DSTAP 2010 acknowledges that agriculture is very important in the area. It does not have any policies in relation to this type of application but it identifies the site as being within the rural area where PPS 21 applies.

The SPPS gives provision for Agriculture and Forestry Development subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development. As such, existing policies will be applied.

PPS 21

PPS 21 is a material planning policy for this type of development. All proposals for agricultural buildings in the countryside will be expected to conform to a number of criteria laid out in the relevant policy, CTY 12 – Agriculture and Forestry Development. I will deal with these criteria as they appear in the policy.

DARD have confirmed that the applicant has had a DARD Business Number for more than 6 years and has claimed Single Farm Payment (SFP) from 2005 – 2013. While there is no disputing that the business has been established for the required 6 year period, it may not have been active

since 2013 as the applicant has not claimed SFP since then nor has he demonstrated active farming from 2013-present. DARD have also confirmed that the site is located on land associated with another farm business.

The Ministers Review into the Operation of Planning Policy Statement 21 highlights the importance of the Agri-Food Sector in NI and applications like this one for poultry houses. Members are also advised that it was the practice of the Department of the Environment to grant planning permission for poultry houses in cases where there wasn't active and established agricultural holdings.

- (a) The applicant has provided no information as to why this building is necessary for the efficient use of the holding, however, the Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the Agri-Food sector. It does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy. On the basis of this review I am content that this building is necessary for the efficient use of the existing agricultural holding.
- (b) The proposed materials, form and design of the building are all agricultural and I am content that in terms of character and scale it is appropriate to this rural location.
- (c) The proposed development is compact by nature and is set back off the road to reduce visual impact. It utilises the flat land available and is relatively well screened from views along public approaches. The building also reads and clusters with the existing dwelling and buildings on the farm. It will benefit from a backdrop of rolling hills to the NE. I am therefore satisfied that it will visually integrate into this rural landscape.
- (d) NIEA have assessed the proposal and accompanying Biodiversity Checklist, Air Quality Impact Assessment, Nutrient Management Plan and Farm Management Plan and are satisfied that it will not impact on any designated sites, protected species, watercourses or air quality. They have recommended informatives/conditions in relation to disposal of poultry litter and limiting the number of birds to 12000. The Shared Environmental Service have also been consulted and have advised that the proposal will not have any conceivable effects on selection features, conservation objectives or status of any European site. In light of this I am satisfied that there will be no impact on the natural environment and as such the proposal also complies with policy NH3 of PPS 2. The site is not adjacent or near to any Listed Building or Monument and therefore will not impact on any features of built heritage.
- (e) Environmental Health have been consulted with the application and have raised no concerns regarding unacceptable noise, smell or pollution. They requested information relating to 119 Aghnagar Road and the applicant has confirmed that this is his father's property. It has been neighbour notified and no objections from this address have been received. I am therefore content that this is no longer a sensitive property to be considered in terms of residential amenity. I am also content that this proposal will not have a detrimental impact on the amenity of dwellings outside the farm holding.

Given the proposed use of the building for egg production, it is clear that the existing buildings on the farm are not suitable in terms of their scale and form. As stated above, the design and materials proposed in the new unit are sympathetic to this rural location and adjacent buildings and the building is sited to cluster with existing buildings.

Taking all of the above into consideration, case officer recommendation is to approve.

Summary of Recommendation:

Approve – Proposal is in keeping with the Ministerial Review of PPS 21 and complies with CTY 12 of PPS21, PPS 2 and PPS 3.

Conditions

Conditions

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

Reason: Time Limit.

2.Prior to the commencement of the development hereby permitted, the vehicular access, including visibility splays of 2.4m x 80m to the NE and 2.4m x 60m to the SW, widening of the access to 6m for the first 20m including 10m radii and any forward sight line, shall be provided in accordance with drawing no 02 revision 2. 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 number of bird places shall be no greater than 12,000 layers.

Reason: To ensure the development does not adversely impact on any designated sites.

Informatives

1. Your attention is drawn to the attached responses from NIEA, NIW and Transport NI

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2016
Date First Advertised	30th June 2016
Date Last Advertised	30 th June 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 117 Aghnagar Road,Altaglushan,Galbally,Dungannon,Tyrone,BT70 2PP, The Owner/Occupier, 119 Aghnagar Road Altaglushan Galbally	
Date of Last Neighbour Notification	21st June 2016
Date of EIA Determination	1 st September 2016
ES Requested	Yes /No
Planning History Ref ID: M/1978/0885 Proposal: ALTERATIONS AND EXTENSIONS TO DWELLING Address: ALTAGLUSHAN LOWER, GALBALLY, DUNGANNON Decision: Decision Date: Ref ID: LA09/2016/0843/F Proposal: 2no Free Range Poultry Sheds with 2no Feed Bins and a Standby Generator Building (each poultry shed to contain 6,000 free range egg laying hens giving a total site capacity of 12,000 free range egg laying hens) Address: Land approx. 85m NE of 117 Aghnagar Road, Galbally, Decision: Decision Date: Ref ID: M/2002/1199/O Proposal: Proposed dwelling Address: Site 300 Metres South of 134 Aghnagar Road, Galbally, Dungannon Decision: Decision Date: 18.02.2003 Ref ID: M/2006/0882/O Proposal: Proposed alterations to condition No.1 of outline approval Ref: M/2003/0232/O i.e Amendment of Time Restriction	

Address: 300m South East of 134 Aghnagar Road, Galbally, Dungannon

Decision:

Decision Date: 17.10.2006

Ref ID: M/2009/0877/F

Proposal: Proposed dwelling

Address: 300m south east of 134 Aghnagar Road, Galbally, Dungannon

Decision:

Decision Date: 11.12.2009

Ref ID: M/2003/0232/O

Proposal: Proposed dwelling

Address: Site 300 Metres South East of 134 Aghnagar Road, Galbally, Dungannon

Decision:

Decision Date: 07.05.2003

Summary of Consultee Responses

Transport NI – No objections subject to conditions

NIEA – No objections subject to conditions and informatives

Rivers Agency – Accepts the findings of the Drainage Assessment

Environmental Health – No objections

DARD NI – No objections

NIW – No objections

SES – No objections

Drawing Numbers and Title

Drawing No. 03

Type:

Status: Submitted

Drawing No 2 rev 2

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Roads Details

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0995/F	Target Date:
Proposal: Proposed enlargement of site area, relocation of house with minor amended house design and detached double garage	Location: 55m S of 8 Reenaderry Road Aughamullan Coalisland
Referral Route:	Objection received
Recommendation:	Approval
Applicant Name and Address: Paul & Claire Envy 6 Reenaderry Road Aughamullan Coalisland	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 SEF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Transport NI - 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

One representation has been received and has strong concerns stating the proposal lies within a floodplain.

Characteristics of the Site and Area

The site is located in the rural hinterland of Aughamullan, South West of a local shop and public house. Access to the site is gained at the NW corner of the site and a gravel path runs along the Western boundary. The redline of the site includes a rectangular section of a larger agricultural field. The North and eastern boundaries are undefined on the ground, there is a low cropped hedge and a sheugh to the rear boundary and the western boundary is a native species hedgerow and the recently constructed gravel laneway. The site slopes gradually away from the roadside (North to South). There is a post and wire fence along the east side of the laneway and it also encloses a small portion in the south west corner of the field, this area was the previous site boundaries. There is a small overgrown section in the utmost SE corner of the site where the previous foundations have been dug.

The general area is rural and is defined by detached houses and small farm groups, some commercial development is evident within the wider area.

The proposal seeks planning permission to enlarge the redline of the previous approval and move the footprint of the dwelling.

Planning Assessment of Policy and Other Material Considerations

Relevant History

The site has been subject to 3 previous planning applications, M/2005/1795/O, M/2008/0518/F and LA09/2016/0683/F. The site was granted outline planning permission on 11.3.2009, this permission was in substitution for M/2005/1795/O which was granted outline approval for a dwelling on 10.11.06. The last planning application was for an amended house type and was granted permission 2.12.2015.

Planning Assessment of policy and other material considerations.

PPS 1 General Principles
 PPS 3 Access, Movement and Parking
 PPS 21- Sustainable Development in the Countryside
 Dungannon Area Plan 2010
 SPPS

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside. Permission was previously granted on this site and this was implemented in so far as the development was commenced in accordance with the permission however no building was constructed. The laneway and access splays have been provided on site and some planting has taken place.

The proposal seeks to enlarge the red line of the site and move the approved dwelling nearer to the road. The changes are being sought because since the previous approval it has been brought to the applicants attention that the very rear portion of the site lies on the edge of the flood plain, therefore the applicant seeks to move the dwelling forward and away from the area at risk. It is worth noting that the previous approvals were issued before the planning authority had access to more detailed flood maps. Rivers Agency were consulted with the application and have responded;

FLD1 - Development in Fluvial Flood Plains - The Strategic Flood Map (NI) indicates that the southern boundary of the site lies on the periphery of the 1 in 100 year fluvial flood plain. Further to a site visit the amended dwelling location is on rising ground away from the southern boundary and therefore seems to be outside the fluvial flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure - An undesignated watercourse flows along the southern boundary of the site. Under 6.32 of the policy a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a drawing and be protected from impediments (including tree planting), land raising or future unapproved development by way of a planning condition.

There are also a number of small changes to the design of the dwelling however, in my opinion these changes are in keeping with policy and will not have any increased detriment to the neighbouring dwelling or rural scene.

The proposal involves moving the dwelling forward approx. 15 metres, this will still allow a wall to wall separation distance of over 55 metres between the proposal and the nearest neighbour. It is my opinion that the proposed siting can be accommodated without any loss of neighbouring amenity or deterioration of highway safety.

TNI and rivers have been consulted and responded with No objections.

Recommendation Approval subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Principle of a dwelling on the site has already been established, this application seeks to enlarge the red line of the site in order to allow the dwelling to be sited further North and away from potential flood risk. The proposal complies with policy, consultation with Rivers and TNI have raised no concerns subject to conditions. Recommend Approval.

Conditions

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

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

2. During the first available planting season after the commencement of the proposed dwelling, hereby approved the trees and shrubs as indicated on drawing no 02 dated received 18/07/2016 shall be planted around the curtilage of the dwelling.

Reason: In the interests of visual amenity.

3. All existing trees and hedgerows as indicated to be retained on drawing no 02 dated received 18/07/2016 shall be permanently retained intact and no lopping, topping, felling or removal shall be carried out without the prior written approval of the Mid Ulster Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Mid Ulster Council in writing within one week of the work being carried out.

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

4. The vehicular access, including visibility splays of (2.0m * 65.0m) in the South Westerly direction, (2.4m * 80.0m) in the North Easterly direction and any forward sight distance shall be provided in accordance with Drawing No 02 bearing the date stamp 18/07/16, 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.

5. Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of Rivers Agency. This should be obtained from our Armagh Office, 44 Seagoe Industrial Estate, Seagoe Lower, Craigavon, BT63 5QE.

6. This permission is granted in substitution for approval LA09/2015/0693/F and only one dwelling shall be erected within the site outlined in red.

Reason: To prevent an accumulation of dwellings on site and to preserve the amenity of the countryside.

Informatives

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

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

3. Transport NI Informatives

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 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 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.

REASON: In the interest of public safety and traffic management.

Provision shall be made to the satisfaction of Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

REASON: In the interest of public safety and traffic management.

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	18th July 2016
Date First Advertised	3rd August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 8 Reenaderry Road,Aughamullan,Coalisland,Tyrone,BT71 5DT, The Owner/Occupier, 9 Reenaderry Road Aughamullan Coalisland Brian Falls OBO Mary P Falls Email	
Date of Last Neighbour Notification	16th August 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2016/0995/F Proposal: Proposed enlargement of site area, relocation of house with minor amended house design and detached double garage Address: 55m S of 8 Reenaderry Road, Aughamullan, Coalisland, Decision: Decision Date: Ref ID: LA09/2015/0693/F Proposal: Proposed amended house design from application M/2008/0518/F Address: 70m South of 8 Reenaderry Road, Aughamullan, Coalisland, Decision: PG Decision Date: 04.12.2015 Ref ID: M/2008/0518/F Proposal: Proposed dwelling & garage with amended access to superseed application M/2005/1795/O Address: 70m South of 8 Reenaderry Road, Aughamullan, Coalisland Decision: Decision Date: 12.03.2009 Ref ID: M/2005/1795/O	

Proposal: Dwelling
Address: 70m South of 8 Reenaderry Road Aughamullan Coalisland.
Decision:
Decision Date: 13.11.2006

Summary of Consultee Responses

TNI and Rivers Agency have been consulted and replied with no concerns subject to conditions.

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 02
Type: Proposed Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

C



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: I/2013/0370/O	Target Date:
Proposal: Proposed residential development incorporating the retention of the existing garage (amended description)	Location: Lands to the rear of 9 Adair Gardens Cookstown
Applicant Name and Address: R & F Developments 90 Oldtown Road Castledawson Magherafelt BT45 8BZ	Agent name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
Site location map:	



Summary of Consultee Responses:

No objections

Characteristics of the Site and Area:

The site is located within the limit of development for Cookstown as defined within the Cookstown Area Plan 2010.

Located approximately 1km south west of the town centre the site lies within an existing residential estate.

Access to the proposal is gained via Adair Gardens which connects onto Adair Drive and in turn the Westland Road South.

The development road to the proposed dwellings is via the side of no 9.

The majority of the garden of no 9 is utilized for the proposal.

On site at present are a detached single storey dwelling with attached garage and large garage structure within the rear garden. This structure sits on significantly lower ground to that of the dwelling.

Site boundaries are a mixture of conifer type hedging and timberfencing.

Within the south western part of the site is existing woodland/scrub area.

Levels within the site vary considerably from Adair Gardens estate road to the southern corner of same.

Deferred Consideration:

The application was submitted as a 'residential development' and originally included a concept plan for 5 units. It was recommended as refusal on this basis for the following three reasons;

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7 (PPS7) Quality Residential Environments in that it does not draw upon the positive aspects of the surrounding area and it has not been demonstrated that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of criteria (a) and (h) of Policy QD1.
- 2 . The proposal is contrary to Policy LC1 of Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas in that it fails to comply with criteria (a) and (b) of Policy LC1.
3. The proposal is contrary to the Cookstown Area Plan in that it is contrary to Planning Policy RSO 1 - Cookstown town centre.

The application was deferred at that time by DOE in April 2014 for further consideration. An amended concept plan has now been submitted showing a reduction to 2 units and the retention of the existing garage on site. The amended scheme also indicates a 9m wide access to the river, and additional vegetation to be planted and a change in the orientation and size of the dwellings on the concept plan.

Policy Consideration

The proposal must be considered against **PPS7 QD1**;

(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;

In order to accommodate the retention of the existing garage building on site and the trees to the rear, the two plot sizes are smaller than those immediately adjacent to the site. However the plot sizes in Adair Gardens are smaller at No's 17, 20 and 21. There is still sufficient garden space to the rear and an area to the front. Objectors have raised concern regarding overdevelopment leading to a change in character of the area occurring due to

the proposal. The site is well integrated and screened due to the lower land form and the existing dwelling in front of the site.

Density is an important issue and in relation to Separation distances to existing dwellings, Creating Places states 'Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary'. In this case there is a separation distance of approx. 25m from the closest parts of No. 9 and the proposed nearest dwelling.

(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;

The application site is in close proximity and hydrologically connected to Upper Ballinderry River SAC/ASSI and is protected by Conservation (Natural Habitats) Regs NI 1995. NED have considered the impacts of the proposal on the designated site and advises that certain conditions should be imposed to prevent any adverse impacts on the SAC.

The retention of the existing garage on site, which has the potential for roosting and nesting bats, and the submission of a bat mitigation plan to introduce a lighting plan and landscape plan to include the retention of all mature trees on site, has ensured that NIEA have no further concern subject to conditions and informatives.

Objectors raised concerns in relation to the Impact on bats on the site. The retention of the existing garage on site, which does has the potential for roosting and nesting bats, and the submission of a bat mitigation plan to introduce a lighting plan and landscape plan to include the retention of all mature trees on site, has ensured that NIEA have no further concerns subject to conditions.

(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;

As this is at outline stage, only a concept plan has been submitted which should generally be conformed with. Amenity space should be around 70sqm depending on the size of the dwellings, however less than 40sqm for any individual house would be unacceptable. There is amenity space shown to the rear and front of the 2 plots, which both exceed 40sqm as recommended in Creating Places document.

The concept plan shows proposed planting to screen the existing dwelling No.9 from the proposed sites. Sufficient amenity space remains for existing dwelling No.9 in line with policy requirements.

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

The site is within the town centre and close to local facilities, which are walking distance or easily arrived at by car or bus.

(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;

These issues have been met.

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

Car parking has been shown to the front of the dwellings proposed. Transport NI have no objections subject to condition.

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

No full details have been submitted as this is outline stage. These will be assessed at reserved matters stage. The concept plan should be generally conformed to in terms of siting and numbers and this will be conditioned. No trees and bushes to the rear of the site, in excess of 2m are to be removed along SW and SE boundaries. This will offer protection to the Upper Ballinderry River.

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

The original proposal failed to comply with parts (a) and (h) above on policy QD1 of PPS 7. Due to the reduction of the proposal to 2 No detached units the surrounding area and context is now being respected and the scale and massing will remain in keeping with the existing development.

As the proposal is now for 2 units the effect on the existing properties has been significantly lessened. They are sited at an angle reducing overlooking on No.9 and the proposed planting will aid in reducing the impact on No's 7, 9 and 11. Objectors raised the issues of Overlooking (No 15) and lack of privacy (No 7), this will also be fully considered when detailed plans have been submitted.

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

The houses are proposed within an existing established residential area. They are located to the rear of No.9 Adair Gardens and are well landscaped.

Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas is also a relevant policy consideration.

Policy LC 1

Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below has been 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; and
- (c) All dwelling units and apartments are built to a size not less than those set out in Annex A.

The original submission was recommended for refusal under criteria (a) and (b). However since that proposal of 5 units, the proposal has been reduced to 2 No detached units, and so the proposed density is not significantly higher than that found in the surrounding area and the pattern of development remains in keeping with the overall character of Adair Gardens and the surrounding area.

Plan Policy RSO 1 - Cookstown Town Centre states a town centre is designated for Cookstown. Within the town centre favourable consideration will normally be given to appropriate development proposals that are in accordance with prevailing regional planning policy, and the policies, requirements and guidance contained in Part 3 of the Plan. These have been adhered in when reconsidering the amended reduced proposal.

Cookstown Area Plan identifies the walkway along the Ballinderry River and development proposals that would prejudice the existing use or future provision of these routes will not be permitted. There is now a 9m buffer area to protect the walkway to the Ballinderry River.

Shared Environmental Services were consulted to assess the impact on Upper Ballinderry River SAC. Having considered the nature, scale and location of the project, providing mitigation is conditioned, the proposal will not have an adverse effect on site integrity of any European site.

Other Material considerations

Following the re-notification of neighbours of the reduced scheme, a number of objections have been received. The objections which have not been covered in the main body of the report are identified below;

Objectors maintain there are sufficient dwellings in the area and there is no requirement for more.

Noise issues with construction work and increased street lighting would cause disturbance/light pollution.

EHO commented at the time of the proposal including 5 units, and although they had no specific objections they stated that a number of standardised conditions relating to noise

and vibration from construction activities at the site. No issue was made by EHO in relation to street lighting impact.

Insufficient Road structure to accommodate the proposal.

Transport NI were consulted on the submitted plans and have raised no objections in this regard.

Sewer issues

NI Water were consulted on the proposal and raised no objections. They have stated there is available capacity.

Concern the 'existing building' will be converted into a third dwelling.

We are unable to predict what applications may come in the future and are able to only assess what has been currently submitted against policy.

Each application will be assessed on its own merit and only when it is received.

Flooding on site

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.

In this case the threshold has not been met, there are two units, site area is .28ha, and there is no change of use proposed, therefore a Drainage Assessment was not deemed necessary or requested.

Conditions

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

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

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

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

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. A Construction Method Statement must be submitted to Mid Ulster District Council at Reserved Matters Stage. This must identify all potential risks to the Upper Ballinderry River via the adjacent watercourse (Rathbeg Drain) and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified.

Reason: To ensure effective mitigation is provided ensuring there are no adverse impacts on the integrity of Upper Ballinderry River SAC.

5. Storm drainage of the site, during construction and operational phases, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on Upper Ballinderry River SAC. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Upper Ballinderry River SAC.

6. A vegetated buffer of at least 10 m shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the south eastern edge of the red line boundary.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Upper Ballinderry River SAC.

7. The bat mitigation measures as listed in Section 5 (page 8) of the report entitled a bat mitigation plan to the rear of 9 Adair Gardens, Cookstown received by the planning office on 13 June 2016 shall be incorporated into the layout and design of the Reserved Matters or Full application.

Reason: To minimise impact on bats.

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 layout of the approved development shall be as shown in block plan 02/06 date stamped 19 August 2016.

Reason: To respect the existing character of the area.

Signature(s):
Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2015/1117/O	Target Date:
Proposal: Replacement Dwelling	Location: Approximately 57 m North West of 9 Dunamore Road Cookstown BT80 9NR
Applicant Name and Address: Dean Wilson 31A Killucan Road Cookstown BT80 9JW	Agent name and Address:
<div> <div>Location map</div> </div>	

Characteristics of the Site and Area:

The site consists of a rectangular plot of land located approx 50 metres NW of 9 Dunamore Road, Cookstown. The site is situated along the roadside with a good coverage of trees on all sides. The land is slightly elevated from the roadside and is currently laid in overgrown grass and weeds. To the rear of the site there is a small stone building with a tin roof and a timber door. The building is approx 5 metres long, 4 metres long and 3.5 metres high and would resemble all the characteristics of an old outbuilding or shed.

The building has had recent work carried out with 2 small windows put in place on the front elevation and a mound of stone and mortar has been placed on top of one of the gables to resemble a chimney, both of these works have been covered in manure and dirt in an attempt to hide the fact they have been carried out recently. The site also contains a small cluster of stones facing the front of the shed as well as a number of items such as car wheels and axels scattered around.

The site lies on the Dunnamore Road, just off the Main Drum Road to the West of Cookstown and just outside the settlement limit in the open countryside. The surrounding area is predominantly agricultural fields, however, the first stretch of the Dunamore road from the Drum road has come under significant development pressure with a number of dwellings and farm holdings located along the roadside.

The proposal seeks planning permission for a replacement dwelling.

Deferred Consideration:

The proposal was presented as a refusal at Committee on 5 April 2016. It was subsequently deferred for an office meeting. At the meeting it was agreed the site would be re-visited to gain access into the building. On Friday 27 April planning officers met the applicant on site and were granted access into the building. It was evident from inspection once inside the building, that there were timber off-cuts from the window frames and stone /rubble on the ground from the construction of the window openings. There was no chimney breast evident.

The applicant is applying for a replacement dwelling and therefore Policy CTY 3 of PPS21 is relevant. Policy CTY 3 states that 'Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.'

Within the red line of the site, adjacent to the building proposed to be replaced, there were remnants of an old stone building. There was a gable wall evident and remains of stone and rubble along the position of where walls had once been. An historical map shows the building in question may have been an outbuilding, equally there is no conclusive

evidence to show it was never a dwelling. Looking at the Ministers Statement on the review into operation of PPS21, published in July 2013 an example of good practise in relation to a replacement dwelling given O/2009/0175/O, is comparable to this building in terms of scale and size.

Given the site has good integration and could accommodate a modest dwelling it is the view of the Area Planning Manager it would be reasonable to give the benefit of any doubt to the applicant in this case.

Transport NI had stated they cannot approve this application in its present form as the applicant has not demonstrated control of sufficient lands to achieve the required visibility of 2.4m x 60m in both directions. The applicant forwarded in an amended Certificate C and new location plans showing the splays.

Following re-consultation with the amended plan and P1, Transport NI have no objections subject to condition.

Approval is therefore Recommended subject to conditions.

Conditions

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

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

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

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

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

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

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

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of

similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

6. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

7. 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 in accordance with the requirements of Planning Policy Statement 21 and the local area plan.

8. 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 14 July 2016 is demolished, all rubble and foundations have been removed and the site restored in accordance with a scheme to be submitted to the Council and approved in writing.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2015/1287/F	Target Date: 31 March 2016
Proposal: Partial demolition to include replacement front walls with renovation and rear extension to create 2 no terraced dwellings	Location: 50 and 52 Moore Street Aughnacloy
Applicant Name and Address: Martina O'Hanlon 11 O'Duffy Terrace Ballybay	Agent name and Address: ACA Architecture Cottage Studios Gortrush Omagh BT78 5EJ
Summary of Issues: Demolition within the Area of Townscape Character	
Summary of Consultee Responses: TNI – approve subject to conditions Construction Service – no comment Building Control – no structural need to demolish the property	
Characteristics of the Site and Area: Description of Proposal "Partial demolition to include replacement front walls with renovation and rear extension to create 2 no terraced dwellings." Characteristics of the Site The proposal is located at 50 and 52 Moore Street Aughnacloy which is within the settlements limits as defined by the Dungannon and South Tyrone Area Plan (2010). The properties are two mid-terrace buildings. Both are 3 storey however no. 50 extends higher by approximately 600mm	

creating a staggered roof line. No. 50 is a disused dwelling and no.52 is a disused shop unit on the ground floor with living accommodation above.

The properties are adjoining and finished in smooth render which has been painted white / off-white with rendered quoins. No. 50 is larger than no. 52 and has a 7.8m wide frontage and ridge height of 10.4m from finished floor level. No. 52 has a 4.85m wide frontage and ridge height (from ffl) of 9.9m.

No.50 has two red brick chimneys which extend through the ridge from its boundary walls. Windows are generally of vertical emphasis and positioned in a regular format above one another similar to that of the neighbouring dwelling no. 48. Property no. 52 has a large picture window and door to the shop unit on the ground floor and a single centrally placed window to the floors above.

Access to the properties is directly from the public footpath and access to the rear can be achieved via a gateway between no.44 and no.48 Moore St. At the rear there is an existing derelict building which extends across the north-eastern boundary of the site. Car parking is provided along the Moore Street. Access

Characteristics of the Area

The centre of Aughnacloy is designated as an Area of Townscape Character based on the quality of built heritage. Settlement growth historically focused around Moore Street which developed in a linear form. It is characterised by a streetscape of two and three storey terraced properties with long linear gardens to the rear. There are a number of buildings of architectural merit, some of which are listed. They include the Old Market House which is set within the streetscape and several listed churches which are set back including St. Mary's and St. James Parish Church.

The street is characterised by properties with pitches roofs of varying ridge heights which creates an undulating roofscape. Consequently, gable walls project above neighbouring roofs and large chimneys, generally of red brick extend upward from gables through ridge lines. Windows are generally of vertical emphasis and aligned above one another in a regular pattern, with heights diminishing on the upper levels. As a result the windows in the façade of no.50 which are similar in format to those of its neighbour contribute to a rhythm of openings along the street. This is at times interrupted by large picture windows such as that in no.52 which signifies what is likely to be a historic conversion of dwelling to shop which are legible within building fabric. Archways along the street frontage form openings and provide access to gardens at the rear.

Materials used within the centre of the village and ATC include render, dash and stone to walls, slate or grey tiles to roofs, red brick or plaster to chimneys and white or brown hardwood or uPVC to windows and doors.

Detailing is generally simple and devoid of boxy eaves, barge boards and soffits. The boundaries of properties are in some instances marked by rendered quoin. Access to properties is provided directly from the public footpath.

History

No relevant planning history.

Deferred Consideration:

Members are advised this application was presented to the September meeting with a recommendation to refuse and it was deferred by the Committee to allow further discussion on the proposed development.

A meeting was held with the Planning Manager and amended plans were tabled for discussion. The amended plans, drawing no 03 Rev 5, include 2 dummy chimneys to respect the roofscape of the area and details to show how the roof and parapet wall will be constructed. This is important as the proposed development is for 2 similarly sized properties with the appearance of 2 different sizes when viewed from the outside. Members are advised that the proposed development will result in an enhancement to the character and appearance of the ATC as the no 52 will be improved.

That said Committee members are advised there is still a conflict with policy ATC1 of the Addendum to PPS6, which “*normally*” (my emphasis) only permits the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Members are advised one of the purposes of ATC1 is to prevent the demolition of buildings in ATC’s without consideration of a proposed redevelopment scheme or any prospect of any redevelopment as this can degrade the area.

In this case, the proposed development will redevelop no 50 to provide a building that is very similar in appearance to the existing, it also, in my opinion provides an improvement to no 52. I consider this is clearly within the spirit of the policy CON5 in the Dungannon & South Tyrone Area Plan as I do not consider it will detract from the overall character and appearance of the area. I also consider it is within the spirit of ATC1 as this scheme includes details of the redevelopment scheme that I do not consider detracts from the ATC and as such I consider it is reasonable for the committee members to consider the demolition of No 50 as an exception to the Policy ATC1. I consider it is important that a condition is attached to the permission requiring the developer to redevelop the site in a timely manner.

It is my recommendation that planning permission is granted subject to 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. Following the commencement of the demolition of the front façade of No 50 or No 52, the replacement buildings, as detailed on drawing no 03 Rev 5 bearing the stamp dated 15 SEP 2016, shall
 - be constructed up to eaves level within 1 year, and

- have the chimneys and roof completed within 18 months.

Reason: To protect the appearance of Aughnacloy Area of Townscape Character.

3. Steps, pillars, access ramps, down spouts etc shall not project out into the public footway

Reason: In the interest of pedestrian safety.

4. Windows or doors on the ground floor shall not open out over the public footway.

Reason: In the interest of pedestrian safety.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Niall Hasson	
Application ID: LA09/2016/0164/F	Target Date: 26/5/16
Proposal: Replacement dwelling and garage	Location: 17 Tobermore Road Magherafelt
Applicant Name and Address: Mr O'Neill 103 Mayogall Road Magherafelt BT45 8PJ	Agent name and Address: Henry Murray 37c Claggan Road Cookstown BT80 9XJ
Summary of Issues: Objections received.	
Summary of Consultee Responses: Consultation: Transport NI, NI Water and MUDC Environmental Health were consulted on the proposed development. Transport NI have requested that the existing access is upgraded with visibility splays of 2.4m x 60m. NI Water and MUDC EHO have no objections to the development.	
Characteristics of the Site and Area: The site is located within the settlement limit of Magherafelt, as defined by the Magherafelt Area Plan 2015. The site is currently a two storey detached dwelling with a large garden and parking area to the front and a smaller garden to the rear. The dwelling is located on quite a large plot, which is also a characteristic of surrounding development. The site is long and narrow and it slopes gently towards the Tobermore road at the front of the site. The site is bordered to the east and west by other dwellings. The eastern boundary is defined by partly by a hedge and partly by a fence. The northern and western boundaries are defined by evergreen trees approximately 4-5 metres in height.	

The site is located within an area of townscape character (ATC), as defined by the Magherafelt Area Plan 2015. Surrounding development is mostly defined by residential development, with the majority large, detached dwellings on large plots. There are a variety of house types in the surrounding area, with no distinctive design pattern.

Deferred Consideration:

This application was deferred at the Planning Committee meeting on 2nd August 2016 to allow for the preparation and submission of a shadow analysis report. The applicant has submitted an amended proposal in an effort to alleviate the concerns of the neighbouring resident, in relation to overshadowing. Consequently, the shadow analysis report in relation to the previous proposal is not necessary.

The amended proposal has removed the side extension which contained the garage and gym / attic store on the upper level. The amended proposal incorporates a detached garage and attic store at the rear of the proposed dwelling. The ridge height of the garage has been reduced by approximately 0.25 m to 6.85 m from ground level.

As amended plans were received by the council, the four neighbours were re-notified by the Council on 26th August 2016. No further representations have been received.

The previous recommendation was to approve the development. The amended proposal does not conflict with any of the considered planning policies or have a negative impact on the residential amenity of the surrounding dwellings.

The amended proposal will reduce any negative impact on the residents of No. 15 Tobermore Road, particularly in relation to overshadowing, with the separation distance between the two dwellings now 15 metres when measured from the rear return extension of No. 15.

It is my opinion that the amended proposal is acceptable and that planning permission should be approved.

Conditions:

1. As required by Section 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.

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

Reason: To maintain the character of the Area of Townscape Character and ensure the maintenance of screening to the site.

3. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
4. DFI Transport NI has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

Signature(s): *N.Hasson*

Date: 21/09/16

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Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0522/RI	Proposed dwelling and garage	Adjacent to 53 Ballyscullion Road Bellaghy	01/08/2016	Martin Milne 44 Ballyscullion Road Bellaghy BT45 8NA	CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
LA09/2015/1132/F	Proposed replacement dwelling (existing dwelling to be retained until new dwelling is complete to enable applicant to continue to live there during construction)	19 Cullion Road Desertmartin Magherafelt BT45 5NR	02/08/2016	Mr and Mrs Michael O'Kane 19 Cyllion Road Desertmartin Magherafelt BT45 5NR	Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
LA09/2016/0235/O	Proposed dwelling with domestic detached garage	Approx 50m East of 80 Screeby Road Fivemiletown	02/08/2016	Ian and Gillian Browne 47 Screeby Road Gortmore Fivemiletown BT75 0LF	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2016/0273/F	Single storey extension to side of dwelling comprising of disablement bedroom and shower room	37 Greenvale Drive Cookstown BT80 8HW	02/08/2016	Sinead O'Driscoll 27 Greenvale Drive Cookstown BT80 8HW	Jeff Lamont 82 Windsor Crescent Cookstown BT80 8EZ

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0344/F	Erection of replacement dwelling, amended design and siting to dwelling ,previously approved under M/2014/0210/F	17 Creevagh Road Carland Dungannon	02/08/2016	Mr and Mrs Ethan Allen 14 Erinvale Gardens Finaghy Belfast	Robert Brown Architectural Solutions Ltd 12 Derryhoney Road Beagho Lisbellaw BT94 5DH
LA09/2016/0527/F	Proposed change of use from existing vacant commercial property to residential premises	49 Oldtown Street Cookstown BT80 8EF	02/08/2016	Mr Rodger McCombe 12 Tamlaghtmore Road Cookstown BT80 9UT	CMI Planners Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
LA09/2016/0582/F	Single storey extension to rear of property	9 Tobin Park Moortown	02/08/2016	Mr John Wilson 145 Ballinderry Bridge Road Cookstown BT80 0AY	Taggart Design 133A Coolreaghs Road Cookstown BT80 9QD
LA09/2016/0620/F	Proposed one and a half storey gable extension to existing dwelling	29 Greenfield Fivemiletown	02/08/2016	Chris Powell 29 Greenfield Fivemiletown BT75 0RZ	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2016/0724/F	Proposed replacing 2 flat roofs to rear returns with pitched roofs and internal repairs and improvements to dwelling	16 Donaghmore Road Dungannon	02/08/2016	Bernadette Hughes 16 Donaghmore Road Dungannon	Sean J Donnelly 8 Devesky Road Carrickmore Omagh BT79 9BU

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0832/F	Proposed extension and alterations to dwelling	15 Glendavagh Road Aughnacloy	02/08/2016	Mr Quentin Bell 15 Glendavagh Road Aughnacloy	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
LA09/2016/0292/F	Proposed new building for the shelter and stabling of ponies and associated storage of food stuffs for domestic activities only	207 Mountjoy Road Brockagh Coalisland	03/08/2016	Martin Coleman 207 Mountjoy Road Brockagh Dungannon	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/0661/F	Proposed dwelling and garage	Lands between 17 and 21 Backlower Road Dungannon	03/08/2016	Mr N Wylie 15 Backlower Road Dungannon	CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2016/0680/F	Proposed single storey extension to dwelling to provide 2No. bedrooms	19 Donamoney Road Dungannon	03/08/2016	Mr John Ross 18 Donamoney Road Dungannon	Daly O'Neill and Associates Ltd 23 William Street Portadown BT62 3NX
LA09/2016/0538/F	Proposed extension to existing dwelling	37 Castle Oak Castledawson	04/08/2016	Mary Bevan 37 Castle Oak Castledawson BT45 8RX	Newline Architects 48 Main Street Castledawson BT45 8AD

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0574/F	2 storey side extension to dwelling incorporating kitchen and living on ground floor with bedroom and en suite on first floor	24 Beechland Road Magherafelt BT45 6BG	04/08/2016	Mr Ashley Booth 45 Ballynagarve Road Magherafelt	RBA 41 Dromona Road Cullybackey Ballymena BT42 1NT
LA09/2016/0611/F	Proposed single storey extension to connect existing dwelling and garage forming an external courtyard and additional storey added over existing dwelling	22 Killary Lane Coalisland Dungannon	04/08/2016	Gary Friel 22 Killary Lane Coalisland Dungannon BT71 5QE	Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
LA09/2016/0639/F	Renewal of Planning Application I/2011/0139/F (Replacement Dwelling)	40 Ballyblagh Road Ballyblagh Dungannon	04/08/2016	Stephen Ferguson	Shaw Design 34 Grange Road Dungannon BT71 7EQ
LA09/2016/0689/F	Rear extension to dwelling to provide utility room and WC, and side extension to provide additional space to kitchen/dining area	25 Tullyleek Road Donaghmore Dungannon	04/08/2016	Mr Declan Molloy 25 Tullyleek Road Donaghmore Dungannon BT70 3BA	Paul Lavery 14 Bernagh Gardens Dungannon BT71 4AP
LA09/2016/0701/F	Single storey rear extension to provide kitchen, porch and shower room and side extension to provide bedroom	39 Loves Road Magherafelt	04/08/2016	Jean Love 39 Loves Road Magherafelt BT45 6LB	T J Fullerton 12 Rainey Court Magherafelt BT45 6LB

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0750/F	Single storey extensions to rear and right hand gable of to dwelling to create new kitchen, living and utility spaces	21 Ballyheifer Road Magherafelt	04/08/2016	Anne Halferty 21 Ballyheifer Road Magherafelt BT45 5DX	Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
LA09/2016/0765/F	Extensions and Alterations to Dwelling	56 Cavanoneill Road Pomeroy	04/08/2016	Mrs Jane Tierney 56 Cavanoneill Road Pomeroy BT70 2SH	APS Architects LLP No 4 Mid Ulster Business Park Cookstown BT80 9LU
LA09/2016/0822/NI	Additional 600m width to gable projection with the rear windows replaced with French doors.	300m SW of 275 Newtownsaville road Augher	04/08/2016	John and Leanne Robinson 14 Tycany road Garvaghy Dungannon	Neil Irine Design Limited unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2015/1007/F	Proposed extension to existing workshop for assembly purposes	North East corner of unit 8 Tyrone Crystal Complex 115 Coalisland Road Dungannon	05/08/2016	Mallaghan Engineering 69 Coalisland Road Dungannon BT71 6LA	Teague and Sally Ltd 18 Loy Street Cookstown BT80 8PE
LA09/2015/1166/O	Proposed conversion and extension to existing building to form a dwelling (amended description)	10 meters West of 59 Kinrush Road Ardboe	05/08/2016	Ciaran Coyle 59 Kinrush Road Ardboe	CMI Planners Ltd Unit C5 - The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/1304/F	Amendment to planning approval H/2014/0282/F Reduction in hub height from 36m to 30m and change in rotor diameter from 29.6m to 34m	Lands 356m East of 25 Ballynacross Magherafelt BT45 8PY	05/08/2016	BSI Wind Ltd 1 Davies Road Newtownstewart	CD Consulting Unit 54 Enniskillen Business Centre 21 Lackaghbhoy Road Enniskillen BT74 4RL
LA09/2016/0554/O	Proposed replacement dwelling and garage	12A Lisdoart Road Ballygawley	05/08/2016	Mr Ronald Coote 12 Lisdoart Road Ballygawley BT70 2NG	Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
LA09/2016/0578/F	Proposed vehicular access to existing storage yard	75 Clabby Road Fivemiletown BT75 0QU	05/08/2016	Roy Fleming 75 Clabby Road Fivemiletown	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2016/0587/F	Proposed Extension to existing light industrial shed to provide welding training area	116 Deerpark Road Toomebridge BT41 3SS	05/08/2016	SDC Trailers Ltd 116 Deerpark Road Toomebridge BT41 3SS	Newline Architects 48 Main Street Castledawson BT45 8AB
LA09/2016/0610/F	Extension to dining hall, staffroom and store. New canopy at front entrance for drop off and associated revision to bus parking and roundabout	Kilronan School 46 Ballyronan Road Magherafelt	05/08/2016	Education Authority North Eastern Region 52-56 Ballymoney Road Ballymena BT43 6AN	McLean & Forte Partnership 37 Malone Road Belfast BT9 6RX

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0624/NI	Proposed repositioning of sunlounge of the detached house on site No.1 of the enclosed site plan ie, the sun lounge is being moved from the rear right hand side of the house to the rear left hand corner.the size of the house ,the siting and the front elevation of the dwelling will remain as originally approved before	Site 1 Lands to the rear and adjacent to 139 - 141 Old Caulfield Road Castlecaulfield Dungannon	05/08/2016	Alskea Contracts Ltd 16A Crosscavanagh Road Galbally Dungannon	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/0629/F	Proposed domestic garage	16 Creevelough Road Dungannon	05/08/2016	Denver Bloomer 16 Creevelough Road Dungannon	Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
LA09/2016/0650/F	Proposed single storey rear extension to provide new bedroom and shower room under NIHE grant	18 Sandymount Magherafelt	05/08/2016	Ms L Morrow 18 Sandymount Magherafelt	Paul Moran Architect 188 Drumsamney Road Desertmartin Magherafelt BT45 5LA
LA09/2016/0655/F	Storage Building	2 Lisnamuck Road Tobermore Magherafelt	05/08/2016	Tobermore Concrete Products 2 Lisnamuck Road Tobermore Magherafelt	Park Design Associates Parkmore House Parkmore Hts Cullybackey Road Ballymena BT43 5DB

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0657/F	Proposed double garage in connection with previously approved dwelling Ref, H/ 2014/0242/RM	Opposite 40 Tamlaghtduff Road Bellaghy	05/08/2016	Mr T McElwee 3 Drumlamph Road Bellaghy	Paul Moran Architect 18B Drumsamney Road Desertmartin BT45 5LA
LA09/2016/0673/F	Proposed farm dwelling and garage	Approx 60m S.E. of 130 Mullaghboy Road Bellaghy	05/08/2016	Shaun Hughes 2 Blackpark Park Kilrea	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2016/0715/F	Sun Room and bedroom extension to dwelling	134 Hillhead Road Castledawson	05/08/2016	Raymond And Tracy Nicholl 134 Hillhead Road Castledawson BT45 8ES	
LA09/2016/0735/F	Variation of Condition No 7 of Planning Approval H/2010/0009/F	Crockandun approximately 450m WSW of junction of Cullion Road and Drumard Road Draperstown Magherafelt.	05/08/2016	Mr Tom O'Donnell Brookfield Renewable Ireland Level 5 City Quarter Building Cork	

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0795/NI	Non Material Change to Planning Approval H/2008/0545/RM - Minor increase in ground floor area, additional windows, additional doors (in exterior walls)	42 Cahore Road Draperstown Magherafelt	05/08/2016	Mr John McConnell 42 Cahore Road Draperstown Magherafelt BT45 7LY	
LA09/2016/0800/O	Proposed Dwelling	site at 81m North East of 70 Oldtown Road Bellaghy	05/08/2016	Brendan Kearney 4 Limetree Manor Magherafelt BT45 5TP	Newline Architects 48 Main Street Castledawson BT45 8AB
LA09/2015/1069/O	Proposed site for a single detached dwelling (bungalow) on a farm	Adjoining 1 Urbalshinny Road Maghera BT46 5PD	08/08/2016	Mr Eamon Logue 6 Urbalshinny Road Maghera BT46 5PD	J D Forrest 185 Irish Green Street Limavady BT49 0AR
LA09/2016/0595/LI	Proposed rear single storey extension to existing semi detached dwelling at site 47	Site 47 The Olde Fairways Avenue Colebrook Road Fivemiletown	08/08/2016	Rahoran Limited C/o. 103 Main Street Fivemiletown	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2016/0596/LI	Proposed rear single storey extension to existing semi detached dwelling at site 48	Site 48 The Olde Fairways Avenue Colebrook Road Fivemiletown	08/08/2016	Rahoran Limited C/o.103 Main Street Fivemiletown	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0678/R	One and Three Quarter storey dwelling with associated site works	Adjacent to and South East of 46a Drumenny Road Ballinderry	08/08/2016	Declan Mc Geehan 44b Magheragh Road Randalstown	Building Design Solutions 76 Main Street Pomeroy BT70 2QP
LA09/2015/1099/F	Proposed development comprising of 25 two storey dwellings with associated site works	Lands to the South of pinebank Park Pinegrove and East of 10-26 Regents Court Coalisland	09/08/2016	J and V Construction 30 Creenagh Road Dungannon	Clarman And Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
LA09/2015/1139/O	Erection of dwelling and all associated site works	Site approximately 130m East of 9 - 11 Tamlaghtmore Road Derrycrummy Cookstown	09/08/2016	Raymond Hamilton 116 Moneymore Road Cookstown BT80 9UU	
LA09/2016/0086/F	Replacement Dwelling	12 Derrycrin Road Ballinderry	09/08/2016	Mr Stephen McIvor 74 Morganhill Road Cookstown BT80 8HB	CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2016/0548/F	Proposed 15m telecommunication mast to carry 3 antennae and 2 radio dishes, and associated works including 2 equipment cabinets and site compound	Lands c.181m west of 120 Mullanahoe Road Ardboe BT71 5AU	09/08/2016	Telefonica UK Limited 260 Bath Road Slough SL1 4DX	Ross Planning 9a Clare Lane Cookstown BT80 8RJ

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0552/F	Change of house type to include sun rooms to approved house numbers 15 and 16 Gort Manor	Gort Manor (lands opposite No 67) Gortgonis Road Coalisland (House No's 15 and 16)	09/08/2016	Mr Peter O'Neill 80 Moor Road Coalisland BT71 4QD	McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/0613/F	Dwelling and garage in an infill site to supersede previously approved application I/ 2013/0371/F	Adjacent to 75C Kinrush Road Ardboe Coagh	09/08/2016	Liam Wilkinson 70 Kilmascally Road Stewartstown	
LA09/2016/0628/RI	Proposed dwelling and garage	Site between 10 and 12 Keenaghan Road Rock	09/08/2016	Mr Eamon Ward 10 Keenaghan Road Rock Dungannon BT70 3JL	
LA09/2015/0382/F	Proposed bungalow with basement domestic garages and rooms in the roofspace	28m South West of 74 Coleraine Road Maghera	10/08/2016	Barry Meek 4 Rowan Glynn Maghera BT46 5FG	M J Fullerton 12 Rainey Court Magherafelt BT45 5BX
LA09/2015/0418/F	Retrospective pedestrian footway	Springhill 20 Springhill Road Moneymore	10/08/2016	The National Trust Rowallane Saintfield BT24 7LH	Helen Kirk Rowallane Saintfield BT24 7LH
LA09/2016/0030/F	Retention of dwelling and garage as per constructed	Site at 140m NW of 74 Aughrim Road Magherafelt	10/08/2016	Mr Vincent McCann 76 Aughrim Road Magherafelt BT45 6JY	Newline Architects 48 Main Street Castledawson BT45 8AB

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0246/F	Dwelling and Garage to Supersede Outline Planning Approval I/2015/0114/O	Approx 50m SW of 2 Loup Road Moneymore	10/08/2016	Mr Adrian Gavin 20 Fairlea Heights Moneymore Magherafelt BT45 7UQ	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2016/0489/F	Renewal of Previous Planning Approval I/2009/0596/F	Lands adjacent to 23 Oaklea Road Magherafelt	10/08/2016	Mr Gerry O'Brien 'Lyndhurst' Jacksmere Lane Scarisbrick Nr Ormstrich Lancashire L40 9R	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0514/RI	Proposed single dwelling and garage	Adjacent to 45 Gortahurk Road Desertmartin	10/08/2016	John Murphy 45 Gortahurk Road Desertmartin BT45 5NN	CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AG
LA09/2016/0621/F	Change of use from video rental store (Class A1) to a hot food takeaway with an internal seating area (Sui Generis); installation of extraction/ventilation equipment; alterations to the shopfront and installation of LPG tanks.	5 Rainey Street Park Magherafelt	10/08/2016	Domino's Pizza UK and Ireland Plc 1 Thornbury West Ashland Milton Keynes MK6 4BB	Pegasus Group Equinox North Great Park Road Almondsbury Bristol BS32 4QL

Delegated Planning Applications Decisions Issued

Decision Issued From: 01/08/2016 To: 31/08/2016

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0294/F	Proposed dwelling and garage	Lands to the rear of 97 Loup Road Moneymore BT45 7ST	11/08/2016	Mark and Aisling Wilson 97 Loup Road Moneymore BT45 7ST	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0588/RI	Proposed farm dwelling and garage	Approx 30m North West of 37 Ballymaguigan Road Magherafelt	11/08/2016	John Young 37 Ballymaguigan Road Magherafelt BT45 6LE	CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2016/0607/F	Alterations and extensions to dwelling to provide disabled facilities	72 Claggan Road Cookstown	11/08/2016	Mrs Nessa Thom 72 Claggan Road Cookstown BT80 9UD	Henry Murray 37C Claggan Road Cookstown BT80 9XJ
LA09/2016/0414/O	Proposed dwelling and domestic garage	Approx 20m North and adjacent to 69 Coash Road Ballynakilly Dungannon	12/08/2016	Mark Nicolay 66 Coash Road Ballynakilly Dungannon BT71 6JE	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2016/0584/F	Proposed extension to rear of building to create additional storage space external covered area	20 Sandholes Road Cookstown	12/08/2016	Scott Contracts Ltd 20 Sandholes Road Cookstown	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

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LA09/2016/0623/RI	Dwelling and Garage	30m East of no 14 Ardtrea Road Stewartstown	12/08/2016	George Allen Nelson 14 Ardtrea Road Stewartstown BT71 5LY	
LA09/2016/0694/RI	Proposed dwelling on a farm	Adjacent to 7 Lisnamonaghan Road Dungannon	12/08/2016	Mr Richard Tener 7 Lisnamonaghan Road Dungannon	Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
LA09/2016/0713/RI	Proposed dwelling and domestic garage	Adjacent to 69 Coash Road Dungannon	12/08/2016	Mr Jonathon Little 27 Ashbrooke Coash Road Dungannon	Dennis O'Neill 90 Gortgonis Road Coalisland BT71 4QG
LA09/2016/0727/F	Proposed church linked to the existing building with associated toilet facilities, minister room and cry room. Existing church building to be retained to serve as a church hall.	150 Ballagh Road Fivemiletown	12/08/2016	Rev Peter Mc Intyre Clogher Valley Free Presbyterian Church 13 Willand Crescent Fivemiletown	McCarter Hamill Architects 44 Circular Road Dungannon BT71 6BE
LA09/2016/0766/F	Renovations and Rear Extension to Existing Cottage	22 Kilnacart Road Tyhan Dungannon	12/08/2016	Mr Joel Kerr 20 Kilnacart Road Dungannon BT70 1PD	2020 Architects 37 Main Street Ballymoney BT53 6AN

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LA09/2016/0786/F	Extension to rear of existing bungalow to provide additional living space	16 Whites Road Cabragh Dungannon	12/08/2016	Mr Francis Fox 16 Whites Road Cabragh Dungannon	Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
LA09/2016/0812/RI	Proposed replacement dwelling	64 Derrytresk Road Coalisland	12/08/2016	Peter Corr 59 Kilary Lane Stewartstown Dungannon	OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
LA09/2016/0838/NI	Alterations to internal layout with slight alterations to windows and alteration to rear return to accommodate attached garage. (Area affected externally are approximated highlighted on the attached existing plans but refer to new plans for full details)	Approx 135m ESE of 126 Killycolpy Road Dungannon	12/08/2016	Mr Gerard Devlin 58 Killycolpy Road Dungannon BT71 5AL	Mr Henry Murray 37c Claggan Road Cookstown BT80 9XJ
LA09/2016/0856/F	Proposed chill room to front of existing supermarket to include associated building/site works	Newell stores 50 Newell Road Dungannon	12/08/2016	Newell Stores 50 Newell Road Dungannon	Clarman and Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
LA09/2016/0859/F	New 3G sports pitch to replace existing grass playing field and tennis courts, to include 5m high ballstop fencing and 12m high ballcatch netting with 15m high floodlighting columns and associated landscaping works	Aughnacloy College 23 Carnteel Road Aughnacloy	12/08/2016	Education Authority 3 Charlemont Place The Mall Armagh BT61 9AX	Education Authority 3 Charlemont Place The Mall Armagh BT61 9AX

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LA09/2016/0191/O	Proposed infill site for dwelling	Proposed infill site opposite 40 Derryloughan Road Coalisland	15/08/2016	Mr Dwyne Quinn 32 Lisnastraine Road Coalisland	Dennis O'Neill 90 Gortgonis Road Coalisland BT71 4QG
LA09/2016/0465/F	Change of house type from previously approved under I/ 2014/0257/RM	Approx 165m NW of 22 Killycolpy Road Carnan Stewartstown Dungannon	16/08/2016	Mr and Mrs G Quinn 46 Cluaneo Meadows Coalisland Dungannon BT71 5EN	T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
LA09/2016/0403/F	Replacement Dwelling	26 Rogully Road Loup Cookstown	17/08/2016	R Scott 22B Rogully Road Loup Cookstown BT80 0AN	T A Gourley 32 The Spires Cookstown BT80 8QT
LA09/2016/0569/O	Replacement Dwelling and Garage	270m West of 87 Mullan Road Cookstown	17/08/2016	Mr C McElroy 2 Hartley Hall Crescent Greenisland Carrickfergus	Terry Scullion Architects 158 Ballinderry Bridge Road Cookstown BT80 0AY
LA09/2016/0896/LI	Proposed new disabled ramped access to rear of existing dwelling and new level access shower facility within existing bathroom	30A Carmean Road Magherafelt	17/08/2016	Jean Keenan 30A Carmean Road Magherafelt	Diamond Architecture 77 Main Street Maghera BT46 5AB

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LA09/2016/0430/F	Removal of condition 3 on Planning Application M/ 2012/0534/F	131m south east of 131 Rehaghy Road Aughnacloy	18/08/2016	Mr Robert Parr 131 Rehaghy Road Aughnacloy	CD Consulting Unit 54 Enniskillen Business Centre Lackaghboy Road Enniskillen BT74 4RL
LA09/2016/1004/LI	Erection of Lean too Barn open on 4 sides with corrugated roof covered with solar panels from existing access	38 Luney Road Luney Desertmartin	18/08/2016	Mr. G. Stewart 38 Luney Road Luney Desertmartin	Architectural Design Service 20 Upper Burren Road Burren Warrenpoint BT34 3PT
LA09/2015/0614/F	Provision of Disabled Access Ramp and Steps to Front Door of Church	St John's Church Ballinderry Bridge Road Cookstown	19/08/2016	Ballinderry Parish Church St John's Church Ballinderry Bridge Road Cookstown	Kee Architecture Ltd 9a Clare Lane Cookstown BT80 8RJ
LA09/2016/0160/F	Change of use on part of the existing yard at engineering business to enable car sales with portable office	Lands at 5 Moneysharvin Road Swatragh Maghera	19/08/2016	Mr Liam McQuillan 5 Moneysharvin Road Swatragh BT46 5QB	Gerard McPeake Architectural Ltd 31a Main Street Limavady BT49 0EP
LA09/2016/0240/F	Alterations and extension to previously approved house type (Planning Ref I/2010/0495/F)	70m North of No 11 Woodvale Road Moneymore	19/08/2016	Mr and Mrs J Wilson 2 Tirkane Road Maghera BT46 5AG	Diamond Architecture 77 Main Street Maghera BT46 5AB

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LA09/2016/0375/O	Gap site for dwelling and garage	Approx 55m SE of 4 Springhill Houses Springhill Road Moneymore	19/08/2016	Mrs Cecelia Donnelly 19 Drumsough Road Randalstown BT41 2NW	APS Architects LLP Unit 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
LA09/2016/0671/O	Proposed farm dwelling and domestic garage	Site immediately south and adjacent to 78 Cookstown Road Feroy Carland Dungannon	19/08/2016	Arthur Kelly 78 Cookstown Road Feroy Carland Dungannon	Mc Keown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/0818/F	Proposed extension and conversion of garage to bedroom	21 Bellagherty Road Magherafelt	19/08/2016	Malachy and Emma Delvin 21 Bellagherty Magherafelt BT45 6JJ	
LA09/2016/0836/F	Proposed change of house type from that previously approved in Planning ref no. M/2014/0298/F	Approx 220 metres South East of no 66 Kilnaslee Road Dungannon	19/08/2016	Mr S Gilkinson 73 Shanmaghera Road Dungannon BT70 2TT	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
LA09/2016/0846/F	Single storey replacement dwelling and detached garage	540m SE of no74 Gortindaragh Road Dungannon	19/08/2016	Mr and Mrs Paul Rafferty 18 Kildrum Lurgylea road Dungannon	Mr Barry O' Donnell 33 Tullybryan road Ballygawley BT70 2LY

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0922/F	New single storey annex dwelling within the curtilage of 66 Mullaghmarget Road, Dungannon, with shared access and in relation to PPS21 CTY6	Adjacent to 66 Mullaghmarget Road Dungannon BT71 6QX	22/08/2016	Mr McKearney 66 Mullaghmarget Road Dungannon BT71 6QX	Manor Architects Ltd Stable Buildings Manor House 30A High Street Money more BT45 7PD
LA09/2016/0397/F	Removal of condition no's 2, 3 and 4 of Planning Permission I/ 2010/0325/F (in relation to Transport NI issues)	Land approximately 180m South of factory at Karro Food Group Ltd 70 Molesworth Road Cookstown	22/08/2016	KARRO FOOD GROUP Ltd 70 Molesworth Road Cookstown BT80 8PJ	HOY DORMAN Suite 5 Stirling House 478 Castlereagh Road Belfast BT5 6BQ
LA09/2016/0431/F	Proposed 2 Storey extension to rear of existing dwelling	33 Crawfordsburn Drive Maghera BT46 5AJ	22/08/2016	Mr and Mrs B Doherty 33 Crawfordsburn Drive Maghera	Paul Moran Architect 188 Drumsamney Road Desertmartin Magherafelt BT45 5LA
LA09/2016/0453/LI	Proposed shed	41m West of 15 Drumard Lane Draperstown BT45 7LF	22/08/2016	Gerard McMaster 15 Drumard Lane Draperstown Magherafelt BT45 7LF	CMI Planners Ltd Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
LA09/2016/0814/DI	Discharge of planning condition No.8 of Planning Ref. M/ 2007/1407/F	Shantavny Scotch Omagh Road Ballygawley	22/08/2016	Tyrone Wind Energy C/ o.agent	Juno Planning 409 Lisburn Road Belfast BT9 7EW

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LA09/2016/0831/F	Granny Flat Extension	18 Lurganagoose Road Knockcloughrim	22/08/2016	Arlene Yendal 18 Lurganagoose Road Knockcloughrim BT45 8QY	Newline Architects 48 Main Street Castledawson BT45 8AB
LA09/2016/0839/F	Single storey rear extension to provide sun lounge and side extension to provide playroom	2b Island Road Tobermore Magherafelt	22/08/2016	Mr and Mrs Darren Shields 2b Island Road Tobermore Magherafelt	T J Fullerton 12 Rainey Court Magherafelt BT45 5BX
LA09/2016/0901/F	2 Storey extension to dwelling to provide kitchen and toilet on ground floor with 2 bedrooms and bath room over	26 Eden Road Portglenone	22/08/2016	Mr Nevin Riddell 26 Eden Road Portglenone	Select Design Services 32 Garvaghy Road Portglenone BT44 8EF
LA09/2016/0970/F	Closure of existing and relocation of access - revised arrangements from Private Streets determination to allow safe development	3 Brough Road Castledawson	22/08/2016	Paul McGrogan Hillhead Road Castledawson	ESH Consulting 15 Bellshill Road Castledawson BT45 8HG

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/1100/D	Proposed Discharge of planning condition on approval Ref. M/ 2015/0004/F	Lands adjacent to and opposite 10 Tamnamore Road Killyman	22/08/2016	Colin Stewart McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD	
LA09/2016/0600/F	Proposed replacement of single semi detached dwelling to detached dwelling	Lands to rear of 62b Airfield Road Toome	23/08/2016	Sean Corr 62b Airfield Road Toome	CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2016/0683/F	Proposed 2 storey dwelling	Between 3 and 4 Dreenan Lane Maghera	24/08/2016	Shauna McCloy 89 Gulladuff Road Magherafelt	M J Fullerton 12 Rainey Court Magherafelt BT45 5BX
LA09/2016/0247/O	Proposed site for farm dwelling and garage	70m West of 27 Salterstown Road Magherafelt	25/08/2016	Mr Daniel Robinson 27 Salterstown Road Ballyronan Magherafelt BT45 6JH	Vision Design 31 Rainey Street Magherafelt BT45 5DA

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LA09/2016/0418/R	Proposed new two storey dwelling with attached carport and garage	Adjacent to 26 Claggan Road Tullynure Cookstown	25/08/2016	Mr and Mrs Gary Lennox 16 Coolmount Park Cookstown BT80 8YB	Rodney Henry 2 Liscoole Cookstown BT80 8RG
LA09/2016/0696/F	Proposed infill dwelling and garage	Lands adjacent to 129 Moneymore Road Magherafelt	25/08/2016	Henry Bros Ltd 108-114 Moneymore Road Magherafelt	Vision Design 31 Rainey Street Magherafelt BT45 5DA
LA09/2016/0698/F	Alterations and extensions to existing club building	51 Longfield Road Desertmartin Magherafelt	25/08/2016	Mr Pat Kidd 17 Moorside Villas Desertmartin Magherafelt BT45 5PA	Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
LA09/2016/0703/F	Single storey rear extension for shower room and lobby	16 Meeting House Avenue Maghera	25/08/2016	Beryl Hutchinson 16 Meeting House Avenue Maghera BT46 5BB	Architectural Services 5 Drumderg Road Draperstown BT45 7EU
LA09/2016/0778/F	Overcladding of Existing Roof	100 Glen Road Maghera	25/08/2016	3Y Group 100 Glen Road Maghera BT46 5JG	Teague and Sally Ltd Loy Buildings 18 Loy Street Cookstown BT80 8PE

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Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0876/F	Single storey extension to front of dwelling to accommodate new entrance porch	6 Roshure Road Motalee Magherafelt	25/08/2016	Carolyn and Stuart Gibson 6 Roshure Road Motalee Magherafelt	AQ Architects 53 Meeting Street Magherafelt BT45 6BW
LA09/2016/0899/F	Relocation of prefabricated accommodation comprising a classroom and multi purpose room to Lissan Primary School	Lissan Primary School 6 Claggan Road Cookstown	25/08/2016	Trustees of Lissan Primary School. V Rev P Hughes Parochial House 10 Cloughfin Road Cookstown	Education Authority 3 Charlemont Place The Mall Armagh BT61 9Ax
LA09/2015/0616/LE	Provision of Disabled Ramp and Steps to Front Door of Church	St John's Church Ballinderry Bridge Road Cookstown	26/08/2016	Ballinderry Parish Church St John's Church Ballinderry Bridge Road Cookstown	Kee Architecture Ltd 9A Clare Lane Cookstown BT80 8RJ
LA09/2016/0734/F	Proposed single storey extension to rear of dwelling to provide bedroom and en-suite	31 Milestone Dungannon	26/08/2016	Margaret McCombe 31 The Milestone Dungannon BT70 1HG	Paul Lavery 14 Bernagh Gardens Dungannon BT71 4AP

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LA09/2015/0733/F	Demolition of existing Orange Hall and erection of 2 town houses	43 Killyman Street Moy BT71 7SJ	30/08/2016	Mr Lesley Wilson C/o agent	Colm Donaghy Chartered Architect 24 Killyman Street Moy BT71 7SJ
LA09/2015/1233/F	Proposed amended house design for sites 8-11 and sites 42 - 45 to that previously approved under application M/2009/0012/F	Lands at 178 Bush Road Coalisland	30/08/2016	Western Building Systems Ltd 11 Mountjoy Road Coalisland	McKeown and Shields 1 Annagher Road Coalisland
LA09/2016/0076/F	Replacement dwelling with detached domestic garage	46a Sixtowns Road Draperstown	30/08/2016	Seamus Hegarty 44 Sixtowns Road Draperstown	Diamond Architecture 77 Main Street Maghera BT46 5AB
LA09/2016/0258/O	Proposed dwelling and garage	45m North West of 39 Drumderg Road Draperstown	30/08/2016	John Convery 40 Drumderg Road Draperstown Magherafelt BT45 7EU	CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2016/0589/NI	Non Material Change to approval M/2010/0206/F	Lands approx. 250m North West of 72 Tullydraw Road Dungannon	30/08/2016	Mr K O'Neill 70 Tullydraw Road Dungannon	Henry Murray 37c Claggan Road Cookstown BT80 8XJ

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LA09/2016/0737/F	Stable for horses including storage for equipment and food	109 Carnteel Road Carnteel Aughnacloy	30/08/2016	Lester Weir 109 Carnteel Road Carnteel Aughnacloy BT69 6EF	Scott Montgomery 163 Brackaville Road Coalisland BT71 4NL