

**A**

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 August 2016 in Council Offices, Ballyronan Road, Magherafelt**

<b>Members Present</b>	Councillor Clarke, Chair  Councillors Bateson, Bell, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan (7.17 pm), McEldowney, McKinney, McPeake, Reid, Robinson, J Shiels
<b>Officers in Attendance</b>	Mr Bowman, Head of Development Management Ms McCullagh, Senior Planning Officer Ms McKearney, Senior Planning Officer Ms McNally, Solicitor Miss Thompson, Committee Services/Senior Admin Officer
<b>Others in Attendance</b>	<b>Applicant Speakers</b> LA09/2016/0164/F      Mr O’Kane LA09/2016/0310/F      Mr Cassidy H/2014/0354/F      Mr Loughrey

The meeting commenced at 7.00 pm

**P137/16      Apologies**

Councillors McAleer and Mullen.

It was noted that Councillor Mallaghan would join the meeting later.

**P138/16      Declarations of Interest**

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

Councillor Kearney declared an interest in planning application LA09/2016/0164/F and advised he would speak on this item later in the meeting.

**P139/16      Chair’s Business**

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

**P140/16      Confirm Minutes of the Planning Committee Meeting held on Tuesday 5 July 2016**

Proposed by Councillor Robinson  
Seconded by Councillor Bell and

**Resolved** That the minutes of the meeting of the Planning Committee held on Tuesday 5 July 2016, (P127/16 – P132/16 & P136/16), were considered and signed as accurate and correct.

In response to Councillor Cuthbertson's question the Head of Development Management advised that there had been no downturn in the number of applications being received but that staff summer leave was a contributing factor to the fewer number of applications being on the agenda.

The Chair, Councillor Clarke stated that there was still a high throughput of applications on the validated list.

### **Matters for Decision**

#### **P141/16 Planning Applications for Determination**

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

#### **LA09/2015/1209/F Dwelling and detached garage at 60m E of 45 Gulladuff Road, Maghera for Ronan O'Neill**

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

Councillor McPeake declared an interest in this application.

Proposed by Councillor J Shiels  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2015/1209/F be approved subject to conditions as per the officer's report.

#### **LA09/2016/0164/F Replacement dwelling and garage at 17 Tobermore Road, Magherafelt for Mr O'Neill**

The Head of Development Management presented a report on planning application LA09/2016/0164/F advising that it is recommended for approval.

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

Mr O'Kane stated that he lived adjacent to the application site and that the living areas of his home were to the rear of the house where his family spend 90% of their time. Mr O'Kane stated that the application would have an adverse impact on his family living space due to overshadowing and that late afternoon and evening sun will be blocked by this application. Mr O'Kane also advised that no one had visited his property to observe the relationship between the two properties.

Mr O’Kane advised that the proposed proximity and position of the replacement dwelling is also an issue as the replacement dwelling is proposed to move forward on the site which he felt will cause overbearance and overlooking to his own property. Mr O’Kane advised that his own property had a single storey side extension and was designed in sympathy with other nearby properties and asked that consideration be given to similar type of extension for this application. Mr O’Kane also stated that he had not objected to a previous application at 17 Tobermore Road.

Mr O’Kane asked that the Committee refuse the application due to the overshadowing and overbearance which will be caused to his own property.

Councillor Kearney advised he was speaking on behalf of the applicant and stated that the property at 17 Tobermore Road had been in the ownership of the O’Neill family since 2002 and that the application is intended to be a home for Mr O’Neill and his wife.

Councillor Kearney advised that the applicant did initially consider redevelopment of the current dwelling which is on site but now believes replacement of the dwelling to be more favourable. Councillor Kearney stated that the applicant accepts the application site is within an urban area but feels that the proposal will enhance the area. Councillor Kearney also advised that the applicant has sought to work with planners in relation to this application and has made attempts to overcome issues of concern.

Councillor Kearney advised that there is only one first floor window on the side extension which will overlook the property at 15 Tobermore Road, this will be a bathroom window with frosted glass. In addition, it was advised that the hipped end of the roof of the side extension has had its eaves dropped and if dropped any further will mean loss of room space.

Councillor Kearney stated that neither the height nor proximity of the proposal was excessive and that floor levels would not be changed. Councillor Kearney advised that the applicant accepted the right of neighbours to object to the application but felt that the proposal had been planned sympathetically.

*Councillor Kearney withdrew to the public gallery*

The Head of Development Management stated he had visited the application site that morning and accepted that the proposal will be in closer proximity to no. 15 than what is on site currently however attempts have been made by the applicant to resolve issues and stated that the proposed 12m separation between the two dwellings is generous. The Head of Development Management stated that overall the proposal was still acceptable.

*Councillor Mallaghan entered the meeting at 7.17 pm*

In response to Councillor Bell’s question Mr O’Kane advised that the photographs submitted had been taken at dusk (10 pm approximately). Mr O’Kane stated that issues in relation to proximity needed to be addressed.

Councillor McPeake asked if overshadowing had been properly considered and if so he would be happy to propose the approval of the application.

The Head of Development Management advised that overshadowing and proximity had been given due consideration however a shadow analysis could also be requested which would provide further clarification if Members felt it would be of assistance.

Proposed by Councillor Gildernew  
Seconded by Councillor Bateson and

**Resolved** That a shadow analysis report be provided in relation to application LA09/2016/0164/F.

Councillor Reid asked if the shadow analysis was found acceptable if the application could be approved without coming back to committee.

The Council Solicitor advised that in theory the committee can delegate to the Planning Manager but felt that there would be new information, and it might be best if the application was brought back to committee.

Councillor Bateson asked how long a shadow analysis would take.

The Head of Development advised that a shadow analysis can be done by the agent on a software package and it would therefore depend how long it took the agent to prepare and submit the report.

*Councillor Kearney rejoined the meeting.*

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

The Head of Development Management presented a report on planning application LA09/2016/0310/F advising that it is recommended for refusal.

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

Mr Cassidy advised that the replacement dwelling was occupied by Ms Kathleen McNamee who died in November 2006. The property passed to the applicant following the completion of probate in 2012. Mr Cassidy referred to previously submitted maps which confirm that the replacement dwelling was never part of the applicant's farm.

Councillor Mallaghan asked for clarification regarding ownership of the application site.

Mr Cassidy advised that the applicant was in the process of acquiring the necessary lands.

The Head of Development Management felt that there was still some uncertainty surrounding the application.

Councillor Mallaghan proposed that the application be deferred for an office meeting as it was not felt a decision could be made on the application tonight.

Councillor McKinney seconded Councillor Mallaghan's proposal.

**Resolved** That planning application LA09/2016/0310/F be deferred for an office meeting.

**LA09/2016/0520/F Installation of biogas purification and bottling plant at Granville Ecopark, Granville Industrial Estate, Dungannon for Granville Ecopark Ltd**

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 LA09/2016/0520/F be approved subject to conditions as per the officer's report.

**LA09/2015/1139/O Dwelling at site approximately 130m E of 9-11 Tamlaghtmore Road, Derrycrummy, Cookstown for Raymond Hamilton**

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

Proposed by Councillor Cuthbertson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2015/1139/O be approved subject to conditions as per the officer's report.

**LA09/2015/1193/F Air Rifle Shooting range approximately 80m NE of 30 Todds Leap Road, Ballymackilroy, Ballygawley for Todds Leap Club**

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

Proposed by Councillor Gildernew  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2015/1193/F be approved subject to conditions as per the officer's report.

**LA09/2016/0144/O Site for 2 infill dwellings approximately 10m NW of 27 Colliers Lane, Coalisland for Peter and Jacqueline O'Neill**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0144/O advising that it is recommended for approval.

Proposed by Councillor Reid  
Seconded by Councillor Mallaghan and

**Resolved** That planning application LA09/2016/0144/O be approved subject to conditions as per the officer's report.

**LA09/2016/0517/F Removal/Variance of condition 4 (visability splays) of approval M/2014/0433/O at land approximately 40m SE of 15 Cloghog Road, Coalisland for Mr Joe McLarnon**

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

Proposed by Councillor McKinney  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2016/0517/F be approved subject to conditions as per the officer's report.

**LA09/2015/1166/O Conversion and extension of existing building to form dwelling at site 10m W of 59 Kinrush Road, Ardboe for Ciaran Coyle**

Ms McCullagh (SPO) presented a report on planning application LA09/2015/1166/O advising that it is recommended for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2015/1166/O be approved subject to conditions as per the officer's report.

**H/2014/0354/F Alteration and extension to existing retail building at Forbes Furniture, Station Road Industrial Estate, Magherafelt (Amended Scheme)**

The Head of Development Management presented previously circulated report which gave consideration to Council's position on a planning appeal which was heard in June 2015, of which the appeal decision was subsequently quashed following a legal challenge to the Courts by Mr Forbes.

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

Mr Loughrey advised he represented Castlefarm properties and their objection to the proposal.

Mr Loughrey advised that the initial draft reasons for refusal of the application related to retail impact and traffic safety concerns, this was appealed by the applicant who then went on to launch a legal challenge against the PAC decision when the appeal was dismissed. As the Planning Appeal decision was quashed in its entirety by the High Court and is to be reheard Mr Loughrey felt it was wrong of Council to change its position in relation to the planning application and not contest this appeal.

In relation to the SPPS, Mr Loughrey confirmed that an assessment of need as required by same, had not been carried out.

Mr Loughrey accepted the application had a valid certificate of lawfulness but did not feel this was a realistic fallback position and referred to the PAC's Report at the Article 31 Inquiry which referred to this applicant having only a theoretical fallback. He advised that his clients have an alternative site at Meadowlane which is within the town centre and is capable of accommodating such an application.

Mr Loughrey referred to the transport assessment and went on to advise that his client had now commissioned his own assessor with regard to traffic concerns.

Mr Loughrey stated that there was not enough evidence for Council to change its stance in relation to this application.

In response to Councillor Mallaghan's question the Head of Development Management advised that the application does have a Certificate of Lawfulness however, the key issue relating to the application is the potential of the fallback position available to the applicant, that is, whether it would be reasonable to force the application to move to a town centre location whenever a suitable building already exists.

Councillor Bateson referred to the SPPS which states that planning authorities should adopt a town centre first approach and the potential conflict this creates if Council do not contest the appeal.

The Head of Development Management advised that conditions have been attached to the application which will limit what can be sold on the premises.

Councillor McKinney referred to a Lidl supermarket only being metres away from the application site.

The Chair, Councillor Clarke stated it was important to manage the current situation in the best way possible.

Councillor Bell asked if assurances can be given that town centre businesses will not be negatively affected by this application.



The Head of Development Management advised that the conditions cited in the report which places a limit on the type of items which can be sold should be enough to provide a safeguard against any negative impact on the town centre.

Councillor J Shiels felt the issue before Members was whether they considered the application, with the conditions attached, will attract enough people out of the town to cause concern.

The Head of Development Management advised that Members were not being asked to determine the application but rather whether Council intended to contest the Appeal.

Councillor Bateson stated that this application should not be a back door approach to the applicant getting a supermarket.

Proposed by Councillor McPeake  
Seconded by Councillor Mallaghan and

**Resolved** That Council accept the recommendation not to contest the Appeal and will withdraw the sole planning reason for refusal for planning application H/2014/0354/F provided the proposal remains the same as that proposed in drawing SCH 02 dated 9 February 2015 and subject to the conditions as per the officer's report.

## **Matters for Information**

### **P142/16 Appeal Decisions Received**

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

In relation to appeal decision for application I/2013/0249/O the Head of Development Management highlighted the decision of the Commissioner in which it was concluded that a group of farm dwellings can comprise of just a dwelling and domestic garage. Members were advised that this decision is in conflict with previous appeal decisions but that it will need to be kept in mind when considering future applications.

### **P143/16 Report of Delegated Decisions Issued in June 2016**

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

## **CONFIDENTIAL BUSINESS**

Proposed by Councillor Bell  
Seconded by Councillor Reid and

**Resolved** That items P144/16 to P147/16 be taken as confidential business.

**P148/16      Duration of Meeting**

The meeting was called for 7.00pm and ended at 8.23 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> H/2014/0171/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm dwelling and garage	<b>Location:</b> Approx 135m north of 46 Tamlaghtduff Road Bellaghy BT45 8JQ
<b>Referral Route:</b> Exception to Planning Policy Statement 21, Policy CTY 10.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Mr Deaglan O'Reilly 44 Tamlaghtduff Road Bellaghy BT45 8JQ	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	Env Health Magherafelt District Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received

#### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>	
<p><b>Characteristics of the Site and Area</b></p> <p>The proposed site is currently a large agricultural field site on the road side of Tamlaghduff Road, Bellaghy. The site sits at a lower level than the road and is relatively flat in nature. The site is surrounded by agricultural land.</p> <p>Boundaries:</p> <p>NW/rear - agricultural hedge  NE - agricultural hedge  SW - agricultural hedge  SE/roadside - agricultural hedge and rough scrub</p> <p>To the south of the proposal site sits several detached dwellings, No 44 is a detached single storey property which is stated as the principal farm dwelling, No 46 is a detached 1 1/2 dwelling and No 42 is a single storey detached dwelling.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>This proposal should be considered under the following policies:</p> <p>The Regional Development Strategy  Magherafelt Area Plan 2015  Planning Policy Statement 1 - General Principles  Planning Policy Statement 21 - Sustainable development in the countryside</p> <p>This application was presented to the then Magherafelt District Council on 12 August 2014 with a recommendation to refuse based on 2 reasons</p> <p>(i) it was not visually linked with an established group of buildings on the farm and;  (ii) a lack of integration for a new dwelling.</p> <p>At that time DARD confirmed the business was active and established for more than 6 years. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.</p> <p>Planning permission will be granted for an individual dwelling house in the countryside on a farm in accordance with Policy CTY 10 where all of the following criteria are met:</p> <p>a) the farm business is currently active and has been established for at least 6 years;  b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.  c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.</p>	

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

To help minimise impact on the character and appearance of the landscape such dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.

However since the application was deferred further contact was considered necessary with DARD following the discovery that the same Business ID was used for a different application for a different applicant. DARD are now telling us the farm was never active and no claims have been made nor monies paid out. There have also been queries raised as to the ownership of the land and various submissions of different P2 certificates has not helped our consideration in any way. In order to prove active farming CMI Planners Ltd submitted the following information:

1. Confirmation from the applicant's accountant that he has declared his farming activities to the Inland Revenue since 2009.
2. Confirmation from James Donnelly and Sons that the applicant has supplied potatoes to them since 2009.
3. Invoices from McVey Contracts for work carried out on the land.

A meeting was then held in July 2016 with Ian Milne, MLA, Cllr Sean McPeake, Chris Cassidy and Brendan Monaghan of CMI Planners Ltd, Deaglan O'Reilly with Dr Boomer, myself and Malachy McCrystal also in attendance. At that meeting it was eventually clarified that Mr O'Reilly doesn't own the land despite previous assertions to the contrary. He informed us that he rents it from his uncle, James McElwee who is unable to look after the land. It was made clear to all present that an accurate P2 certificate is necessary and if the land is taken in contact there must be a formal tenancy agreement of which there are at least 40 years unexpired. Following the office meeting this has been received via the agent.

We are also now accepting, based on the documents submitted and the information gained from the applicant at the office meeting that Mr O'Reilly actively farms the land but it would appear to not be on a scale so significant to merit payments from DARD.

In terms of lack of integration there are a number of roadside dwellings in the immediate vicinity of the site. It is my opinion that a single storey dwelling to the rear of the field would not be out of character in this area and with continual growth of the hedges to the field it could provide a suitable backdrop. An amended block plan has been received on 22 July 2016 showing existing planting to be retained and additional planting to be carried out. I am therefore recommending an approval of this application subject to the conditions listed below.

<b>Neighbour Notification Checked</b>	<b>Yes/No</b>
<b>Summary of Recommendation:</b>	
Conditions:	

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 12 May 2014.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

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. The existing natural screenings of the site, as indicated in green, on approved drawing ref 03, date stamped received 22 July 2016 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

6. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted in accordance with a scheme submitted to and approved by the Department along the undefined boundaries as marked in light green on drawing 03, date stamped 22 July 2016.

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

**Signature(s)**

**Date:**



ANNEX	
Date Valid	12th May 2014
Date First Advertised	29th May 2014
Date Last Advertised	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier  	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
<b>Planning History</b>  Ref ID: H/1985/0241 Proposal: BUNGALOW WITH GARAGE Address: TAMLADUFF ROAD, BELLAGHY Decision: Decision Date:  Ref ID: H/2014/0171/O Proposal: Proposed farm dwelling and garage Address: Approx 135m north of 46 Tamlaghtduff Road, Bellaghy, BT45 8JQ, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  	
<b>Drawing Numbers and Title</b>  	

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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## Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> H/2014/0331/O	<b>Target Date:</b>
<b>Proposal:</b> Housing development	<b>Location:</b> Land to the south east of No 1 Park Lane Killyfaddy Road Magherafelt
<b>Referral Route:</b>  This application is being presented to Committee as the proposal involves a departure from the Key Site requirements as detailed in the Magherafelt Area Plan 2015.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> JFM Construction Ltd C/O Agent	<b>Agent Name and Address:</b> J E McKernan and Son 25 Market Road Ballymena BT43 6EL
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



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**Mid Ulster**  
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## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	No Objection
Non Statutory	Env Health Magherafelt District Council	No Objection
Non Statutory	Water Management Unit	No Objection
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received



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Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<p><b>Summary of issues including representations</b></p> <p>No representations have been received in respect of this application.</p>		
<p><b>Description of proposal</b></p> <p>The proposal is an outline application for a housing. During the course of the application, consideration was given to the development of the entire area within the applicant's control. This area includes the lands outline in blue in addition to the proposed site. This was necessary as the additional lands could only be accessed via the proposed site and therefore any road layout would have to reflect that. A concept plan was provided showing a notional layout which would enable all the applicant's lands to be comprehensively developed. However, to so do will require the submission of a second additional application to deal with the additional lands within the blue line.</p> <p><b>Characteristics of the site and area</b></p> <p>The site is located on the Killyfaddy Road and is within the development limits of Magherafelt. The site is zoned as for housing (MT13) in the Magherafelt Area Plan 2015. The site is a road frontage field and is located at the junction of Killyfaddy Road and Park Lane with the site fronting onto Killyfaddy Road. The site is bounded along south-western boundary by the Killyfaddy Road with a low cut thorn hedge containing semi-mature trees. The north-western part of the site sits in a dish with the land rising to the south, east and to the west. The land form rises to a ridge along the north eastern boundary which is gorse covered and effectively screens the dwellings in the adjoining Park Lane and Parkmore housing developments. The site falls steeply from the north western boundary to approximately 3-4m below the adjoining Park Lane entrance road.</p> <p>The Park Lane development wraps around the northern boundary while the eastern boundary being undefined. To the south, there is a single storey detached dwelling. To the immediate south east of the site there is an additional piece of land which forms part of the same field but which is not included within the zoning. This extra portion of the field is still within the settlement development limits of Magherafelt. This area was left out of the zoning as it was intended to be</p>		



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used to accommodate the line of the original Magherafelt by-pass which was to have extended from the Meadowbank Road through the Killyfaddy Road and onto the Moneymore Road. Since this road line is no longer proposed the land is now available for other uses. The area in general is predominantly residential with housing developments wrapping around from the south, west, north and north-east.

### **Planning Assessment of Policy and Other Material Considerations**

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

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

The proposal is in accordance with the Magherafelt Area Plan 2015 insofar as it is located on land which is zoned for housing development - MT 13. There is a planning history of one application on this same site by the same applicant ref: H/2004/0488/O. This application was refused and dismissed on appeal on the grounds of prematurity in relation to the draft Magherafelt Area Plan 2015.

The area plan sets out the key site requirements for this site which are:-

- The density should be between 10 and 15 units per hectare to take account of the topography of the site;
- Steeply sloping and elevated land above the 80m contour level shall be reserved for single storey dwellings with a maximum ridge height of 5.5m;
- Access is to be Park Lane;
- A right hand turning lane is required on Killyfaddy Road;
- There shall be a 8-10m wide landscaped buffer strip shall be provided along the southern boundary to assist the visual integration;
- Dwellings shall front onto Killyfaddy Road;
- No dwelling shall back onto Park Lane between Killyfaddy Road and 18 Park Lane;
- Retaining wall shall not exceed 1.5m in height.

The density of the proposed development as taken from the concept plan is 16 units per hectare which is in general conformity with the KSR's.

The dwellings above the 80m contour line are identified as single storey on the concept plan; The site is accessed directly off Killyfaddy Road and not Park Lane. This has been discussed with the Planning Manager and Transportni. As Transportni have advised that the development can be safely accessed directly off the Killyfaddy Road without the need of a right hand turning lane, the Planning Department are of the opinion that the key site requirements can be set aside in the respect. Following confirmation that the KSR's can be set aside, Transportni advised of appropriate conditions.

The concept plan identifies a 10m wide planted buffer strip along the south eastern boundary. While this is slightly different to the KSR, the southern boundary is adjacent to 6 Killyfaddy Road





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and is already defined by a mature conifer hedge. My interpretation of the KSR is that the landscaped buffer strip was to have been provided along the south eastern boundary as the area beyond this side of the site was to have been left to facilitate the proposed Magherafelt by-pass. The route of the by-pass was to have extended along the south-eastern boundary of the site and the buffer would have provided the development with additional integration potential. However, as the by-pass is no longer being proposed along this route, the additional lands to the south-east of the site and within the development limits has the potential to accommodate additional housing development. Therefore, in my opinion, the KSR should be amended to require an 8-10m wide landscaped buffer to be provided along the south eastern boundary of the adjacent lands outlined in blue, as indicated on the concept plan.

The proposed dwellings do front onto the Killyfaddy Road.

No dwelling shall back onto Park Lane between Killyfaddy Road and 18 Park Lane as the proposed units have gables at this side of the site.

There are no retaining walls proposed and the layout has been amended to include the provision of public open space by dropping two dwellings from the layout. This area of open space is central to the overall layout and will be accessible to all residents within the site.

The proposal requires to be assessed under the policies contained within PPS 7 – Quality Residential Environments and in particular Policy QD1: Quality in new residential development.

A proposal will only be acceptable under this policy where it conforms to all of the criteria listed. The proposal meets all of the criteria as follows:-

(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;

This is an outline application so the development can be designed to respect the surrounding area in terms of layout, scale, proportions, massing and appearance.

(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;

There are no features of archaeological or built heritage. The landscape features are respected and the concept plan shows that the development can be designed to respect the rising topography.

(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;

The proposed development has been amended by removing two dwellings from the overall layout and replacing these by an area of public open space. This area measures 0.15ha which is



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approximately 8% of the overall site area. Creating Places advises that a normal expectation for green field sites will be around 10% so the provision of 8% is not unacceptable. There is adequate provision of private amenity space as shown on the concept plan. The landscaping can be conditioned and submitted as part of a reserved matters application.

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

As the proposal is located approximately 680m from the nearest shop and is convenient to Magherafelt town centre, the development is therefore accessible to all the local neighbourhood facilities.

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

The proposal fronts onto and has direct access onto the Killyfaddy Road and is within convenient walking distance from Magherafelt town centre and is therefore accessible to all modes of transport, both public and private.

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

Transportni have been consulted and following advice from MUDC that the key site requirements could be set aside, have advised that the proposal is acceptable and adequate parking is available. As this is an outline application, a Private Streets Determination is not required at this stage and can be dealt with at Reserved matters stage.

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

As this is an outline application, the design has not been fully considered, however it has been demonstrated through the concept plan that the topography of the site has been considered and that the design of the dwellings will reflect the rising site levels and respect the surrounding area.

(h) The design and layout will not create conflict with adjacent land uses and there are no issues of overlooking or inter-visibility with adjoining properties. The development will not cause a loss of light, overshadowing, noise or other disturbances.

The site is for residential development within a predominantly residential area. On the basis of the concept plan, the dwellings will be designed to avoid inter-visibility, overlooking and the layout can be designed to avoid any loss of light or overshadowing. As the site is within a residential area it will not cause or be subject to noise or other disturbances.

(i) The development is generally designed to deter crime and there are no areas of the site which are not overlooked by the proposed dwelling.

The concept plan would indicate that the development is generally designed to deter crime as there are no areas which are unsupervised.





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No other issues have been raised and the proposed development is therefore considered to be acceptable.

### Recommendation

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

**Neighbour Notification Checked**

**Yes**

### Summary of Recommendation:

Approve subject to conditions listed below:-

### Conditions

1. As required by Article 35 of the Planning (Northern Ireland) Order 1991, application for approval of the reserved matters shall be made to Mid Ulster District Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

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

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

3. Full particulars, detailed plans, existing and proposed cross sections, details of any retaining walls and existing and proposed site levels shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The layout shall be in general conformity with the stamped approved concept plan drawing no. 02/1 dated 1st March 2016 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".



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Reason: To ensure the provision of a quality residential development.

5. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure a satisfactory form of development.

6. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

7. A landscape management plan shall be submitted at reserved matters stage to include details of all existing vegetation within the site indicating those trees to be retained or removed and methods for their protection during construction works, all proposed hard and soft landscape works, planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, planting medium and additives together with the species, the size at time of planting, the presentation, location, spacing and numbers; an implementation and maintenance programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

8. The layout submitted at reserved matters stage shall indicate that where proposed development abuts the private gardens of existing properties there shall be a minimum separation distance of 10 metres between the rear of new development and the common boundary of existing properties.

Reason: To ensure residents privacy is not adversely affected.

9. The vehicular access, including visibility splays of 4.5m x 90m in both directions and any forward sight distance, shall be provided in accordance with Drawing No. 02/4 bearing the date stamp 11th August 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.



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

The development shall be in accordance with the requirements of the Department of Environment's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department for Infrastructure 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 satisfactory means of access in the interests of road safety and the convenience of road users.

**Signature(s)**

**Date:**



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<b>ANNEX</b>	
<b>Date Valid</b>	3rd September 2014
<b>Date First Advertised</b>	18th September 2014
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Manor Lane Leckagh Magherafelt The Owner/Occupier, 1 Park Lane, Magherafelt, Co. Londonderry, BT45 6BF The Owner/Occupier, 11 Killyfaddy Road Town Parks Of Magherafelt The Owner/Occupier, 12 Park Lane, Magherafelt, Co. Londonderry, BT45 6BF The Owner/Occupier, 14 Park Lane, Magherafelt, Co. Londonderry, BT45 6BF The Owner/Occupier, 15 Park Lane, Magherafelt, Co. Londonderry, BT45 6BF The Owner/Occupier, 17 Park Lane, Magherafelt, Co. Londonderry, BT45 6BF The Owner/Occupier, 18 Park Lane, Magherafelt, Co. Londonderry, BT45 6BF The Owner/Occupier, 25 Parkmore Heights Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 6 Killyfaddy Road Leckagh Magherafelt	
<b>Date of Last Neighbour Notification</b>	17th September 2014
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No



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## Planning History

Ref ID: H/1999/0180

Proposal: 2 Dwellings with Garages

Address: 60m NW of 6 Killyfaddy Road, Magherafelt

Decision:

Decision Date: 15.11.2002

Ref ID: H/1994/0354

Proposal: DWELLING AND GARAGE

Address: SITES 14+15 PARK LANE KILLYFADDY ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/0169/F

Proposal: Extension to dwelling and new garage.

Address: 18 Park Lane, Magherafelt.

Decision:

Decision Date: 22.04.2004

Ref ID: H/1991/6010

Proposal: SITE OF HOUSING DEVELOPMENT KILLYFADDY ROAD MAGHERAFELT

Address: KILLYFADDY ROAD

Decision:

Decision Date:

Ref ID: H/1992/6011

Proposal: HOUSING DEVELOPMENT KILLYFADDY ROAD MAGHERAFELT

Address: KILLYFADDY ROAD

Decision:

Decision Date:

Ref ID: H/1992/0697

Proposal: HOUSING DEVELOPMENT

Address: KILLYFADDY RD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/6072

Proposal: HOUSING DEVELOPMENT KILLYFADDY RD MAGHERAFELT

Address: KILLYFADDY RD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1993/0123



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Proposal: LAYOUT OF HOUSING DEVELOPMENT

Address: KILLYFADDY ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/0488/O

Proposal: Site of housing development

Address: Land to the SE of No 1 Park Lane, Killyfaddy Road, Magherafelt

Decision:

Decision Date:

Ref ID: H/1983/0179

Proposal: HOUSING DEVELOPMENT

Address: PARKMORE, KILLYFADDY ROAD., MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1983/0044

Proposal: BUNGALOW

Address: KILLYFADDY ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2014/0331/O

Proposal: Housing development

Address: Land to the south east of No 1 Park Lane, Killyfaddy Road, Magherafelt,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**



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Drawing No. DOC 04  
Type: Further Particulars  
Status: Submitted

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

Drawing No. DOC 03  
Type: Further Particulars  
Status: Submitted

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

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

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> H/2014/0436/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Agricultural Shed	<b>Location:</b> Approx 265m North of 46 Tamlaghtduff Road Bellaghy
<b>Referral Route:</b> Exception to planning policy.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Mr Deaglan O'Reilly 44 Tamlaghtduff Road Bellaghy BT45 8JQ	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	Substantive Response Received
Non Statutory	Env Health Magherafelt District Council	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received

### Representations:

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

### Summary of Issues

### **Characteristics of the Site and Area**

The proposed site is currently a large agricultural field site one field back from the Tamlaghduff Road, Bellaghy. The site sits at a lower level than the road and is relatively flat in nature. The site is surrounded by agricultural land.

To the south of the proposal site sits several detached dwellings, No 44 is a detached single storey property which is stated as the principal farm dwelling, No 46 is a detached 1 1/2 dwelling and No 42 is a single storey detached dwelling.

### **Planning Assessment of Policy and Other Material Considerations**

This application must be considered in light of the following policy context:

Strategic Planning Policy Statement

Magherafelt Area Plan 2015

Planning Policy Statement 3

Planning Policy Statement 21

The application must satisfy the requirements of Policy CTY 12 of PPS 21 which deals with agricultural and forestry development. However there are a number of preliminary matters that must be addressed prior to assessing the application under CTY 12.

This application was received following a deferred office meeting for H/2014/0171/O which is an application for a dwelling and garage on a farm. At that meeting it was suggested that the applicant seek planning permission for an agricultural shed before the application for the dwelling could be considered. As with H2014/0171/O there have been a number of issues pertaining to the P2 certificate and a number of inaccuracies.

A meeting was held in July 2016 with Ian Milne, MLA, Cllr Sean McPeake, Chris Cassidy and Brendan Monaghan of CMI Planners Ltd, Deaglan O'Reilly with Dr Boomer, myself and Malachy McCrystal also in attendance. At that meeting it was eventually clarified that Mr O'Reilly doesn't own the land despite previous assertions to the contrary. He informed us he rents the land from his uncle, James McElwee as he is unable to look after the land himself. It was made clear to all present that an accurate P2 certificate is necessary and if the land is taken in conacre there must be a formal tenancy agreement of which there are at least 40 years unexpired. Following the office meeting this has been received via CMI Planners Ltd.

On this application DARD replied that the Business Id has been in existence for more than 6 years but that it is not an active farm business. Policy CTY 12 is clear when it states that planning permission will be granted for development on an active and established agricultural holding where it demonstrates a list of criteria. Therefore it is necessary to prove the business is active and established. In order to do so CMI Planners Ltd have submitted the same information as for H/2014/0171/O;

1. Confirmation from Mr O'Reilly's accountant that he has declared his farming activities to the Inland Revenue since 2009.
2. Confirmation from James Donnelly and Sons that Mr O'Reilly has supplied them potatoes since 2009.
3. Invoices from McVey Contracts for work carried out on the land.

Based on the information received and on the office meeting in July 2016 we are now accepting that Mr O'Reilly actively farms the land but it would appear to not be on a scale so significant to merit payments from DARD.

Turning to CTY 12 the following must be demonstrated:

(A) it is necessary for the efficient use of the agricultural holding or forestry enterprise;  
This is the first agricultural building on this holding and it has been considered that sufficient information has been submitted to prove the need for the new building.

(B) in terms of character and scale it is appropriate to its location;  
The proposed shed measures 18m x 9m and is considered to be in keeping with the character of the area and it's scale is also acceptable.

(C) it visually integrates into the local landscape and additional landscaping is provided as necessary  
The proposed shed is to be sited in the second field back from the road. The field lies at a lower level than the road itself and the shed will be visually linked to the farm dwelling that is under consideration.

(D) it will not have an adverse impact on the natural or built heritage;  
No issues of natural or built heritage concern have been identified.

(E) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.  
There are no neighbouring dwellings in the immediate vicinity of the site.

Policy CTY 12 also states that in cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;  
This is the first agricultural building on the holding.

- the design and materials to be used are sympathetic to the locality and adjacent buildings;  
The proposed finishes are insulated green roof panels, grey block facing on the walls and green cladding panel sliding doors, all of which are in keeping with the locality and other agricultural buildings.

- the proposal is sited beside existing farm or forestry buildings.  
As this is the first agricultural building on the holding this is not possible. A new farm dwelling is being proposed in the field in front of this application site and both will be sited to cluster and visually link.

Having considered the planning policy and all relevant material considerations I recommend an approval of this planning application.

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Approval, subject to the following conditions.

**Conditions:**

1. Time Condition – 5 years commencement from date of decision.
2. Provision of 2.4 x 45m splays in both directions prior to commencement
3. Retention of existing vegetation
4. Planting of all new boundaries during the first available planting season following completion.

**Signature(s)**

**Date:**

ANNEX	
Date Valid	8th December 2014
Date First Advertised	29th December 2014
Date Last Advertised	
<b>Details of Neighbour Notification</b> (all addresses) E Cassidy NIAPA, 15 Molesworth Street, Cookstown, Tyrone, BT80 8NX,	
Date of Last Neighbour Notification	20th November 2015
Date of EIA Determination	
ES Requested	Yes /No
<b>Planning History</b>  Ref ID: H/1985/0241 Proposal: BUNGALOW WITH GARAGE Address: TAMLADUFF ROAD, BELLAGHY Decision: Decision Date:  Ref ID: H/2014/0171/O Proposal: Proposed farm dwelling and garage Address: Approx 135m north of 46 Tamlaghtduff Road, Bellaghy, BT45 8JQ, Decision: DEF Decision Date:  Ref ID: H/2014/0436/F Proposal: Proposed Agricultural Shed Address: Approx 265m North of 46 Tamlaghtduff Road, Bellaghy, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 6 Sep 2016	<b>Item Number:</b>
<b>Application ID:</b> M/2014/0477/F	<b>Target Date:</b> 15.01.2015
<b>Proposal:</b> Change of turbine type from previous approval planning ref: M/2013/0328/F to turbine measuring 40m to hub with 14.9m blade radius, with an output up to 250kW. Position of turbine remains unchanged.	<b>Location:</b> 200m North West of 39 Kilsannagh Lane Dungannon
<b>Referral Route:</b> Objection received	
<b>Recommendation:</b>	Approve with conditions
<b>Applicant Name and Address:</b> Rodney Kirkland 39 Kilsannagh Lane Dungannon	<b>Agent Name and Address:</b> Strategic Planning 4 Pavilions Office pk Kinnegar Drive Hollywood BT18 9JQ
<b>Executive Summary:</b> Proposed increase in hub height for wind turbine, objection about this turbine and cumulative impact with other turbines has been considered.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	P.S.N.I. Information And Communications Services	Substantive Response Received
Non Statutory	Env Health Dungannon and South Tyrone Borough Council	Substantive Response Received
Non Statutory	UK Crown Bodies - D.I.O. LMS	No Objection
Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	Belfast International Airport	No Objection
Non Statutory	National Air Traffic Services	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received



Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
<b>Representations:</b>		
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	
<b>Summary of Issues</b>  A total of 2 objections were received regarding this proposal from the same objector in a neighbouring property, their concerns are summarised below; <ul style="list-style-type: none"> <li>- Visual impact</li> <li>- Cumulative impact with other turbines</li> <li>- Proximity to dwelling</li> <li>- Impact on housing value</li> <li>- Noise nuisance</li> <li>- Health impacts</li> <li>- Within 1 mile to Brantry Lough, a SLNCI and 2 archaeological sites/monuments</li> </ul>		
<b>Characteristics of the Site and Area</b>  This application is for a change of size of a previously approved wind turbine is located 200 metres north west of No. 39 Kilsannagh Lane, Dungannon. The site is accessed via an existing concrete laneway off the Rehaghy Road which serves a number of poultry houses and one dwelling.  M/2013/0328/F was granted planning permission on this site in January 2014 for a 250kW turbine with a 30 metre hub height and 30 metre blade diameter.  Area Characteristics  The site is located approximately 4.5 km south west of the village of Eglish in the rural area. The area surrounding the site is rural in nature with a number of single dwellings and agricultural buildings dispersed throughout. Six poultry houses are in the immediate area of this site and No 39 which are within the applicant's ownership. There are a number of other poultry houses south of the site.  Proposal Description  This application seeks planning permission for a change of wind turbine type from the turbine approved under M/2013/0328/F which was a 250kW turbine with a 30 metre hub height and 30 metre blade diameter. The proposed development is now for a 250kw turbine with a hub height of 40 metres and rotor diameter of 29m (overall height of 54.9 metres to blade tip). The location of the site is unchanged from the initial application and the NIE substation and a turbine control room which are included on the site layout have already been granted planning permission and the NIE substation has been provided on the site.		

## **Planning Assessment of Policy and Other Material Considerations**

This application falls to be considered against the provisions of the Dungannon & South Tyrone Area Plan 2010 (DSTAP 210), the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement (PPS) 2 – Natural Heritage, PPS6 – Planning, Archaeology and the Built Environment, PPS21 – Sustainable Development in the Countryside and PPS18 – Renewable Energy.

Members are advised there are no specific policies for this type of development contained within the DSTAP 2010 and PPS21, policy CTY 1 permits planning permission in the countryside provide it meets with other policy considerations. The SPPS does not provide any clarification or policy direction in relation to single turbines but does require wider environmental, economic and social benefits to be given appropriate weight in determining such applications. Therefore the main policy consideration for this proposal is contained within RE1 of PPS18.

Members should note a turbine with a 30m hub height and 30m blade diameter was considered acceptable on this site. There is a fallback position which allows that turbine to be erected, as the NIE substation approved with that application has been constructed and this constitutes the commencement of that planning permission. This being the case I do not consider the cumulative impact of the proposed turbine, in terms of numbers, will be any greater than the approved turbine.

This application essentially requires the members to consider the increase in height of the turbine from 30m hub to 40m hub and blade tip raised from 45m to 54.9m. The issues for consideration relate to the visual impact of this taller turbine, the additional impact on residential amenity due to the additional height and its impact on shadow flicker, dominance and noise and any nature conservation concerns.

The Landscape Character Assessment (LCA) indicates the site is located within the south part of LCA 45 - Dungannon Drumlins and Hills which has an overall sensitivity for wind energy development of high to medium. The LCA indicates appropriate development in the north and south parts of the area would be acceptable. In this case there is rising drumlin landscape to the west of the proposal with a number chicken houses to the east, set back from Rehaghy Road and other agricultural buildings located at the road edge to the north. Following a site visit, my assessment against RE1 takes account of the live approval on the site and I do not consider the proposal will have a significantly greater visual impact on the area or surrounding properties, than the already approved turbine.

Environmental Health Officers have considered the noise from the turbine and do not consider there will be any adverse impacts on residential amenity due to noise, provided a number of conditions are attached to control noise and amplitude modulation. I consider it is necessary to impose these conditions to ensure the turbine does not create an unacceptable noise impact on nearby residential properties issue during its lifetime.

A report and map have been provided, with the application, which shows no 3<sup>rd</sup> party properties are within the theoretical shadow flicker impact area of 10 times the rotor diameter (290m) of the turbine. If there is an unacceptable impact on the properties within the shadow flicker zone, these are owned or controlled by the operator and they can take necessary steps to address the impact.

In terms of the remaining impacts raised by the objector, I have considered the fact the objectors dwelling is approximately 360 meters away from the turbine, in an elevated position above the position of the turbine. The objectors dwelling was approved by planning permission M/2004/0373/F and appears to be constructed generally as approved. The rooms within the dwelling are at an oblique angle to the turbine and as such no windows directly face towards the

proposed turbine. Due to this orientation and the distance from the proposed turbine, I do not consider this proposal would have a significantly greater impact on the residential amenity of the objector's property than the approved turbine. The objector will be aware of the turbine, however I consider the distance from the turbine as well as it's location below the level of the dwelling will mean it does not unacceptably dominate their property. Members are reminded that devaluing of a property due to development is not of itself a planning matter as a number of factors dictate the value of a dwelling, however I do not consider the raising of the hub height of this turbine by 10 metres would have a significantly greater impact on the value of the objectors dwelling than the already approved turbine.

The proposed turbine is located 1.8km from Brantry Lough and 1.3km from Tully Hill, Sites of Local Conservation Importance identified in DSTAP. Shared Environmental Services have advised the turbine is located outside any consultation zone for Northern Ireland Environment Agency and does not provide a direct hydrological link to any European Sites. As such the potential impacts of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995, as amended. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Following consideration of the content of the objection letters and assessment against policy and associated guidance it is my recommendation the proposal be approved.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve with conditions

**Conditions/Reasons for Refusal:**

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. One turbine only shall be constructed within the area of the site outlined in red on the approved drawing no 01 received 18 October 2012.

Reason: To control the number of turbines on the site as this permission supersedes planning approval M/2013/0328/F and is not for an additional turbine on the site.

3. Within 6 months of the permanent cessation of electricity generation by the turbine hereby approved, all above ground structures shall be removed and the site restored to its former condition.

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

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

**Table 1: Noise Limits dB L<sub>A90</sub> for All Periods**

	Standardised wind speed at 10m height (m/s) within the site averaged over 10-minute periods								
Property	4	5	6	7	8	9	10	11	12
<b>NSR 3</b> (Irish Grid 276052 352336)	32.7	33.5	34.3	35.1	35.9	36.7	37.5	37.5	37.5
<b>NSR 4</b> (Irish Grid 276242 352660)	32.7	33.5	34.3	35.1	35.9	36.7	37.5	37.5	37.5
<b>NSR 5</b> (Irish Grid 276242 352660)	31.3	32.1	32.9	33.7	34.5	35.3	36.1	36.1	36.1

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

5. Within 4 weeks of a written request by Mid Ulster District Council, following a reasonable noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the wind turbine at the complainant's property following the procedures described in Pages 102-109 of ETSU-R-97. Details of the noise monitoring survey shall be submitted to Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

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

6. The wind turbine operator shall provide to Mid Ulster District Council the results, assessment and conclusions regarding the noise monitoring required by Condition 2, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of Mid Ulster District Council under condition 4 unless, in either case, otherwise extended in writing by Mid Ulster District Council.

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

7. Within 4 weeks from receipt of a written request from Mid Ulster District Council, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall submit a scheme for the assessment and regulation of AM to Mid Ulster District Council for it's written approval. The scheme shall be in general accordance with:

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
- The methodology published by Renewable UK on the 16<sup>th</sup> December 2013;

and implemented within 3 months of the written request of Mid Ulster District Council unless otherwise extended in writing by Mid Ulster District Council.

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	2nd May 2014
<b>Date First Advertised</b>	15th October 2014
<b>Date Last Advertised</b>	25th May 2016
<b>Details of Neighbour Notification</b> (all addresses) P Arnold 57 Kilsannagh Road Kilsannagh Dungannon P Arnold 57, Kilsannagh Road, Dungannon, Tyrone, Northern Ireland, BT70 1LP P Arnold 57, Kilsannagh Road, Dungannon, Tyrone, Northern Ireland, BT70 1LP	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	<b>23 August 2016</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/2014/0477/F Proposal: Change of turbine type from previous approval planning ref: M/2013/0328/F to turbine measuring 40m to hub with 14.9m blade radius, with an output up to 250kW. Position of turbine remains unchanged. Address: 200m North West of 39 Kilsannagh Lane, Dungannon, Decision: Decision Date:  Ref ID: M/2001/0759/F Proposal: 4 No Poultry Houses Address: 39 Kilsannagh Lane, Brantry, Dungannon Decision: Decision Date: 19.09.2001  Ref ID: M/2013/0328/F Proposal: Erection of a 250kw wind turbine (30m hub height, 30m blades) Address: 200m NW of 39 Kilsannagh Lane, Dungannon, Decision: PG Decision Date: 21.02.2014	

### **Summary of Consultee Responses**

NATS – no safeguarding objections

UK Crown Bodies, Safeguarding– no objections, recommend condition regarding installation of aviation warning light. It is not proposed to include this condition as structures over a certain height have a mandatory requirement outside of the planning process to provide these lights.

UK Crown Bodies, DIO LMS– no objections

Belfast International Airport – no safeguarding objection, recommend installation of aviation warning light. It is not proposed to include this condition as structures over a certain height have a mandatory requirement outside of the planning process to provide these lights.

OFCOM – no data links within 500m of turbine

PSNI Information and Communications Services – no safeguarding objections

Environmental Health – recommend conditions to control noise

### **Drawing Numbers and Title**

Drawing No. 01 Rev 1

Type:

Status: Submitted

Drawing No. 02 Rev 1

Type:

Status: Submitted

Drawing No. 03 Rev 2

Type:

Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
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**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0480/O	<b>Target Date:</b>
<b>Proposal:</b> Site for dwelling	<b>Location:</b> 13m West of 37 Coole Road Coalisland BT71 5dp
<b>Referral Route:</b> - Material weight attributed to personal circumstances.	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> John Bell 28 Coole Road Coalisland BT71 5DP	<b>Agent Name and Address:</b> Seamus Donnelly 80 Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Environmental Health Mid Ulster Council	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

none

### **Characteristics of the Site and Area**

The site comprises a small square plot of land located in the garden (to the West) of number 37 Coole Road. The site is accessed along the front of number 37 and the boundary is undefined. The rear and sides of the site consist of a row of mature trees and thick vegetation, the land itself rises slightly from the road and is overgrown in grass. Directly South of the site there is a small bungalow which is separated from the site by a row of trees and an overgrown agricultural laneway.

The site lies outside the settlement limit in the rural area. The surrounding land is primarily agricultural fields, however in this particular area there are already 5 dwellings clustered together.

The proposal seeks planning permission for a 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  
Dungannon Area Plan 2010

PPS 21 Sustainable Development in the Countryside

CTY 1 Development in the Countryside

CTY 6 Special and Domestic circumstances

CTY 13 Integration and Design of Buildings in the Countryside

CTY 14 Rural Character

The main policy consideration is Planning Policy Statement 21 (PPS 21): Sustainable development in the Countryside CTY6.

Policy CTY 6 - Personal and Domestic Circumstances allows for residential development for the long term needs of the applicant where there are compelling and site specific reasons, related to the applicant's personal or domestic circumstances. This policy provides criteria for the proposal to be judged against.

The case submitted by the applicant relates to a number of ongoing and changing personal circumstances. During the processing of the application correspondence, on behalf of the applicant has been submitted which the authors have requested that it does not appear in the public domain. The evidence supplied with the application is considered to be of a personal and sensitive nature and therefore not available for public viewing under Regulation 13 of The Data Protection Act 1998. Should the committee wish to examine the case submitted by the applicant I would suggest that same be done in a closed session. These personal circumstances have been set out by local General Practitioner.

In addition to the GP letter, the applicant has provided a statement outlining that the full time supervision is needed and detailing that the two closest neighbouring dwellings are that of the applicant's brother and sister which will be important for support and supervision. The applicant's sister lives in no.39 and his brother in no.37.

The applicant has stated that he is currently residing with his brother and family and advises that living in close proximity to his brother and sister would help to provide additional care and supervision. The main consideration here is as to whether or not the applicant's circumstances justify the erection of a new dwelling in the countryside.

Planning permission will be granted where there are compelling and site specific reasons related to the applicants personal or domestic circumstances. The applicant must provide satisfactory evidence that a new dwelling is necessary, and that genuine hardship would be caused in refused. Also the applicant must prove that there are no alternative solutions such as an extension.

It would seem from the applicant's submission that the main reasons for seeking permission on this site is that of ownership and close proximity to family members. In order to comply with policy the circumstances have to be compelling and site specific. I have no doubt from the evidence submitted that the reasons for the dwelling are compelling and the situation is such that the site specific test has been proved. Having discussed the proposal at length with the area manager it is our opinion that a dwelling in close proximity to family members is essential.

Policy CTY13 - states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. The site does benefit from some vegetation cover however the topography of the site and the existing dwellings would help it blend in. An appropriate landscape and planting scheme would be necessary to aid integration, therefore it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. 6 metre ridge height max.

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 and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale. I would recommend imposing a height (6m) to the application site.

#### Other Policy and Material Considerations:

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area.

The application was advertised on 20.07.2015 and Neighbour Notifications were issued on 09.07.2015 however no representations were received in respect to this application.

#### Neighbour Notification Checked

**Yes**

#### Conditions

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

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

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

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

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

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

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

4. 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.

5. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.4 metres at any point.

Reason: In the interest of visual amenity.

6. 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.

### **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.A Consent to Discharge Sewage Effluent must be obtained from Water Management Unit, Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

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

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

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

Mid Ulster Council receiving confirmation from NIW that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available the applicant is strongly advised to contact this department before any detailed plans are prepared.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st July 2015
<b>Date First Advertised</b>	20th July 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 36 Coole Road Coole Dungannon The Owner/Occupier, 36A Coole Road Coole Dungannon The Owner/Occupier, 37 Coole Road Coole Dungannon The Owner/Occupier, 38 Coole Road Coole Dungannon The Owner/Occupier, 39 Coole Road Coole Dungannon	
<b>Date of Last Neighbour Notification</b>	9th July 2015
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/1997/0364 Proposal: Extension to Dwelling Address: 37 COOLE ROAD COALISLAND Decision: Decision Date:  Ref ID: LA09/2015/0480/O Proposal: Dwelling - Living Accommodation Address: 13m West of 37 Coole Road, Coalisland, BT71 5dp, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  Transport NI and Environmental Health were consulted and responded with no objections subject to conditions.	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Submitted	



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District Council

## Development Management Officer Report

### Committee Application

Summary	
<b>Committee Meeting Date:</b> 6th September 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0863/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed single dwelling and garage	<b>Location:</b> 50m South West of 15 Falgortrevy Road Maghera
<b>Referral Route:</b>  This application is being presented to Committee as it is being recommended for refusal.	
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Applicant Name and Address:</b> Barney Bradley 162 Glen Road Maghera	<b>Agent Name and Address:</b> CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

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

### 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 respect of this proposed development.

### Description of proposal

This is an outline application for a site for a dwelling and garage linked to a farm business.

### Characteristics of the site and area

The site is located mainly within a large roadside field which falls gently away from the Falgortrevy Road. The site also extends into a second field along the same road and is separated by a pair of hedges which extend away from the road and along a former laneway. The site is bounded along the road frontage by a low cut thorn hedge and a 1-2m wide grass verge. The south-eastern boundary is defined by a similar hedge with a few mature trees close to the roadside where there is an old dilapidated building with corrugated iron clad roof and largely covered by vegetation. The north-western and south-western boundaries are undefined. Approximately 100m to the north-west of the site and within the second field there are a pair of large poultry houses which are within the applicant's ownership.

There is a large group of farm buildings on the opposite side of the Falgortrevy Road but these are not connected to the farm business.

### Planning Assessment of Policy and Other Material Considerations

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a dwelling in the rural area and is linked to an established farm business.

The main policy considerations in the assessment of this application are:-

#### CTY 10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

- the farm business is active and has been established for at least 6 years  
DARD have confirmed that the farm business has been active for more than 6 years;
- no dwellings or development opportunities in the countryside have been sold off from the farm holding within 10 years of the date of the application. This only applies from 25th November 2008.

Following a farm history check there does not appear to have been any development opportunities sold off the farm since 25.11.2008.

- the new building will be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, the access should be taken from an existing lane.  
Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either; demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group;

The proposed dwelling will not be sited to cluster with or be visually linked with farm buildings which belong to the applicants' farm business. Although there are two large poultry houses

located 100m to the north-west of the site, the site neither clusters with, nor is it visually linked with these poultry houses. The site has a frontage length in excess of 100m and is mainly sited within a different field from which the poultry houses are located in. In addition, there is a farm lane extending almost perpendicularly from the road and extending through the site, which would effectively screen the dwelling on approach from the north-west. Even if these hedgerows were removed, the separation distance between the site and the poultry houses is such that a dwelling on this site could not reasonably be thought to be visually linked with the poultry houses. The indicative block plan provided in support of the application indicates that the curtilage of the dwelling will be limited to the one field to the east and not extend into the field containing the poultry houses. Whilst the indicative block plan indicates an 'area left for future expansion' the dwelling is still 115m from the suggested expansion. It should be noted that no concrete plans for this expansion have been provided nor planning application submitted and therefore they may never be constructed. This only serves to reinforce the concern regarding the separation distance between the dwelling and the poultry houses.

On approach from the north-west, a dwelling on the site would be visible before reaching the north-western boundary of the poultry houses and before these have come into view. On approach from the south-east, the site is reasonably well screened from view by the existing building at the road frontage and the hedge along that boundary of the site. A dwelling on the site would only come into view on reaching the front of the site, but at this point there will be a visual break of at least 100m to the poultry units. The separation distance between the site and the poultry units is considered to be a visual break and therefore a dwelling on the proposed site would not be visually linked with the poultry houses.

Furthermore, the applicant has another group of farm buildings adjacent to his own address at 162 Glen Road which is at the junction with the Glenshane Road. At this group of buildings the applicant has a small paddock area at the side of his dwelling which is sufficiently large enough to accommodate a dwelling. A dwelling on that site would be both visually linked and be sited to cluster with the applicants' farm buildings.

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

No demonstrable health and safety reasons nor verifiable plans to expand the farm business have been provided. The only suggestion that there will be any expansion is an indication on the site layout of an 'Area left for future expansion'.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

This is an outline application, which is being assessed on the basis of the site outlined in red on the site location map. Whilst the applicant has submitted a suggested block plan, this does not extend as far north-west as the site location map. A dwelling located within the site suggested by the block plan would achieve an acceptable degree on integration, however, a dwelling on the site outlined in red on the location map would suffer from a lack of integration as the hedgerows along the laneway, which extend through the site may be removed. This would open up extended views of a dwelling on approach from the north-west, from where any dwelling would suffer from a lack of enclosure. In addition to the above, given that such a dwelling would not be clustered or visually linked to the applicants' farm buildings, it would thereby fail to integrate into the surrounding landscape.

### **CTY 14 – Rural Character**

While there are a number of farm buildings on the opposite side of the Falgortrevy Road, these buildings are reasonably well screened by mature vegetation both along the roadside boundary and adjoining field boundaries. Therefore a dwelling on the site as indicated by the location map would not be read with other buildings in the area to such an extent as to result in a change in character. Furthermore, it is not considered to be unduly prominent, it does not result in a suburban style build-up of development, it would respect the traditional pattern of development in

the area, of dwellings along road frontage sites, it would not create a ribbon of development and the impact of ancillary works would not damage rural character.

### **PPS 3 - Access, Movement and Parking;**

Transport NI advised that they have no objection to the proposed development subject to conditions.

### **Consultation responses**

All consultees have responded positively.

### **Consideration**

During the course of the application the agent was contacted to discuss the issue of the failure of the proposed site to either cluster with or visually link with the existing farm buildings. An alternative was proposed which was to site the proposed dwelling in filed no.10 which is located at the western end of the Glen Road and is immediately adjacent to not only the applicants dwelling but also his existing farm buildings. This alternative site is 880m to the north east of the proposed site and is therefore within acceptable walking/driving distance of the existing poultry houses at Falgortrevy Road. The agent refused the option to relocate the proposed site as he stated that the applicant needs to live close to the poultry houses to supervise access to that site. However, given that modern poultry houses are automated and these are located close to the applicants existing address and the alternative site, it is my opinion that the justification provided is not sufficient to set aside planning policy.

Therefore, as discussed, the site does not satisfy the criteria of Policies CTY 10 or CTY 13 and therefore should be refused for the reasons stated below:-

### **Neighbour Notification Checked**

**Yes**

### **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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:  
the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;  
the proposed building relies primarily on the use of new landscaping for integration;  
the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;  
the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

and therefore would not visually integrate into the surrounding landscape.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	24th September 2015
<b>Date First Advertised</b>	6th October 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Falgortrevy Road Falgortrevy (Main Portion) Maghera The Owner/Occupier, 17 Falgortrevy Road Falgortrevy (Main Portion) Maghera The Owner/Occupier, 17A Falgortrevy Road, Falgortrevy (Main Portion), Maghera, Londonderry, BT46 5DQ,	
<b>Date of Last Neighbour Notification</b>	14th October 2015
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: H/2012/0348/F Proposal: Proposed 2no. broiler breeder poultry houses, 4no. feed bins and a standby generator building (to contain in total 16000 egg laying hens and 1600 roosters) Address: Land approx 170m West of 17 Falgortrevy Road, Maghera, Decision: PG Decision Date: 29.08.2013  Ref ID: LA09/2015/0863/O Proposal: Proposed single dwelling and garage Address: 50m South West of 15 Falgortrevy Road, Maghera, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



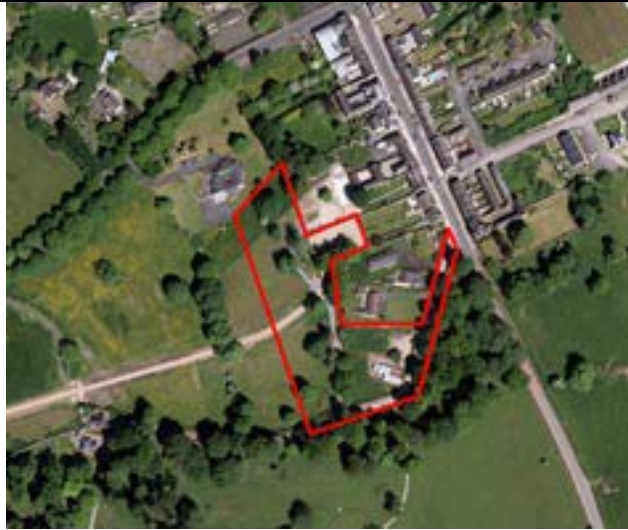
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 <sup>th</sup> September 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0909/F	<b>Target Date:</b> 15 <sup>th</sup> January 2016
<b>Proposal:</b> Residential Development of 12 dwellings (renewal of M/2008/0314/F)	<b>Location:</b> Site 30m South of St. Joseph's Primary School Caledon
<b>Referral Route:</b> 1 Objection Received	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Caledon Estate Company Estate Office Caledon	<b>Agent Name and Address:</b> Donaldson Planning 50A High Street Holywood BT18 9AE
<b>Executive Summary:</b> Approve. Proposal is for an in-time renewal and is in compliance with relevant policy, namely QD1 of PPS 7, LC1 of the Addendum to PPS 7, AMP 2 of PPS 3 and FLD 3 of PPS 15	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

1 representation has been received by the occupier of number 214 Killylea Road, Caledon. This property is adjacent to and the closest property to the site. The issues raised in this representation are summarised as follows:

1. Impact the proposed development will have on the mature trees along the Western boundary of 214 Killylea Road.
2. Request that Caledon Estates be responsible for any future damage to proposed dwellings
3. Request that Mid Ulster Planning ensure trees are pollarded by Caledon Estates
4. Proposed planting to the South of property will result in unacceptable shade.
5. Request that the Management Agency will keep these trees at an acceptable height or plant smaller trees.



The above issues have been fully considered and I would comment as follows: The existing trees along the Western boundary of 214 are not protected by a TPO. These trees have been shown to be retained. If the development impacts on these in any way it is the responsibility of the landowner to deal with this issue. This is therefore a civil matter outside the remit of planning. It is at the discretion of the landowner if he wants to pollard these trees as they are not formally protected by a TPO. I would not consider that the proposed planting to the South of 214, which is common lime and silver birch, would result in a significant loss of light to those occupiers given the distance from the dwelling and the size of the garden. The Management Agency will deal with the proposed and existing trees in line with their own professional accreditation. Furthermore, conditions will be attached to ensure adequate landscaping is provided and existing trees are retained. It should also be noted that Mid Ulster Council Environmental Health have been consulted with this representation in light of the High Hedges Legislation falling under their remit. They have responded and have no objection to the proposal. I would therefore advise members that this representation raises no issues which would merit refusal of this application.

### **Characteristics of the Site and Area**

The application site is located on lands to the South of St. Joseph's Primary School Caledon. The site lies wholly within the development limits of Caledon as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP 2010). It is accessed via an existing laneway coming off Main Street. The site forms part of Caledon estate and is well maintain and used as a paddock for horses. There are large mature trees scattered throughout the site and its slopes gently in a SW direction towards the Derrycourtney Road.

Although the site is located within the village of Caledon it is semi- rural in character. There is limited development to the South and West of the site. St Joseph's Primary School is to the North of the site and there are two detached dwellings to the East of the site. The site is outside Caledon Conservation Area. There are several Listed Buildings to the NE of the site and Caledon Demesne is to the South of the site.

### **Planning Assessment of Policy and Other Material Considerations**

Approval is sought for the renewal of an application for a residential development of 12 dwellings, previously approved by DOE on the 7<sup>th</sup> October 2010 under M/2008/0314/F. This current application was submitted on the 2<sup>nd</sup> October 2015, before the expiration of M/2008/0314/F and as such is being considered as an in-time renewal. It does not meet the threshold of a Major Application.

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

The proposed application is for a residential development of 12 units - 2 detached, 4 semi's and a row of 6 terraced type two storey dwellings. The relevant policy considerations are QD 1 of PPS 7 (Quality in New Residential Development), LC1 of the Addendum to PPS 7 (Protecting Local Character, Environmental Quality and Residential Amenity), AMP 2 of PPS 3 (Access to Public Roads) and FLD 3 of PPS 15 (Development and Surface Water Flood Risk Outside Flood Plains). The recently adopted Strategic Planning Policy Statement (SPPS) also contains Regional Strategic Policy for Housing in Settlements. The SPPS policy does not introduce any change in policy direction with regards to Housing in Settlements.

The site is within the development limits of Caledon as designated in the DSTAP 2010. This plan permits Housing Developments in Caledon, provided the scale, layout and design are compatible

with the scale and character of the settlement. The scheme is as was approved under M/2008/0314/F and remains to be in compliance with the DSTAP 2010.

*QD 1 of PPS 7 – Quality in New Residential Development*

Under the previous application the scheme was deemed to respect the surrounding context, character and topography in terms of its layout, scale, design and landscaping. There was no impact on features of archaeological importance. Private amenity space and parking was considered adequate and it had no adverse impact on residential amenity. The proposal is exactly as was approved under M/2008/0314/F and on this basis it remains to be in compliance with policy QD 1 of PPS 7.

*LC1 of the Addendum to PPS 7 - Protecting Local Character, Environmental Quality and Residential Amenity*

There are no issues with density and the proposal is in keeping with the overall character of the area, as such, it remains to be in compliance with LC1.

*AMP 2 of PPS 3 – Access to Public Roads*

Transport NI have been consulted with the application and given the planning history on the site they have no issues with road safety or traffic flow. They have recommended that the previous conditions associated with M/2008/0314/F be applied to any approval or alternatively an informative can be attached to direct the applicant to the previous conditions.

*FLD 3 of PPS 15 - Development and Surface Water Flood Risk outside Flood Plains*

Since the previous application was approved PPS 15 – Planning and Flood Risk has been revised and requires submission of a Drainage Assessment for Housing Developments with over 10 units. The applicant has submitted a Drainage Assessment and Rivers are content with its findings. A consent to discharge letter has also been submitted.

Environmental Health and Transport NI have been consulted and have no objections to the proposal. Environmental Health have recommended a condition is imposed to ensure the sewerage system connecting the development to the mains is constructed to a standard which is capable of being approved by NIW. This can be addressed by an informative. NIW have advised that there is potential of nuisance from WWTW odours and Noise. NIW were consulted under the previous application and recommended conditions to deal with this issue. These were subsequently addressed by informative, an approach which can be re-iterated under this current application.

Historic Environment Division have also been consulted. They have raised concerns that the proposal is not sympathetically designed in line with the historic streetscape of Caledon and as such fails to comply with policy BH 6 of PPS 6. They have requested an amended layout be submitted. They have acknowledged that there is a previous approval on this site. I would advise members that it is my view that we cannot insist on the submission of a revised layout in this respect given that there has been no change in policy since the previous application was approved. It is also acknowledged that the existing access lane to the site is within Caledon Estate Historic Park, Garden and Demesne. Members are advised that as the remainder of the site is outside the demesne, the proposal will not impact on this designation.

**Conclusion**

Members are advised that the proposal as submitted is an in-time renewal and involves no changes to layout or design. DOE approved the previous application as it complied with all relevant policy. There has been no policy change since this previous approval with the exception of PPS 15. The agent has submitted a Drainage Assessment to deal with this policy change and Rivers Agency are satisfied with this. There is therefore no reason why members should change this

recommendation to approve. The representation has been fully considered and gives rise to no issues that would on balance result in a recommendation to refuse. It is therefore recommended that consent is approved.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve. Proposal is for an in-time renewal and is in compliance with relevant policy, namely QD1 of PPS 7, LC1 of the Addendum to PPS 7, AMP 2 of PPS 3 and FLD 3 of PPS 15

**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 occupation of 50% of the dwelling units hereby approved, the developer shall construct, layout and plant all landscaped and open space areas (including all peripheral planting) as indicated on the approved plans, Drawing No.11 Rev-3 date stamped received 05-OCT-2010 and Drawing No.17 date stamped received 29-SEP-2009. The trees indicated within individual plots shall be planted during the first available planting season after the occupation of any dwelling on the plot. These trees shall be retained and maintained by the owner of the plot and the condition referring to such retention and maintenance shall be placed as a condition of the sale of the plot. All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

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

3. No dwelling unit hereby approved shall be occupied until Mid Ulster Council agrees in writing that an acceptable Management and Maintenance Agreement has been signed and put in place with an appropriate management company for all areas of public open space and landscaping as identified in condition no.02 (see informative No.01).

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

4. Areas of designated open space as referred to in Condition No.02 shall be managed and maintained in accordance with the provisions of the 'Landscape Management Plan (stamped as drawing No.17) date stamped received by The Planning Service on the 29-SEP-2010 unless otherwise agreed in writing with Mid Ulster Council.

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

5. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on Drawing No.16 Rev-2 received 05-OCT-2010.

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

6. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by Mid Ulster Council and all tree and shrub planting shall be carried out in accordance with those details and at those times unless otherwise agreed in writing with Mid Ulster Council.

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

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

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

8. Prior to the commencement of any other site works all existing trees to be retained, as identified on drawing No's 10 Rev-2 received 05-OCT-2010, shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with Mid Ulster Council. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the prior written consent of Mid Ulster Council.

Reason: To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees.

9. Prior to the occupation of dwellings on plots 1 to 6, the 'estate railing' as detailed on Drawing No.16 Rev-2 received on 05-OCT-2010 shall be erected to the partition boundaries to the front of dwellings No's 1 to 6 as indicated by the dashed 'red line' on the 1/500 scale block plan unless otherwise agreed in writing with Mid Ulster Council.

Reason: In the interests of visual amenity.

10. Within three months of development commencing, the existing stone wall, which is to be demolished as indicated on Drawing No.10 Rev-2 received on 29-SEP-2010 shall be reinstated behind the western visibility-splay of the newly formed access as indicated on Drawing No.11 Rev-3 received on 05-10-2010.

Reason: In the interests of visual amenity

11. No building shall take place within 6 metres of public sewers/water mains.

Reason: To prevent disturbance to existing sewers/water mains.

#### Informatives

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

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

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

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

Articles of Association

Memorandum of understanding, and

Evidence of registration of the company

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

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

2. This application does not require a determination under The Private Streets Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992 as the street was previously determined under Application M/2008/0314/F

3. Public water supply available, subject to Northern Ireland Water approval to connect. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email [waterline@niwater.com](mailto:waterline@niwater.com) to obtain an application form and information on charges, or download from the website [www.niwater.com](http://www.niwater.com)

4. Foul water sewer available, subject to Northern Ireland Water approval to connect. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email [waterline@niwater.com](mailto:waterline@niwater.com) to obtain an application form and information on charges, or download from the website [www.niwater.com](http://www.niwater.com)

5. Surface water sewer available, subject to Northern Ireland Water approval to connect. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email [waterline@niwater.com](mailto:waterline@niwater.com) to obtain an application form and information on charges, or download from the website [www.niwater.com](http://www.niwater.com)

6. The site is located within a cordon sanitaire of a Waste Water Treatment Works (WWTW). Dwellings/development should not be permitted within the cordon sanitaire in order to avoid severe nuisance from WWTW odours and noise.
7. The site is located within a development consultation zone in proximity to a Waste Water Treatment Works (WWTW). The developer must provide confirmation that the conditions of Planning Policy Statement 11 (PPS 11) can be satisfied, and where directed agree to cover the capital cost of installing abatement equipment.
8. To ensure compliance with the Water & Sewerage Service (NI) Order 2006, consultation with Northern Ireland Water is essential at design stage with regard to the following matters:
  - (a) water supply requirements;
  - (b) foul water and surface water sewerage requirements;
  - (c) trade effluent discharge;
  - (d) septic tank emptying;
  - (e) existing water main crossing the site;
  - (f) existing sewer crossing the site
9. The developer must ensure the sewerage system connecting the development to the mains is constructed to a standard which is capable of being approved by NIW and the adoption of the sewerage system within the development by NIW should be received within 1 year of completion of the development.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	2nd October 2015
<b>Date First Advertised</b>	12th October 2015
<b>Date Last Advertised</b>	30 <sup>th</sup> October 2015
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Bank Terrace, Killylea Road, Caledon The Owner/Occupier, 1 Bank View, Caledon, Caledon, BT68 4TP The Owner/Occupier, 1 Main Street, Caledon The Owner/Occupier, 2 Bank Terrace, Killylea Road, Caledon The Owner/Occupier, 2 Bank View, Caledon, Caledon, BT68 4TP The Owner/Occupier, 2 Main Street, Caledon E.J Beamish 214 Killylea Road, Caledon, BT68 4TN The Owner/Occupier, 214 Killylea Road, Caledon, Co Tyrone, BT68, The Owner/Occupier, 216 Killylea Road, Caledon, Co Tyrone, BT68 The Owner/Occupier, 3 Bank Terrace, Killylea Road, Caledon The Owner/Occupier, 3 Bank View, Caledon, Caledon, BT68 4TP The Owner/Occupier, 3 Main Street, Caledon The Owner/Occupier, 4 Bank Terrace, Killylea Road, Caledon The Owner/Occupier, 4 Bank View, Caledon, Caledon, BT68 4TP The Owner/Occupier, 4 Main Street, Caledon The Owner/Occupier, 40 Main Street, Caledon, Caledon, BT68 4TZ The Owner/Occupier, 41 Main Street, Caledon, Caledon, BT68 4TZ The Owner/Occupier, 42 Main Street, Caledon, Caledon, BT68 4TZ The Owner/Occupier, 5 Bank Terrace, Killylea Road, Caledon The Owner/Occupier, 6 Bank Terrace, Killylea Road, Caledon	

The Owner/Occupier, St Josephs Primary School,Derrycourtney Road,Caledon,BT68 4UF	
<b>Date of Last Neighbour Notification</b>	26th October 2015 and 13 <sup>TH</sup> May2016
<b>Date of EIA Determination</b>	5th August 2016
<b>ES Requested</b>	No
<b>Planning History</b>  <p>Ref ID: M/1976/024901          Proposal: ERECTION OF BUNGALOW          Address: CALEDON, COUNTY TYRONE          Decision:          Decision Date:</p> <p>Ref ID: M/1992/0039          Proposal: New domestic garage          Address: 214 KILLYLEA ROAD CALEDON          Decision:          Decision Date:</p> <p>Ref ID: M/1976/0249          Proposal: ERECTION OF DWELLING          Address: CALEDON, COUNTY TYRONE          Decision:          Decision Date:</p> <p>Ref ID: M/1976/0003          Proposal: EXTENSION TO EXISTING TELEPHONE EXCHANGE          Address: CALEDON TELEPHONE EXCHANGE, KILLYLEA ROAD, CALEDON          Decision:          Decision Date:</p> <p>Ref ID: M/1978/0450          Proposal: PRIMARY SCHOOL          Address: KILSAMPSON, CALEDON          Decision:          Decision Date:</p> <p>Ref ID: M/1978/045001</p>	



Proposal: PROPOSED PRIMARY SCHOOL  
Address: KILSAMPSON, CALEDON, COUNTY TYRONE  
Decision:  
Decision Date:

Ref ID: M/1974/0579  
Proposal: ERECTION OF PRIMARY SCHOOL  
Address: KILSAMPSON, CALEDON  
Decision:  
Decision Date:

Ref ID: M/2004/1802/F  
Proposal: New office, staff room & refurbishment of existing toilets  
Address: St. Josephs P.S. Derrycourtney Road, Caledon  
Decision:  
Decision Date: 17.01.2005

Ref ID: M/1993/0349  
Proposal: 33 KV Rural Spur  
Address: IN THE TOWNLAND OF CALEDON  
Decision:  
Decision Date:

Ref ID: M/2008/0314/F  
Proposal: Residential Development for 12 No.dwellings.  
Address: Site 30M South of St. Joseph's Primary School, Caledon  
Decision:  
Decision Date: 22.10.2010

Ref ID: M/1979/035001  
Proposal: 'Q' TYPE TELEPHONE EXCHANGE (MODIFIED)  
Address: MAIN STREET, CALEDON, CO TYRONE  
Decision:  
Decision Date:

Ref ID: M/1998/0740  
Proposal: 6 Metre Steel Column with a 0.3m microwave antenna  
Address: CALEDON TELEPHONE EXCHANGE MAIN STREET CALEDON  
Decision:  
Decision Date:

Ref ID: M/2012/0250/LBC

Proposal: Replacement of west and inner roof covering with best salvaged and matching slate from salvage yard. Replacement of lead gutters, flashings, coverings, etc., with new lead coverings. Replacement of rotten central and inner south roof lights.

Address: Caledon Castle, Caledon Estate, Caledon,

Decision:

Decision Date: 06.07.2012

Ref ID: M/2006/1841/F

Proposal: Proposed Disabled Extension to dwelling

Address: 2 Bank View, Caledon, Co Tyrone BT68 4TP

Decision:

Decision Date: 11.01.2007

Ref ID: M/2007/1390/F

Proposal: Single Storey extension to rear of existing Dwelling.

Address: 1 Bank View. Caledon, BT68 4TP.

Decision:

Decision Date: 21.04.2008

Ref ID: M/1996/0261

Proposal: Extension and alterations to dwelling

Address: 1, 3, & 4 BANK VIEW CALEDON

Decision:

Decision Date:

Ref ID: M/1979/0553

Proposal: PROPOSED CHANGE OF USE OF HOUSE TO HOTEL

Address: CALEDON ARMS HOTEL, MAIN STREET, CALEDON

Decision:

Decision Date:

Ref ID: M/1981/0022

Proposal: LICENSED RESTAURANT

Address: MAIN STREET, CALEDON

Decision:

Decision Date:

Ref ID: M/1979/0350

Proposal: "Q1" TYPE TELEPHONE EXCHANGE

Address: MAIN STREET, CALEDON, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/1531/F

Proposal: Refurbishment of existing footpaths, undergrounding of overhead cables, provision of new street furniture  
Address: Caledon Village, Co Tyrone  
Decision:  
Decision Date: 14.12.2006

Ref ID: LA09/2015/0909/F  
Proposal: Residential Development of 12 dwellings (renewal of M/2008/0314/F)  
Address: Site 30m South of St. Joseph's Primary School, Caledon,  
Decision:  
Decision Date:

Ref ID: LA09/2015/0206/F  
Proposal: 11 Kv overhead Line  
Address: 300m North East of 17 Annaghroe Road, Caledon, BT68 4UJ,  
Decision: PG  
Decision Date: 14.08.2015

### **Summary of Consultee Responses**

Environmental Health and Transport NI have been consulted and have no objections to the proposal. Environmental Health have recommended a condition is imposed to ensure the sewerage system connecting the development to the mains is constructed to a standard which is capable of being approved by NIW. This can be addressed by an informative. NIW have advised that there is potential of nuisance from WWTW odours and Noise. NIW were consulted under the previous application and recommended conditions to deal with this issue. These were subsequently addressed by informative, an approach which can be re-iterated under this current application.

Historic Environment Division have also been consulted. They have raised concerns that the proposal is not sympathetically designed in line with the historic streetscape of Caledon and as such fails to comply with policy BH 6 of PPS 6. They have requested an amended layout be submitted. They have acknowledged that there is a previous approval on this site. I would advise members that it is my view that we cannot insist on the submission of a revised layout in this respect given that there has been no change in policy since the previous application was approved

### **Drawing Numbers and Title**

Drawing No. 01 rev 1

Type:

Status: Submitted

Drawing No. 02 rev 6

Type:

Status: Submitted

Drawing No. 03 rev 2

Type:

Status: Submitted

Drawing No. 05 rev 1

Type:

Status: Submitted

Drawing No. 07 rev 1

Type:

Status: Submitted

Drawing No. 09 rev 3

Type:

Status: Submitted

Drawing No. 11 rev 3

Type:

Status: Submitted

Drawing No. 12 rev 1

Type:

Status: Submitted

Drawing No. 10 rev 2

Type:

Status: Submitted

Drawing No. 08 rev 1

Type:

Status: Submitted

Drawing No. 06 rev 1

Type:

Status: Submitted

Drawing No. 04 rev 1

Type:

Status: Submitted

Drawing No. 02A rev 1

Type:

Status: Submitted

Drawing No. 13

Type:

Status: Submitted

Drawing No. 16 rev 2

Type:

Status: Submitted

Drawing No. 17 rev 1

Type:

Status: Submitted

Drawing No. 14

Type:

Status: Submitted

Drawing No. 15 rev 2

Type:

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0932/F	<b>Target Date:</b>
<b>Proposal:</b> Change of use of lands and storage unit from window glazing business to car sales and car hire	<b>Location:</b> 155A Creagh Road Castledawson BT45 8EY
<b>Referral Route:</b>  This application is being presented to Committee as it is being recommended for refusal.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Ben McCormack 155 Creagh Road Castledawson	<b>Agent Name and Address:</b> CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

No representations were received in relation to this application. Transport NI have advised that amendments are required if the applicant wishes to progress the application.

### **Description of proposal**

The proposal is for the change of use of lands and storage unit from window glazing business to car sales and car hire. The application is clearly retrospective as the car sales is already operating with approximately 17 vehicles (includes a vehicle transporter) on the site at the time of site inspection.

### **Characteristics of the site and area**

The existing building is a small single storey detached building set at the junction of Creagh Road and Hillhead Road/Castledawson by-pass. The building has a corrugated iron clad roof with a small conservatory to the north east. The site previously contained a large area which was grass covered. The grass area has been excavated, infilled, ground levels raised and replaced by an area of hardstanding. This area of hardstanding now extends to the entire site curtilage and is used as the display area for the sale of vehicles.

The compound is secured by a 1.8m high chain link fence with entrance gates at the northern corner of the site. There is a second access at the south western corner but this is only a field gate type entrance. To the immediate west, there is a small paddock area.

The site is within a rural area which is characterised by single dwellings on road frontage sites and also set back off the road.

### **Planning Assessment of Policy and Other Material Considerations**

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Local Development Plan (LDP) 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 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. As the proposal relates to a car sales business PPS 5 was therefore a relevant material consideration until the publication of the SPPS. However, with PPS 5 being cancelled the proposal falls to be considered under the SPPS and other retained policies. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

#### **Planning History of the application site**

H/1988/0569 – Change of use of buildings to premises for manufacture and sales of control panels - Refused 05.06.1989

H/1995/0611 – Window glazing business – approved 15.12.1995

In addition to the current planning application, the existing building has a limited planning history which extends to the two planning applications listed above. While H/1988/0569 was refused, H/1995/0611 was approved but included a condition that 'the premises shall not be used for retail sales, for the following reason: 'to enable the Department to retain control over the type of site usage'. In the intervening years between the 1995 approval and the current planning application being submitted, there has been no application for a Certificate of Lawfulness for any retail use. The appropriate vehicle for determining whether a land use is established is a Certificate of Lawfulness of Existing Use or Development (CLUD) under Section 169 of the



Planning Act (NI) 2011. Given that the premises had been vacant for some time prior to the car sales commencing, the last use had ceased. The last lawful use of the premises would therefore be the window glazing business, however, that approval prohibited any retail element. The premises therefore never had the benefit of an approved retail use. Consequently this application is not for a change of use from one retail type to another, but for the introduction of a lawful retail element for the first time. Although it is acknowledged the site had a commercial use in the past, this was purely for storage (use class B4) whereas the proposed use is retailing (use class A1). Given the previous history of the site, the storage use is acceptable, however, to introduce a retail use is contrary to the extant Magherafelt Area Plan 2015 and to the previous decision on H/1995/0611. Therefore, in my opinion, in the absence of any justification, any decision must weigh in favour of maintaining the last lawful use.

The main issues in assessing this application are whether the proposed development is acceptable in the countryside and whether any sustained policy objection is outweighed by other considerations. The policy context is provided by the Strategic Planning Policy Statement for NI (SPPS), PPS 21 Sustainable Development in the Countryside and PPS 4 Planning and Economic Development.

The SPPS advises that to maintain and enhance the attractiveness of the countryside as a place to invest, live and work, the countryside requires a sustainable approach to new development, consistent with the RDS. The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. To ensure that proposals are satisfactorily integrated into the rural landscape, they need to be in an appropriate location.

In considering what types of development are acceptable in the rural area, the SPPS sets out the criteria for residential and non-residential developments. In addition it also advises that other types of development apart from those mentioned should be considered as part of the development plan process in line with the other policies set out within the SPPS. The SPPS promotes the re-use of previously used buildings, it also requires all development in the countryside to integrate into its setting, respect rural character and be appropriately designed.

The existing building was previously approved as a window glazing business under H/1995/0611/F on 15.12.1995. That use operated from the premises for some time and was the last approved use for the building and the site. The premises were vacant for some time prior to the current car sales use commencing. However, while car sales is considered to be Sui Generis, as defined in the Planning (Use Classes) Order (NI) 2015, for planning policy purposes, it is generally considered as a retail activity and therefore requires planning approval to operate from these premises.

The SPPS has a presumption against retailing in the countryside apart from some specific activities such as farm shops, craft shops and shops serving tourist or recreational services. Such retail facilities should be required to be located within existing buildings. While the above is not an exhaustive list, all the examples of retailing in the countryside relate to shops which by definition are buildings. The proposed development is for a large external area of hard-standing for the display of cars. On an exposed roadside site on the main A6, the car display is obvious from the public viewpoints and clearly dominates this site. The car sales will undoubtedly attract a significantly greater footfall to this rural site than what would be attracted to the previous window glazing business. The proposed development which, involves the outdoor storage of vehicles, is considered to be an inappropriate retail facility in the open countryside. It is therefore contrary to the SPPS in that it is not a small acceptable retail use within the rural area and it cannot be satisfactorily integrated into the countryside or into an existing group of buildings.

It could be argued that this is redevelopment/reuse of an existing economic activity, however there is no provision for car sales or retail activity in Policy PED 2: Economic Development in the

Countryside and Policy PED 4: Redevelopment of an Established Economic Development Use in the Countryside explicitly excludes retailing. This has been confirmed by the Planning Appeals Commission in its decision to refuse the retention of a car sales on a site at Craigadoo Road Ballymena, in its decision of 10th April 2015, Ref: 2014/A0150.

As the proposal is not supported by the SPPS or PPS 4, it then falls to be considered under PPS 21. Policy CTY 1 of PPS 21 sets out a range of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This policy goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. As the applicant has not provided any supporting statement as to why the proposed development is essential in this rural location and could not be located within a settlement, it is contrary to Policy CTY 1 of PPS 21.

Policy CTY 4 also allows for the re-use of existing buildings for a variety of uses where this would secure its upkeep and retention. In doing so the proposal must meet all criteria (a)-(h). In my opinion, the proposal fails to satisfy criteria (b) and (e). The outdoor display of vehicles on a site such as the application site, on the side of a major road which is also a protected route, is inappropriate in the rural area. The site is exposed and visible from the main A6 Castledawson by-pass/Hillhead Road. These views of the business detract from the quality of the rural landscape, causing harm to its visual amenity and in doing so would adversely effect the rural character and appearance of the area.

As referred to above, the Planning Appeals Commission considered a similar proposal for the 'Retention of home working internet car sales business' which was refused planning permission under appeal reference 2014/A0150 (copy attached at Annex A for information purposes). The Commission's decision in that case was that planning policy does not support proposals for car sales in the rural area outside settlement development limits.

Consequently, the proposal is considered to be contrary to the Magherafelt Area Plan 2015 as it is a retail proposal, located within a rural area outside any settlement development limit.

Transport NI advised that further amendments would be required should the applicant decide to progress the proposal and also advised of appropriate conditions if Council are minded to grant approval.

#### Recommendation

Taking all material considerations into account, I can only find that the proposal is contrary to planning policy and that no circumstances have been presented which would support the setting aside of the policies identified above. Therefore planning permission should be refused for the reasons listed below :-

**Neighbour Notification Checked**

**Yes**

#### Summary of Recommendation:

Refuse for the reasons stated below:-

**Refusal Reasons :**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that the site lies outside any designated development limits and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside and the proposed use would, if permitted, fail to integrate into the rural landscape and would have an adverse effect on the character and appearance of the rural area.

2. 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.

3. The proposal is contrary to Policy PED 2 and PED 4 of Planning Policy Statement 4, Planning and Economic Development in that; the nature of the proposal would, if permitted, harm the rural character and appearance of the area; there are no environmental benefits, and the proposal is for a retail use in the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	8th October 2015
<b>Date First Advertised</b>	21st October 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 111 Hillhead Road, The Creagh (Etre And Otre), Creagh, Londonderry, BT45 8EX, The Owner/Occupier, 5 Creagh Hill, The Creagh (Etre And Otre), Castledawson, Londonderry, BT45 8EU,	
<b>Date of Last Neighbour Notification</b>	27th October 2015
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: H/1988/0569 Proposal: CHANGE OF USE OF BUILDINGS TO PREMISES FOR MANUFACTURE AND SALES OF CONTROL PANELS Address: HILLHEAD ROAD CASTLEDAWSON Decision: Decision Date:  Ref ID: H/1995/0611 Proposal: WINDOW GLAZING BUSINESS Address: 155 CREAGH ROAD CASTLEDAWSON Decision: Decision Date:  Ref ID: H/1999/0660/Q Proposal: Extension to Public House Address: 116 Hillhead Road, The Creagh, Castledawson, Northern Ireland, BT45 8ET Decision: Decision Date:  Ref ID: LA09/2015/0932/F Proposal: Change of use of lands and storage unit from window glazing business to car sales and car hire Address: 155 Creagh Road, Castledawson, BT45 8EY, Decision: Decision Date:	

**Summary of Consultee Responses**

Transport NI advised that further amendments would be required should the applicant decide to progress the proposal and also advised of appropriate conditions if Council are minded to grant approval.

**Drawing Numbers and Title**

Drawing No. 01/1

Type: Site Location Plan

Status: Approved

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03/1

Type: Proposed Elevations

Status: Approved

Drawing No. 04/1

Type: Proposed Floor Plans

Status: Approved

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report

### Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/1213/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed extension to existing Lidl store	<b>Location:</b> 38 Castledawson Road Magherafelt
<b>Referral Route:</b>  This application is being presented to Committee as one letter of objection has been received.	
<b>Recommendation:</b>	<b>APPROVE</b>
<b>Applicant Name and Address:</b> Lidl NI GmbH Dundrod Road Nuttscorner Crumlin	<b>Agent Name and Address:</b> Clarman and Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## 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	Transport NI - Enniskillen Office	Advice
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 objection has been received in relation to the proposed development. The objection relates to

- the completion of the planning application certificate and that notice was not served on the objector;

The objector is not the occupier of an adjoining building and therefore is not entitled to neighbour notification. The issue of landownership is a civil matter and not an issue for consideration by the Council.

- the objector owns a portion of the footpath serving Lidl's fire escape. The objector does not agree to the applicant using this as no easement has been granted over same; the applicant states that they have been in discussions with the objector for a number of years in order to reach a satisfactory arrangement.

The issue of landownership and/or trespass is a civil matter and not an issue for consideration by the Council.

- the proposed extension would obscure a sign erected by the objector under H/2010/0120/A.

The applicant contends that the approved sign overlooks their property without the any granting of an easement. The proposal does not interfere with the signage in any way. The signage was blank at the time of the site inspection. The issue of an easement for line of sight to the approved sign is a civil matter and not an issue for consideration by the Council.

### Description of proposal

The proposal is for the erection of an extension to the existing Lidl Store. The proposed extension will provide additional storage area, freeze compartment and bakery along the north eastern elevation with the access repositioned to the front corner and an extension along the south eastern façade, facing the Castledawson Road, to accommodate revised checkout positions, canteen, office, training and associated areas. The increase in floor space extends to 789m<sup>2</sup>. The proposed extension will extend in to the existing car parking area with a subsequent reduction in the number of parking spaces available.

The design of the proposed extension largely matches the existing building with the exception of the large glazed walling along the Castledawson Road frontage. This façade is to be largely glazing from the ground to near roof level, where there is to be a small parapet wall built up to conceal the new mono pitch roof behind.

External finishes are :-

Walls – 4mm Alucobond sheeting to RAL 9006

- Spray applied 'Bauprotec 900E' Render painted White RAL 9010

- Base/Piers – Grey RAL 7038

Rainwater Goods – Powder coated grey aluminium – RAL 9006

Windows/Doors - Powder coated grey aluminium – RAL 7024

The design and external finishes are acceptable in this location.

### Characteristics of the site and area

This site exists as whiteland within the development limit of Magherafelt in the Magherafelt Area Plan 2015. The site is adjacent to a Major Area of existing industry and land zoned for industry



in the Draft Magherafelt Area Plan 2015.

This application relates to the existing Lidl store at 38 Castledawson Road, Magherafelt.

### **Planning Assessment of Policy and Other Material Considerations**

Shaping Our Future: Regional Development Strategy for Northern Ireland 2035.  
Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development

Magherafelt Area Plan 2015: The site is located within Magherafelt Settlement Limit.  
PPS 3 – Access, Moving and Parking

DCAN 15 - Vehicular Access Standards.

Strategic Planning Policy Statement for NI (SPPS)

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.

RDS 2035

Policy RG7 advises that regeneration is necessary to create more accessible, vibrant city and town centres which offer people more local choice for shopping, social activity and recreation. Urban renaissance is the process of development and redevelopment in urban areas to attract investment and activity, foster revitalisation and improve the mix of uses. The proposal will offer additional choice for shoppers within Magherafelt.

Policy RG9 seeks to reduce the carbon footprint and facilitate mitigation and adaptation to climate change whilst improving air quality. The proposal will offer additional shopping choice within the town centre and as it is close to existing car parks within the town centre it will reduce the need for additional travel and will thereby help in the reduction the overall carbon footprint.

The proposal is in keeping with the Magherafelt Area Plan 2015 as it is for the extension of an existing retail unit within the settlement limits of Magherafelt. The site fronts onto A31 and is outside the Magherafelt designated town centre.

The proposal relates to the erection of an extension to an existing retail premises within an urban setting.

The extension proposed will extend forward of the existing building line by approximately 16.5m with a side extension of approximately 5.6. The proposed extension is acceptable in terms of scale and design. The extension requires the removal of a number of parking spaces. Transportni have requested the submission of a transport Assessment Form. Following the submission of the requested TAF and subsequent plan showing safe access for pedestrians to the front door of the premises, Transportni have provided suggested conditions.

The applicant has provided a retail impact statement detailing that the current store operates with a net-retail floor space area of 986.6m<sup>2</sup> which is proposed to increase by 338.9m<sup>2</sup> to 1325.5m<sup>2</sup> (+34%), a non-retail floor space area of 335.5m<sup>2</sup> increasing by 439.9m<sup>2</sup> to 775.4m<sup>2</sup> (+131.1%), with an overall floor space area of 1322.1m<sup>2</sup> increasing by 778.8m<sup>2</sup> to 2100.4m<sup>2</sup> (+58.9%). The retail impact statement, however, suggests that the non-retail floor space is increasing by only +33.2%. At present the net sales area of 986.6m<sup>2</sup> has a sales density of £3618/m<sup>2</sup> resulting in a store turnover of £3.57m. According to the DOE figures presented at the

Public Inquiry into planning applications for other stores in Magherafelt, the sales density would decrease to £3596 in 2019 resulting in a turnover of £3.55m.

The applicants retail impact statement suggests that as this proposal is for an extension and not for a new store, the extension will not achieve the same overall store sales density as the existing store and estimates that the extension would attract a sales density around 66% of the current store density. This would equate to around £2374/m<sup>2</sup> in 2019 resulting in a turnover of about £804,423 for the extension. This would seem to be a reasonable assumption given that 56.5% of the extensions floor space is for non-retail uses.

The estimated available expenditure within the catchment area for convenience goods, provided to the aforementioned public inquiry, predicts a growth of £1,790.277 between 2016 and 2019. The proposed extension would therefore require 1.5 years of this growth to support its turnover. The estimated retail impact of the proposed extension has been shown to be less than 2% on Magherafelt Town Centre, with the impact on any individual trader being less than 4%. It is noted that none of the existing town centre traders objected to the proposed extension or felt that it would impact on existing trade levels.

The SPSS requires certain factors to be addressed in a retail impact assessment of need. These have been considered as follows:-

The turnover has been shown to impact only at a minor level on any single convenience trader. This ranges from between 3.93% (£80,442) from Iceland in Meadowlane, to 0.76% (£40,221) on other traders with the overall impact on Magherafelt town centre being 1.79%.

There is no suggestion that proposal will have an impact on investor confidence. No objections have been raised in relation to this and it was not an issue raised in connection with the recent appeal into the Forbes proposal at the adjacent Station Road site.

The proposal will not have an adverse impact on the vitality and viability of Magherafelt Town centre or the continued existence of existing town centre retailers.

There are no commitments to be considered in this application.

The proposal will create an additional 4 jobs which will help to sustain the 12 existing jobs and provide an enhanced outlet for NI produce which will be advantageous to the area.

Para 6.291 of the SPSS advises that if any of the above criteria is considered significantly adverse or on balance the overall impact is harmful then it should be refused. Through the retail impact statement, it has been shown that what is considered to be relatively modest extension, will not have an adverse impact nor is the impact considered to be harmful to the area. This is based on objectively tested evidence provided by the DoE and considered and accepted at the recent Public Inquiry and therefore the proposal is not considered to warrant a refusal.

Consultee responses:-

Roads Service:- requested the submission of a Transport Assessment Form and following the provision of this, advised that there were no objections subject to suggested conditions;

NI Water:- No objection subject to informatives

Environmental Health:- No objection

### **Recommendation**

On consideration of the above, it is my opinion that planning permission should be approved subject to the conditions listed below:-

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Approve subject to 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 floorspace comprised in the retail store hereby extended shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015: -

- (a) food, alcoholic drink;
- (b) tobacco, newspapers, magazines, confectionery;
- (c) stationary and paper goods;
- (d) toilet requisites and cosmetics;
- (e) household cleaning materials; and
- (f) other retail goods as may be determined in writing by the Department as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Reason: To ensure the comparison functions of the neighbouring town centres are not adversely affected by this development.

3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas, including pedestrian access, have been constructed and permanently marked in accordance with the approved drawing No 02/2 bearing date stamp 19th April 2016 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	4th December 2015
<b>Date First Advertised</b>	14th December 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) PA Duffy & Co Solicitors 27, Broad Street, Magherafelt, Londonderry, Northern Ireland, BT45 6EB The Owner/Occupier, 36 Castledawson Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, Forbes Furniture, Station Road Industrial Estate, Station Road, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5EY, The Owner/Occupier, Magherafelt Primary School, 32 Castledawson Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, Manlee Restaurant, 36 Castledawson Road, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6PA,	
<b>Date of Last Neighbour Notification</b>	6th January 2016
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/2014/0358/O Proposal: Drive through restaurant, associated car park, picnic area and improved access to Lidl. Address: Site adjacent and North East of Lidl car park, Castledawson Road, Magherafelt., Decision: Decision Date:  Ref ID: H/2014/0354/F Proposal: Alterations to existing retail building involving extension, elevational changes, roof changes and removal of part of first floor (no increase in total floorspace). Provision of new car park and service yard. Amendments to road layout involving improved access to Castledawson Road, improved accesses to Lidl and new link road to Station Road Industrial Estate. Address: Forbes Furniture Retail Building (Station Road Industrial Estate) and land to the immediate south of it bounded by the existing Lidl Store and Castledawson Road Magherafelt,	

Ref ID: H/2014/0210/A

Proposal: Advertising Hoarding

Address: 10m NW of 36 Castledawson Road Magherafelt,

Decision: CR

Decision Date: 23.03.2015

Ref ID: H/1979/0462

Proposal: ROADS AND SERVICES FOR INDUSTRIAL ESTATE AT STATION ROAD

Address: STATION ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2012/0045/LDE

Proposal: Access Road

Address: Access Road from Lidl's access road off Castledawson Road to Forbes Furniture Store, Station Road Industrial Estate, Magherafelt,

Decision:

Decision Date:

Ref ID: H/1993/0275

Proposal: ADVERTISING HOARDINGS

Address: CASTLEDAWSON ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0728/Q

Proposal: Proposed Development.

Address: Castledawson Road, Magherafelt.

Decision:

Decision Date:

Ref ID: H/2001/0672/F

Proposal: Provision of food store

Address: Adjacent to 36 Castledawson Road, Magherafelt

Decision:

Decision Date: 11.08.2003

Ref ID: H/1995/6049

Proposal: PROPOSED HOTEL CASTLEDAWSON ROAD MAGHERAFELT

Address: CASTLEDAWSON ROAD

Decision:

Decision Date:

Ref ID: H/1994/6075

Proposal: SITE OF INDUSTRIAL UNITS CASTLEDAWSON ROAD MAGHERAFELT

Address: CASTLEDAWSON ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2010/0598/F

Proposal: Single Storey extension to existing Lidl Store to provide ancillary storage and recladding to elevations to meet brand standards

Address: 38 Castledawson Road, Magherafelt, BT45 6PA,

Decision:

Decision Date: 25.02.2011

Ref ID: H/2011/0104/O

Proposal: Demolition of existing furniture store and erection of supermarket, associated parking and amended access

Address: Lands including Forbes Furniture Store the existing Lidl store and vacant site to its immediate east at Castledawson Road Magherafelt BT45 5EY,

Decision: PR

Decision Date:

Ref ID: H/2011/0019/PREAPP

Proposal: 60,000 sq ft retail unit, fast food takeaway unit and re alignment of Castledawson Road

Address: Castledawson Road, Magherafelt,

Decision:

Decision Date:

Ref ID: H/2004/0145/A

Proposal: Shop sign and flag sign.

Address: Castledawson Road, Magherafelt.

Decision:

Decision Date: 21.05.2004

Ref ID: H/2010/0120/A

Proposal: Proposed Electrical Signboard (amended siting and reduced size)

Address: 10m North East of 36 Castledawson Road, Magherafelt

Decision:

Decision Date: 14.10.2010

Ref ID: H/2011/0065/PREAPP

Proposal: Pre-Application meeting for 60,000 sq ft retail unit, fast food takeaway unit and realignment of Castledawson Road

Address: Castledawson Road, Magherafelt,

Decision: ESA

Decision Date:

Ref ID: H/2003/0404/F

Proposal: Proposed Extension to South East Side of Existing Showroom to Include Bulky Goods Retail Unit and Furniture Showroom. Also Proposed Bulky Goods Unit to South of Existing Showroom.

Address: Units 1 & 2 Station Road Industrial Estate and lands to the south east fronting Castledawson Road.

Decision:

Decision Date: 01.11.2006

Ref ID: H/2004/1597/F

Proposal: New ramped access to link foodstore to existing footpath

Address: Lidl Foodstore, Castledawson Road, Magherafelt.

Decision:

Decision Date: 17.06.2008

Ref ID: H/1982/0271

Proposal: NEW DIESEL PUMP AND STORAGE TANK

Address: STAR SERVICE STATION, CASTLEDAWSON ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1986/0192

Proposal: ALTERATIONS AND ADDITIONS TO PETROL FILLING STATION  
INCLUDING NEW CANOPY

Address: STAR PETROL STATION, CASTLEDAWSON ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1976/0135

Proposal: REPLACEMENT FILLING STATION

Address: CASTLEDAWSON ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0782/F

Proposal: 3 No. Shop Units And demolition Of existing shop

Address: 36 Castledawson Road, Town Parks Of M'Felt, Magherafelt, Northern Ireland,  
BT45 6PA

Decision:

Decision Date: 15.11.2001

Ref ID: LA09/2015/1213/F

Proposal: Proposed extension to existing Lidl store

Address: 38 Castledawson Road, Magherafelt,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

Drawing No. 02/2  
Type: Site Layout or Block Plan  
Status: Approved

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

Drawing No. 08  
Type: Roads Details  
Status: Submitted

Drawing No. 09  
Type: Roads Details  
Status: Submitted

Drawing No. 10  
Type: Existing Elevations  
Status: Submitted

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

Drawing No. 07  
Type: Proposed Plans  
Status: Approved

Drawing No. 06  
Type: Proposed Plans  
Status: Approved

Drawing No. 05  
Type: Proposed Plans  
Status: Approved

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

Drawing No. 03  
Type: Existing Site Survey  
Status: Submitted



**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b> 6th September 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/1287/F	<b>Target Date:</b>
<b>Proposal:</b> Partial demolition to include replacement front walls with renovation and rear extension to create 2 no terraced dwellings	<b>Location:</b> 50 and 52 Moore Street Aughnacloy
<b>Referral Route:</b> Planning application recommended for refusal.	
<b>Recommendation:</b> Refusal.	
<b>Applicant Name and Address:</b> Martina O'Hanlon 11 O'Duffy Terrace Ballybay	<b>Agent Name and Address:</b> ACA Architecture Cottage Studios Gortrush Omagh BT78 5EJ
<b>Executive Summary:</b> The proposal includes the partial demolition of no.50 and no.52 Moore Street. Property no.50 in my view makes a positive contribution to the Area of Townscape Character. This is due to its three storey nature, the height of the building which extends beyond its neighbours, the regular pattern of window openings and large chimneys extending from the gable walls. The structural report received 22 <sup>nd</sup> April 2016 does not support the demolition of this dwelling and consultation response from Building Control states that "I do not believe the full scale demolition of the front wall is warranted." Whilst acknowledging there may be financial implications in retaining the facade, this is not in my view sufficient to warrant demolition. The proposal is contrary to Policy ATC 1 of Planning Policy Statement 6: Area of Townscape Character in that, it has not been demonstrated that the demolition of a building which makes a positive contribution to the Area of Townscape Character is necessary.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



Figure 1: Site Location

### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	DoF - CPD Structural Engineering Branch	Consulted in Error

### Representations:

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

### Summary of Issues

No representations were received.

### 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, 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.



Figure 2: Properties no.50 and no.52 (centre) Moore Street.

### 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.



Figure 3: View of properties within Moore Street.

### Description of the Proposal

The proposal seeks permission for the “Partial demolition to include replacement front walls with renovation and rear extension to create 2 no terraced dwellings.”

The proposal includes the demolition of the existing front façade in its entirety and the party wall between the two properties. It includes the retention of the rear wall with extension to the rear and the provision of new roofs to both properties. The proposal will provide two no. dwellings. The design have been amended on two occasions through discussion with the agent and at present consists of one three storey (no.50) and one which is two storey (no.52).

### Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan (2010)
- PPS 3: Access, Movement and Parking
- PPS 7 (Addendum): Residential Extensions and Alterations
- PPS 6 (Addendum): Areas of Townscape Character

The Dungannon and South Tyrone Area Plan (2010) identifies the site within the development limits of Aughnacloy. The key considerations will be to ensure that development proposal respects the appearance and qualities of the townscape area and maintains or enhances its distinctive character.

While the rear wall of the existing properties is to be retained, the remainder of the properties, no.50 and 52 will be demolished. The proposal is thus considered under Policy ATC 1 Demolition Control in an Area of Townscape Character of PPS6 which states,

*“There will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit 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. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.”*

The first test of this policy is to determine if the buildings which are subject of this application make a positive contribution to the Area of Townscape character.

When considering the properties within the streetscape, no. 52 is one of few three storey and the tallest along this stretch of Moore street. It consequently stands out as a prominent feature. Regularly spaced openings similar to that of its neighbours contribute to a rhythm legible within the building facades. The undulating roof-scape created by varying building heights is characterised by large chimneys which extend from gables, including two from the gable walls of no.50.

No. 52 is a two storey property which appears to have been adapted with the insertion of a large picture window to serve a shop unit at ground floor. The property unlike its neighbour (no.50) does not stand out along the street. Window openings do not follow the regular pattern evident along the street nor does it have any chimneys which contribute to this characteristic of the roofscape.

It is my view that property no.50 makes a positive contribution to the Area of Townscape Character, however no.52 does not.

Considering the aforementioned policy, it is clear that there is a presumption against the demolition of no.50 Moore Street. The policy continues to state that the demolition of an unlisted building in an ATC where the building makes no material contribution to the distinctive character of the area as such is the case for no.52. Were permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

The proposal is for the part demolition and redevelopment of both sites. The presumption against the demolition of no.50 was expressed to the agent. A structural survey was subsequently submitted to the council with correspondence from the agent stating, "that the only feasible option for them is to demolish the front wall of the properties and rebuild as per the attached plan." The structural survey however concludes, "owing to the amount of low level dampness found, we confirm that all walls at ground floor in both properties would benefit from the installation of a full chemical injection dpc and necessary associated works, so shall recommend accordingly." Notably the report does not state that demolition of the front wall is necessary but states that extensive replacement of window and door heads is required.

Building Control were consulted for comment on the details of the report. They carried out a site inspection of the properties both internally and externally. Their report concludes, "I do not believe that a full scale demolition of the front wall is warranted, whilst accepting that it is probably easier to build from new (rather than cutting out and replacing lintels and supports). From a structural viewpoint, there are insufficient grounds to recommend demolition. The comments made by the surveyor (commissioned by the applicant) would appear to be accurate and these will require full scale replacement."

During the interim a revised scheme design was received with the original proposal of 2 no. two storey dwellings amended to 1 no. three storey property and 1 no. two storey property similar in appearance to that existing. Whilst a regular pattern of openings has been proposed and the three storey feature of no.50 included, the proposal still requires full demolition of the front façade. The party wall between the two properties is also to be removed and rebuilt to offer more space to no.52. Openings are located in different positions to that existing. Email correspondence from planning consultant Les Ross, dated 16/08/2016 confirms the removal the two buildings entirely and their replacement with two dwellings and explains that due to structural problems, the retention of the existing facade would not be financially viable.

While I acknowledge that the agents has made an attempt to replicate the existing properties, it is clear under Policy ATC1 that there is a presumption against the demolition of no.50. The structural support submitted by the agent does not state that demolition is required. Furthermore Building Control's consultation response states that "full scale demolition of the front wall is unwarranted." Acknowledging that there may be financial implications of retaining the existing

building, this is not sufficient in my view to warrant the demolition of the building and consequent gradual erosion of the street and ATC.

Transport NI were consulted and responded with no objection subject to conditions. In considering parking to serve the proposed dwellings this could be facilitated along the street. To the rear the existing derelict stone building is to be demolished and 70sqm of private amenity provided to each property.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

In conclusion, the proposal is in my opinion contrary to ATC1 of PPS 6(Addendum) and I recommend refusal.

**Refusal Reasons**

1. The proposal is contrary to Policy ATC 1 of Planning Policy Statement 6: Area of Townscape Character in that, it has not been demonstrated that the demolition of a building which makes a positive contribution to the Area of Townscape Character is necessary.

**Signature(s)**

**Date:**



ANNEX	
<b>Date Valid</b>	21st December 2015
<b>Date First Advertised</b>	11th January 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 48 Moore Street, Derrycush, Aughnacloy, Tyrone, BT69 6AY The Owner/Occupier, 54 Moore Street Derrycush Aughnacloy The Owner/Occupier, Flat A, 54 Moore Street,Derrycush,Aughnacloy,Tyrone,BT69 6AY	
<b>Date of Last Neighbour Notification</b>	12th January 2016
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Planning History</b> Ref ID: M/1998/0011 Proposal: Renovation and Extension of Dwelling Address: 50 MOORE STREET AUGHNACLOY Decision: Decision Date:  Ref ID: M/1992/0365 Proposal: Renovation of dwelling Address: 50 MOORE STREET AUGHNACLOY Decision: Decision Date:  Ref ID: M/1974/0507 Proposal: IMPROVEMENTS TO DWELLING Address: 76 MOORE STREET, AUGHNACLOY Decision: Decision Date:  Ref ID: LA09/2015/1287/F Proposal: Conversion and renovation of existing properties to provide 2 dwellings Address: 50 and 52 Moore Street, Aughnacloy, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  Transport NI were consulted and responded with no objection subject to conditions.	



Drawing Numbers and Title
Drawing No. 04rev2 Type: Site Plan Status: Submitted
Drawing No. 03rev4 Type: Proposed Plans Status: Submitted
Drawing No. 02 Type: Existing Plans Status: Submitted
Drawing No. 01rev1 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: N/A Response of Department:



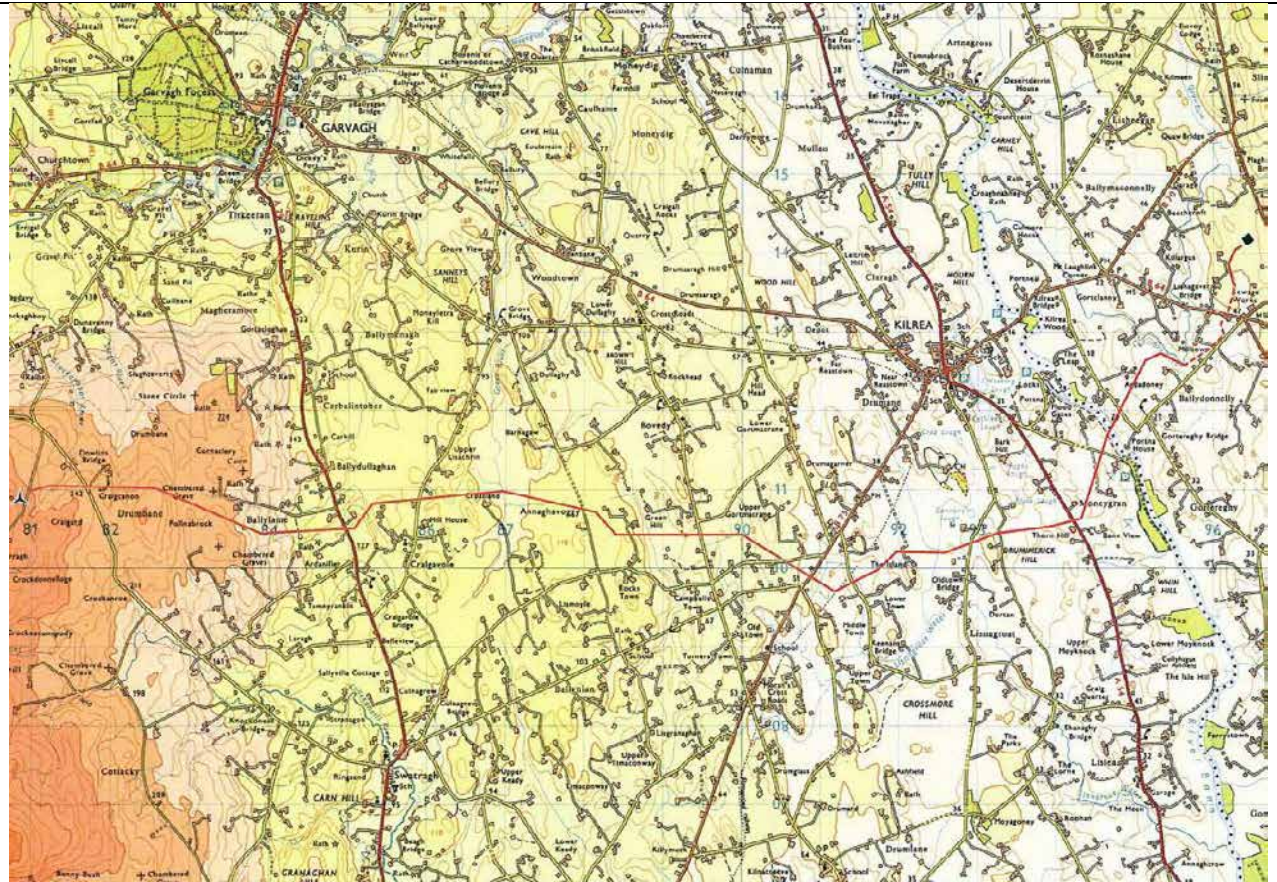
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6th September 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/1294/F	<b>Target Date:</b>
<b>Proposal:</b> Construction of c.17.4km of 110kV overhead electricity transmission line including associated support structures and other apparatus and two sections of connecting underground cable (c. 0.4km and c. 1.4km) linking Brockaghboy Wind Farm Substation, Drumbane Road, Garvagh, Coleraine, BT51 5DR (approved under planning ref C/2007/1186/F) and NIE Networks Rasharkin Main Substation, Finvoy Road, Rasharkin, Ballymena, BT44 8SD (approved under planning ref D/2012/0276/F). Circa 5.9 km of overhead line falls within Mid Ulster District Council.	<b>Location:</b> Linear infrastructure over/across Magheraboy Ballydonnelly Lisnagaver Culmore Gortereghy
<b>Referral Route:</b> This application is within the major category of development.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> SONI Limited 12 Manse Road Belfast BT6 9RT	<b>Agent Name and Address:</b>
<b>Executive Summary:</b> Recommended for approval, subject to conditions.	
<b>Signature(s):</b> <i>N. Hasson</i>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	NIEA	
Statutory	NIEA	Content
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Belfast International Airport	No Objection
Non Statutory	City of Derry Airport	No Objection

Non Statutory	National Air Traffic Services	No Objection
Non Statutory	UK Crown Bodies - D.I.O. LMS	No Objection
Non Statutory	UK Crown Bodies - D.I.O. Safeguarding	No Objection
Non Statutory	Arqiva Services Limited	No Objection
Non Statutory	Ofcom Northern Ireland	Substantive Response Received
Non Statutory	P.S.N.I. Information And Communications Services	Substantive Response Received
Statutory	NIEA	
Statutory	NIEA	Extension Required

#### **Representations:**

Letters of Support	53
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

#### **Summary of Issues**

Application within the major category of development.  
Cross boundary application with Causeway Coast and Glens.  
No representations received.

#### **Characteristics of the Site and Area**

##### Site and Environs:

The proposed site covers a distance of 5.9 km within the Mid Ulster District Council boundary. The site lies within the Mid Ulster Council boundary and the Causeway Coast and Glens Council boundary. The proposed overhead line links Brockaghboy windfarm (approved under C/2007/1186/F) with an NIE electricity substation in Rasharkin (approved under D/2012/0276/F) and the overall distance is approximately 17.4 km. The approved Brockaghboy windfarm is located to north west of Swatragh, on high lands associated with the eastern portion of the Sperrins Mountains. The proposed development area is largely rural, with the primary land use of an agricultural nature. The character of the landscape is relatively flat or gently undulating countryside along the sections of the line within Mid Ulster District Council. The overhead line initially crosses into Mid Ulster Council over the River Bann, approximately 2.5 km south east of Kilrea. Within Mid Ulster, the overhead line crosses Portna road, Moneygran road, Drumimerick road, Lisnagrot road, Moneysallin road and Barnside road.

#### **Planning Assessment of Policy and Other Material Considerations**

### Proposal:

The proposal is the construction of c.17.4km of 110kV overhead electricity transmission line including associated support structures and other apparatus and two sections of connecting underground cable (c. 0.4km and c. 1.4km) linking Brockaghboy Wind Farm Substation, Drumbane Road, Garvagh, Coleraine, BT51 5DR (approved under planning ref C/2007/1186/F) and NIE Networks Rasharkin Main Substation, Finvoy Road, Rasharkin, Ballymena, BT44 8SD (approved under planning ref D/2012/0276/F). 5.9 km of the overhead line falls within Mid Ulster District Council.

The overhead line consists of 3 phase conductors (lines) and 2 earth wires with supporting structures of wooden poles and steel lattice towers. The wooden poles range in height from 12-21 metres, while the lattice towers range from 12-20 metres in height. The applicant has submitted a schedule of structure heights and it appears there only five structures across the total line span that are over 18.5 metres in height. The steel lattice towers are used where the line changes direction and each tower has a reinforced concrete foundation of approximately 20m<sup>2</sup>.

Causeway Coast and Glens District Council are currently processing a planning application for the remainder of the overhead line within that Council's boundary. The reference of this application is LA01/2015/1067/F.

This application is within the major category of development, as the proposal is for an electrical power line where the voltage exceeds 33 kV and the purpose is to supply more than one customer, in accordance with the Planning (Development Management) Regulations (Northern Ireland) 2015. The applicant completed pre-application notification under ref. LA09/2015/0729/PAN prior to submission, in accordance with Section 27 of the Planning Act (Northern Ireland) 2011.

### Site History:

A 15 turbine windfarm at Brockaghboy has been approved previously under application ref. C/2007/1186/F. A 4 turbine extension was also approved under application ref. H/2014/0241/F. The NIE substation which is currently under construction was approved under application ref. D/2012/0276/F.

The proposal of this planning application is to link the windfarm with the substation by 110 kV overhead line. There is no other relevant planning history.

### Representations:

53 letters of support were received in respect of this development proposal. No objections have been received.

### Development Plan and Key Policy Considerations:

*Regional Development Strategy (RDS) 2035*  
*Magherafelt Area Plan 2010*  
*Strategic Planning Policy Statement (SPPS)*  
*Planning Strategy for Rural Northern Ireland (PSRNI)*  
*PPS 2 - Planning and Nature Conservation*  
*PPS 3 - (revised) Access, Movement and Parking*  
*PPS 6 - Planning, Archaeology and the Built Heritage*  
*PPS 18 - Renewable Energy*  
*PPS 21 - Sustainable Development in the Countryside*

The Regional Development Strategy (RDS) 2035 provides a framework for the future development of Northern Ireland to 2035 and is the spatial strategy of the Northern Ireland Executive. It provides an overarching strategic planning framework to facilitate and guide the public and private sectors.

Policy RG5 of the RDS aims to deliver a sustainable and secure energy supply. A key objective is to strengthen the grid, in order to increase electricity interconnection capacity to strengthen the linkages between transmission and distribution networks. The RDS also aims to increase the contribution that renewable energy can make to the overall energy mix.

The proposed development is located within land designated by the Magherafelt Area Plan 2015. The route of the overhead line does not traverse any settlements as designated in the Plan.

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 is judged to be in general conformity with the RDS.

The SPPS acknowledges the role Planning should play in contributing to the Executive's commitments and priorities for promoting economic recovery and balanced growth. Furthermore, it places importance on needs and aspirations of society and supports growth in renewable energy sources. Under the SPPS, the guiding principle for planning authorities in determining applications is that sustainable development, should be permitted having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Para 4.19 of the SPPS directs that Planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. However, a balance must be found between the need to support economic growth and job creation with the protection and enhancement of the quality of the natural and built environment.

The proposed overhead line is located exclusively in the countryside. The SPPS objectives for development in the countryside include development which contribute to a sustainable rural economy, promotion of high standards in the design and siting of development and sustainable development which promotes a vibrant rural community.

The SPPS stresses the importance of renewable energy in contributing towards sustainable development and wider government policy objectives. Para 6.218 states that the benefits of renewable energy should be realised without compromising other environmental assets of acknowledged importance.

The Council consulted with a range of bodies for comments on the proposed development. In summary, no objections were received from the consultees, subject to conditions and informatives.

NIEA Natural Environment Division (NED) has no concerns with the impact of the proposal on designated sites and other natural heritage interests. Shared Environmental Services have also confirmed that the proposal will not have an adverse effect on the integrity of any European site.

An Environmental report (ER) was submitted detailing all possible impacts and proposed mitigations measures. NED is content that the mitigation measures detailed in the ER are satisfactory. NED also notes that a number of priority habitats will be directly and indirectly impacted by the proposal, however the overall impact is not considered significant. Some badger



setts will be impacted by the construction works however the ER has identified the location of alternative setts that are used by the same groups of badgers. The applicant has indicated that they intend to apply for temporary closure licenses for the impacted setts. Furthermore, it is unlikely that the proposal will have any impact on bats or birds however mitigation measures have been put in place. An ecological clerk of works will be retained to oversee and provide advice during the construction phase.

Historic Environment Division (HED) note that the proposal is in close proximity to a number of monuments, protected by policy BH2 of PPS 6. In addition, the development is in the vicinity of a number of archaeologically sensitive landscapes, such as the River Bann. HED has considered the archaeological mitigation and are content.

Water Management Unit are content with the impact of the proposed development on the surface water environment, subject to a detailed construction management plan to be agreed prior to construction.

Policy CTY 1 of PPS 21 allows for a range of non-residential development that may be acceptable in principle in the countryside. This would include a development such as this. Policy CTY 1 directs that such proposals will be considered in accordance with existing published planning policies. I consider policy CTY 14 in relation to 'rural character' as a material consideration in this application. It is my opinion that the proposal will have a negative impact on rural character. The nature of the development is such that it will appear relatively incongruous in the rural area, however it is apparent that the proposal has been designed in order to keep this impact to a minimum, therefore reducing the overall prominence of the development. The overhead line will only be visible from certain public viewpoints and traverses agricultural land away from the public road for the majority of the route. Furthermore, the policy does state that the vulnerability of the landscape should be considered. The impact of the proposal on rural character will be balanced against the other prevailing planning policies.

Policy RE1 of PPS 18 relates specifically to Renewable energy development. The policy takes account of infrastructure that is essential for a development that generates energy from renewable sources, such as the proposed overhead line.

It is my opinion that the proposal will not result in an unacceptable adverse impact on public safety, human health or residential amenity. Transport NI and MUDC Environmental Health (EHO) have no objections to the proposed development therefore the possible impact on public safety and human health is minimal, provided the suggested mitigation measures are implemented. I have few concerns with the proposal regarding residential amenity. The overhead line does not pass very close to any existing dwellings. The line passes 90 metres to the west of 37 Portna road and 80 metres to the south of 17 Moneysallin road. These are the only two dwellings that the line crosses less than 100 metres away from the dwelling. In both cases, existing vegetation should help mitigate against any potential impact on amenity. Furthermore, EHO state that the 'potential for corona noise to impact on neighbouring receptors is greatly reduced'. The submission also confirms that the proposal is designed to be in full compliance with the requirements of the radiofrequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). There are a number of other dwellings in proximity to the proposed route that are over 100 metres away that might experience some impacts of the proposed development, specifically 75 Moneygran road, 9 Drummimerick road, 62 Lisnagrot road, 72 Drumagarner road and 23, 23A & 25 Moneysallin road. It is my opinion that the proposed development will not result in an unacceptable adverse impact on the residential amenity of the occupiers of these dwellings due to the separation distance.

The proposed overhead line ranges in height from 12 m to 21 m and is relatively visually obtrusive in nature, albeit from a relatively short distance. The site area does not include any designated sites, in particular the Area of Outstanding Natural Beauty, therefore the land is not

highly valued for its visual quality. On balance, it is my opinion that the proposal will not result in an unacceptable adverse impact on visual amenity and landscape character.

Following consultation with NIEA, it is my opinion that the proposal will not result in unacceptable impacts on biodiversity, nature conservation, built heritage interests or local natural resources. NIEA have suggested conditions which will mitigate against any of the potential impacts. I have no concerns that the proposal will result in an unacceptable adverse impact on public access to the countryside.

Policy RE 1 also directs that 'the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted'. It is apparent that the proposed development has a wider economic benefit for the Northern Ireland as it will enable the already approved windfarms to access the wider electricity transmission network. This is consistent with policy RG5 of the RDS which aims to deliver a sustainable and secure energy supply and increase the contribution that renewable energy makes to the overall energy mix of the country.

The Best Practice Guidance to PPS 18 document acknowledges that wind farms need to be connected to the electricity distribution network, much like a normal power station. The table contained in para 1.12 explains the typical wind energy development, which includes poles and pylons for connection to the National Grid. The Guidance also acknowledges that pole mounted overhead systems are the most cost effective way of providing the connection.

Planning policy in relation to public services and utilities is contained within PSRNI. Policy PSU 2 relates to 'major projects'. This policy states that it is necessary to strike a balance between economic growth and protection of the environment. The submission clearly identifies the potential environmental effects of the development in the ER and the proposal does contribute to the economy and it will satisfy the regional need to strengthen the electric grid. The ER also identified in detail the possible alternative route corridors and designs. It is my opinion that the proposal complies with policy PSU 2.

Policy PSU 11 relates specifically to 'overhead cables'. The siting of powerlines will be controlled in terms of the visual impact on the environment with particular reference given to designated areas. The policy directs that new proposals should avoid areas of landscape sensitivity and areas of nature conservation or archaeological interest. Proposals should also be designed to minimise visual intrusion. The nature of the development means it will always be visible to some degree. The submission by the applicant includes information relating to each individual structure along the line, including the proposed height. It is my opinion that the proposal complies with PSU 11.

The proposal was screened under Regulation 7 (1) A of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 prior to the submission of the planning application, under ref. LA09/2015/0698/DETEIA. The Council determined that the proposal was not EIA development and did not need to be accompanied by an Environmental Statement.

The Council is required to serve notice of the application to any identified occupier on neighbouring land in accordance with Article 8(2) of the Planning (General Development Procedure) Order Northern Ireland) 2015. Taking this into account, no neighbours were notified of this application.

53 letters of support were received in respect of this development proposal. The letters were received in one batch in a pro forma format. The signatories are all landowners along the proposed route of the overhead line. Some of the landowners appear to live within Causeway Coast and Glens Council.



<b>Neighbour Notification Checked</b>	<b>Yes</b>
<p><b>Summary of Recommendation:</b></p> <p>It is my opinion that the proposed development accords with the overarching aims of the RDS in that it will contribute to the delivery of a sustainable and secure energy supply. On balance, the proposal complies with existing planning policy, as contained in the SPPS, PSRNI and the various planning policy statements therefore I recommend approval of the development subject to conditions.</p>	
<p><b>Conditions:</b></p> <p>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.</p> <p>Reason: Time Limit.</p> <p>2. A suitably qualified ornithologist should review the Ballydullaghan, Annaghvoggy and Drummerick Hill snipe breeding sites (Ornithological Report, Section 9.8.3.1) before and during construction phase. If active, no activity should take place within 400m of these sites during the breeding season.</p> <p>Reason: To protect breeding snipe, an assemblage species of Lough Neagh ASSI and a criteria 4 species of Lough Neagh and Lough Beg Ramsar.</p> <p>3. All works, including construction and ground preparation, taking place between 1 March and 31 August in any year shall be monitored on a weekly basis by a suitably qualified and experienced ornithologist. The location of any active nests or breeding activity shall be recorded and appropriate mitigation measures, including buffer zones (curlew 800m, snipe 400m and appropriate buffers to other species to be agreed with NIEA), shall be implemented to prevent disturbance to breeding birds. All monitoring, findings and mitigation measures shall be detailed in reports which shall be submitted in writing to the Council no later than mid June and mid September in any year.</p> <p>Reason: To protect breeding birds.</p> <p>4. All construction works must comply with the mitigations described in Brockaghboy 110kV Renewables Connection Project Environmental Report (date stamped 3 August 2016 by the Council).</p> <p>Reason: To minimise impacts to breeding birds, protected species, Northern Ireland priority habitats and on the aquatic environment and ornithological features of the designated sites.</p> <p>5. No development activity shall commence on site until an Ecological Clerk of Works (ECoW) has been appointed and the roles of the responsibilities of the ECoW submitted to, and agreed in writing by, the planning authority.</p> <p>Reason: To ensure effective implementation of the mitigations in Brockaghboy 110kV Renewables Connection Project Environmental Report Chapter 8.0 Ecology.</p>	

6. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. 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.

7. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council 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.

8. A detailed Construction Method Statement for in / near water works must be submitted to the Council, for agreement with NIEA Water Management Unit prior to the commencement of construction.

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

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

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

10. After completing the remediation works under Condition 9; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

11. The development shall not be commenced until a Certificate issued by a Chartered Structural Engineer certifying that the structures (i.e. any poles/masts which are within the height of the structure + 10% metres of a public road) have been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by the Department for Infrastructure (TransportNI). The certificate should state: 'We certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes'.

REASON: In the interests of road safety.

12. Prior to the commencement of any works an Article 11 application for the haulage routes, construction accesses and any associated traffic management proposals shall be submitted to and agreed with the Department for Infrastructure (TransportNI) .

REASON: In the interests of road safety and traffic management.

13. Prior to the commencement of any works, the applicant shall submit to Transport NI an assessment under the Road Restraint Risk Assessment Process (RRRAP) in accordance with TD19/06 for all proposed structures within 6.0 metres of the public road boundary.

REASON: In the interests of road safety and traffic management.

14. Any construction access gradients to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses 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 users.

#### Informatives

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

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

3. NED Conservation Science recommend that, should approval be granted, the following measures are taken to minimise threats to breeding birds and maintain the availability of nest sites:

- Removal of any hedgerow vegetation or trees for access purposes and removal or infilling of natural features such as earth banks and ditches should be avoided.
- Any unavoidable hedgerow or tree removal should be carried out outside of the bird breeding season, which runs from 1 March to 31 August.
- All works should remain within the access and construction footprint as shown in the original drawings.

The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4. Pollution Prevention Guidance and 11. Discharges to the Water Environment. Standing advice notes are available at:

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

4. The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations

(Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*) and all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;

- (i) affect the local distribution or abundance of the species to which it belongs;
- (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
- (iii) Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal;
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat and/or otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 905 69605.

5. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from NIEA. Licence applications should be made to the Wildlife Inspector, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 905 69605.

6. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of newts on the site, all works must cease immediately and further advice sought from the Wildlife Officer's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 905 69605

7. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the marsh fritillary butterfly (*Euphydryas aurinia*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which marsh fritillary use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a marsh fritillary while it is occupying a structure or place which it uses for shelter or protection. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is any evidence of a marsh fritillary colony on the site, all works must cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Belfast BT7 2JA. Tel. 028 905 69605

8. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season, including 1 March to 31 August, unless pre-clearance surveys show an absence of breeding birds.

9. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division – Historic Monuments Unit  
Causeway Exchange  
1–7 Bedford St  
Belfast,  
BT2 7EG

Quote reference: SM11/1

Application for the excavation licence, required under the Historic Monuments and Archaeological Objects (NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:

Historic Environment Division – Historic Monuments Unit  
Causeway Exchange  
1–7 Bedford St  
Belfast,  
BT2 7EG

10. For advice on Construction Method Statements the applicant should consult DOE Standing Advice Note No. 4 – Pollution Prevention Guidance (April 2015). Standing Advice Notes are available on the NI Planning Portal under Advice / NIEA Guidance / Standing Advice. Alternately the following address can be copied and pasted to a web browser.  
[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

11. The applicant must refer and adhere to all the relevant precepts contained in DOE Standing Advice Note No.4 – Pollution Prevention Guidance (April 2015).

Water Management Unit recommends the applicant refers and adheres to the precepts contained in DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015). (The applicant should note that since the publication of this standing advice the SuDS Manual has been updated and is now CIRIA C753 (2015) The SuDS Manual).

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage (in some areas) during the construction phase of the proposal. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to in DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

In accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities. The applicant should refer and adhere to DOE Standing Advice Note No. 18 – Abstraction and Impoundment (May 2015).

The discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999. The applicant should refer and adhere to DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

12. The purpose of Conditions 9 and 10 is to ensure that risk assessment and any remediation work is undertaken to a standard that enables safe development and that the site is suitable for use such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Comments provided by NIEA in regards to this application area are without prejudice to any further statutory control which may be required under Part III or any other future environmental legislation.

The applicant should ensure that the management of all waste are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk>).

13. The applicant is advised that under Article 11 of the Roads Order (Northern Ireland) Order 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.

The applicant should contact the relevant Department for Infrastructure TransportNI Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

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

Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructures'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 relevant TransportNI Section Engineers whose addresses are:

- Causeway Coast and Glens (East) - Trillick House, 49 Queen Street, Ballymoney, BT53 6JD.
- Causeway Coast and Glens (West) – County Hall, Castlerock Road, Coleraine BT51 3HS.
- Mid-Ulster Council (TNI Western) – Molesworth Plaza, Molesworth Street, Cookstown.

A monetary deposit will be required to cover works on the public road.

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the relevant Department for Infrastructure TransportNI Section Engineer.

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

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

**Signature(s)** *N.Hasson*

**Date:** 24/8/16

ANNEX	
<b>Date Valid</b>	18th December 2015
<b>Date First Advertised</b>	11th January 2016
<b>Date Last Advertised</b>	11th August 2016
<b>Details of Neighbour Notification</b> (all addresses) <p>- No neighbours were notified. The following addresses relate to the support letters received by the Council on 23/8/16.</p> <p>Sheila McKeefry 100 Grove Road, Swatragh, Londonderry, Northern Ireland, BT46 5QZ William Joseph McKenna 102 Grove Road, Swatragh, Londonderry, Northern Ireland, BT46 5QZ Jeannie Moon 11 Drumimerick Road, Kilrea, Londonderry, Northern Ireland, BT51 5SY McMullan 110 Bann Road, Rasharkin, Antrim, Northern Ireland, BT44 8SZ John McAtamney 110 Carhill Road, Garvagh, Londonderry, Northern Ireland, BT51 5PQ Thomas McEldowney 110A Finvoy Road, Ballymoney, Antrim, Northern Ireland, BT53 7JL Michael McKeefry 119 Carhill Road, Garvagh, Londonderry, Northern Ireland, BT51 5PQ Thomas McKendry 12 Gortmacrane Road, Kilrea, Londonderry, Northern Ireland, BT51 5XX Derek and Linda Armstrong 12 Springfield Road, Kilrea, Londonderry, Northern Ireland, BT51 5YA Joseph Colm O'Kane 125 Carhill Road, Garvagh, Londonderry, Northern Ireland, BT46 5RA Bridie McAtamney 14 Craiglea Gardens, Kilrea, Londonderry, Northern Ireland, BT51 5QZ Mary Bernadette Mullan 17 Lismoyle Road, Swatragh, Londonderry, Northern Ireland, BT51 5UH Mark Rea 189 Finvoy Road, Ballymoney, Antrim, Northern Ireland, BT53 7JS Jennifer Currie 189 Magheralane Road, Randalstown, Antrim, Northern Ireland, BT41 2PH Cassidy 19 Lismoyle Road, Swatragh, Londonderry, Northern Ireland, BT51 5UH James Dempsey 2 Drumard Road, Gortmacrane, Kilrea, Londonderry, BT51 5TJ John McCloskey and John Joseph McCloskey 21 Moneysallin Road, Kilrea, Londonderry, Northern Ireland, BT51 5TQ David Joseph Mark 219 Vow Road, Ballymoney, Antrim, Northern Ireland, BT44 8TB</p>	



Wilson

289 Finvoy Road, Ballymoney, Antrim, Northern Ireland, BT44 8SD

James Donaghy

3 Portna Road, Kilrea, Londonderry, Northern Ireland, BT51 5SW

William And Mary Gamble

31 Portna Road, Ballymena, Rasharkin, Antrim, Northern Ireland, BT44 8SX

John Joseph McAtamney

32 Ballylame Road, Garvagh, Londonderry, Northern Ireland, BT51 5PH

Patrick Bradley

32 Drumadagarve Road, Maguiresbridge, Fermanagh, Northern Ireland, BT94 4NX

Northern Counties CoOperative Enterprises Ltd

35 Garvagh Road, Swatragh, Londonderry, Northern Ireland, BT46 5QE

Victor Thomas Shiels

4 Drumimerick Road, Kilrea, Londonderry, Northern Ireland, BT51 5SY

Edward Gamble

40 Doneyseil Road, Ballymena, Rasharkin, Antrim, Northern Ireland, BT44 8TF

Brizzle

40 Lisnagrot Road, Kilrea, Londonderry, Northern Ireland, BT51 5SF

Richard Thomas Irwin

44 Bann Road, Rasharkin, Antrim, Northern Ireland, BT51 5RY

Kilrea Turbary Trustees

48 Maghera Street, Kilrea, Londonderry, Northern Ireland, BT51 5QN

Jerome Finbar McGoldrick

55 Lismoyle Road, Swatragh, Londonderry, Northern Ireland,

Daniel McGoldrick

57 Lismoyle Road, Swatragh, Londonderry, Northern Ireland, BT51 5UJ

Paul Daniel McGoldrick

57 Lismoyle Road, Swatragh, Londonderry, Northern Ireland, BT51 5UJ

James Boyd

61 Boveedy Road, Kilrea, Londonderry, Northern Ireland, BT51 5XU

Paul Joseph Taylor

61 Cullyrammer Road, Garvagh, Londonderry, Northern Ireland, BT51 5JJ

John and Florence Elizabeth Patterson

63 Lisnagrot Road, Kilrea, Londonderry, Northern Ireland, BT51 5SG

Joseph Reginald Henry Fleming Armstrong

63 Moneygran Road, Kilrea, Londonderry, Northern Ireland, BT51 5SL

William Michael Moore

67a Boveedy Road, Kilrea, Londonderry, Northern Ireland, BT51 5XU

Colin Robert Bolton

68 Lismoyle Road, Swatragh, Londonderry, Northern Ireland, BT46 5QU

Ernest George Alfred Sheils

69 Lisnagrot Road, Kilrea, Londonderry, Northern Ireland, BT51 5SG

David Gordon

73 Moneygran Road, Kilrea, Coleraine, Londonderry, Northern Ireland, BT51 5SL

Peadar Rogers

76 Lisnagrot Road, Kilrea, Londonderry, Northern Ireland, BT51 5SG

John Michael Holmes

78 Grove Road, Swatragh, Londonderry, Northern Ireland, BT51 5NY

Sarah Marie Henry

8 Portna Road, Kilrea, Londonderry, Northern Ireland, BT51 5SW

Joseph McEldowney  
 80 Drumagarner Road, Kilrea, Londonderry, Northern Ireland, BT51 5TE  
 Ryan Paul McKeague  
 87 Grove Road, Swatragh, Londonderry, Northern Ireland, BT46 5QZ  
 Joseph Sloan  
 87B Glenbush Drive, Portrush, Antrim, Northern Ireland, BT44 8SZ  
 Hilary Hayes  
 90 Duneany Road, Ballymena, Glarryford, Antrim, Northern Ireland, BT44 8SP  
 Kenneth Noel Kelso  
 92 Tamlaght Road, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5XB  
 John Charles O'Neill  
 93 Drumagarner Road, Kilrea, Londonderry, Northern Ireland, BT51 5TE  
 James Smyth Ritchie  
 96 Carhill Road, Garvagh, Londonderry, Northern Ireland, BT51 5PQ  
 William Turner  
 Gortade Road, Swatragh, Maghera, Londonderry, Northern Ireland, BT46 5QH  
 Hogg  
 Portna House, Rasharkin, Co Antrim  
 Edward Montgomery  
 The Honourable The Irish Society, 54 Castleroe Road, Coleraine, Londonderry, Northern Ireland, BT51 3RL

<b>Date of Last Neighbour Notification</b>	N/a
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No

### Planning History

Ref ID: LA09/2015/0729/PAN

Proposal: Construction of approximately 20km of 110kV single circuit overhead electricity line to connect Brockaghboy wind farm (planning permission approved) to the approved Rasharkin Main Cluster Substation

Address: Approximately 20km of overhead electricity line from the townland of Brockaghboy, South West of Garvagh, County Londonderry to the townland of Magheraboy, Rasharkin, Co Antrim,

Decision:

Decision Date:

Ref ID: C/2011/0351/F

Proposal: Proposed A27-225kw Wind Turbine with a reduced 30 metres hub height.

Address: 270m North West of 17 Lismoyle Road, Kilrea, BT51 5UH,

Decision: PR

Decision Date:

Ref ID: C/2005/0929/F

Proposal: 11kv Spur

Address: East of 25 Gortmacrane Road, Kilrea

Decision:

Decision Date:

Ref ID: C/2008/0587/RM

Proposal: One two storey dwelling house and domestic garage

Address: Adjacent to 5 Lismoyle Road, Kilrea

Decision:

Decision Date:

Ref ID: C/2004/0286/O

Proposal: Site of dwelling and garage

Address: Site 60m SW of No 5 Lismoyle Road, Kilrea

Decision:

Decision Date:

Ref ID: C/2005/1060/O

Proposal: Site for dwelling and garage

Address: Adjacent to 5 Lismoyle Road, Kilrea

Decision:

Decision Date:

Ref ID: C/2007/0198/RM

Proposal: Proposed new one and a half storey dwelling, with single storey garage.

Address: Site Adjacent to 5 Lismoyle Road, Kilrea

Decision:

Decision Date:

Ref ID: C/1977/0355

Proposal: SITE FOR PAVILION

Address: DRUMAGARNER ROAD, KILREA

Decision:

Decision Date:

Ref ID: C/1977/0356

Proposal: PLAYING FIELDS

Address: DRUMAGARNER ROAD, KILREA

Decision:

Decision Date:

Ref ID: C/2003/0734/F

Proposal: Proposed Changing Pavilion with Social facilities

Address: 130 Drumagarner Road, Kilrea

Decision:

Decision Date:

Ref ID: C/1981/0513

Proposal: ERECTION OF 11 KV O/H LINE (COL 6381)

Address: GORTMACRANE, KILREA

Decision:

Decision Date:

Ref ID: C/2010/0311/F

Proposal: Relocation of access position to serve existing site

Address: Site 340m south of no.8 Moneysalin Road, Kilrea

Decision:

Decision Date:

Ref ID: C/2002/0604/F

Proposal: Dwelling & garage

Address: Site at Moneysalin Road, Kilrea

Decision:

Decision Date:

Ref ID: C/2000/0673/O

Proposal: Site for Dwelling

Address: Adjacent to 14 Moneysallin Road, Kilrea

Decision:

Decision Date: 05.04.2001

Ref ID: H/1997/0260

Proposal: PLAYING FIELD

Address: 130 DRUMAGARNER ROAD KILREA

Decision:

Decision Date:

Ref ID: H/2001/0522/Q

Proposal: Disposal of surplus land

Address: Drumagarner, Kilrea

Decision:

Decision Date:

Ref ID: H/1994/0168

Proposal: SITE OF DWELLING & GARAGE

Address: 200M NORTH OF 23 MONEYSALLIN ROAD KILREA

Decision:

Decision Date:

Ref ID: H/2010/0427/F

Proposal: Amendments to previous approval H/2007/0908/RM for single storey domestic dwelling and garage

Address: Site 90m North West of 40 Portna Road, Kilrea

Decision:

Decision Date: 04.11.2010

Ref ID: H/2007/0825/F

Proposal: Proposed change of house type to supersede approval H/2007/0466 to include family area & additional upstairs accommodation

Address: 160m West of 40 Portna Road, Kilrea

Decision:

Decision Date: 18.12.2007

Ref ID: H/2007/0110/RM

Proposal: New dwelling and garage

Address: 200m South East of 40 Portna Road, Kilrea

Decision:

Decision Date: 24.04.2007

Ref ID: H/2007/0466/RM

Proposal: Dwelling and garage.

Address: 160m West of 40 Portna Road, Kilrea

Decision:

Decision Date: 25.09.2007

Ref ID: H/2008/0269/F

Proposal: Change of house type to previous approval H/2007/0939/F (Retrospective)

Address: 43 Portna Road, Kilrea

Decision:

Decision Date: 15.05.2009

Ref ID: H/2007/0908/RM

Proposal: Single storey domestic dwelling and garage

Address: Land 90m North West of 40 Portna Road, Kilrea

Decision:

Decision Date: 28.03.2008

Ref ID: H/2007/0939/F

Proposal: Change of house type & re-orientation to previous approval H/2007/0110/RM

Address: Site 200m South East of 40 Portna Road, Kilrea

Decision:

Decision Date: 20.02.2008

Ref ID: H/2008/0696/RM  
Proposal: Dwelling & detached garage  
Address: 60m North of 40 Portna Road, Kilrea  
Decision:  
Decision Date: 09.04.2009

Ref ID: H/2004/1387/O  
Proposal: Site of Dwelling and Garage.  
Address: 60m North of 40 Portna Road, Kilrea.  
Decision:  
Decision Date: 10.10.2005

Ref ID: H/2003/1147/O  
Proposal: Site of dwelling and garage.  
Address: 160m West of 40 Portna Road, Kilrea.  
Decision:  
Decision Date: 07.12.2004

Ref ID: H/2003/0945/O  
Proposal: Site of dwelling and garage.  
Address: 200m South East of, 40 Portna Road, Kilrea.  
Decision:  
Decision Date: 23.03.2004

Ref ID: H/2004/1390/O  
Proposal: Site of Dwelling and Garage.  
Address: 170m South of 40 Portna Road, Kilrea.  
Decision:  
Decision Date: 31.10.2005

Ref ID: H/2003/1146/O  
Proposal: Site of dwelling and garage.  
Address: 90m North West of 40 Portna Road, Kilrea.  
Decision:  
Decision Date: 02.12.2004

Ref ID: H/2005/1049/O  
Proposal: Site of dwelling and garage.  
Address: 60m North of 40 Portna Road, Kilrea.  
Decision:  
Decision Date: 11.01.2006

Ref ID: LA01/2015/0030/DETEI

Proposal: Propose to construct approx. 20km of overhead line  
Address: Between substation associated with Brockaghboy Wind Farm (approved under C/2007/1186/F) and NIE substation at Rasharkin (approved under D/2012/0276/F),  
Decision: NRES  
Decision Date:

Ref ID: C/2013/0207/F

Proposal: 9 no Floodlights for 2 no sports pitches  
Address: Pearses GAC, Drumagarner Road, Kilrea, Coleraine, BT51 5TW,  
Decision: PG  
Decision Date:

Ref ID: C/2002/0310/O

Proposal: Site for dwelling.  
Address: Opposite 25 Gortmacrane Road, Kilrea  
Decision:  
Decision Date:

Ref ID: H/1992/6078

Proposal: SITE OF HOUSING DEVELOPMENT SWATRAGH  
Address: SWATRAGH  
Decision:  
Decision Date:

Ref ID: LA09/2015/1294/F

Proposal: Construction of c.18.8km of 110kV overhead electricity transmission line including associated support structures and other apparatus and 0.4km of connecting cable linking Brockaghboy wind farm substation, Drumbane road, Garvagh, Coleraine, BT51 5DR (approved under ref. C/2007/1186/F) and NIE Networks Rasharkin main substation, Finvoy Road, Rasharkin, Ballymena, BT44 8SD (approved under planning ref. D/2012/0276/F). Circa 12.9km of overhead line falls within Causeway Coast and Glens Borough Council and circa 5.9km within Mid Ulster District Council  
Address: Linear infrastructure over/across Magheraboy, Ballydonnelly, Lisnagaver, Culmore, Gortereghy, Moneygran, Kilrea, Lisnagroath, Drumane, Drumagarner, Moneysallin, Gortmacrane, Bovedy, Killygullib Glebe, Lismoyle, Moyletra Toy, Lisachrin, Cross  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

NIEA Natural Environment Division – NED has considered impact of the proposal on designated sites and other natural heritage interests and has no objections, subject to conditions.  
NIEA Historic Environment Division – No objections subject to archaeological mitigation.

NIEA Drainage and Water – No objections subject to conditions. Mitigating measures to address the possible environmental impacts on the aquatic environment should be presented in a Construction method statement.

NIEA Land, soil and air – No objections subject to conditions. Development considered to be a low risk to the water environment.

Transport NI – No objections subject to conditions.

Shared Environmental Service – The proposal will not have an adverse effect on any European site, provided mitigation is implemented. No objections subject to condition.

NATS Safeguarding – No objection.

Defence Infrastructure Organisation – No objection.

PSNI Information & Communication – No objection.

Belfast International Airport – No objection.

City of Derry Airport – No objection.

Mid Ulster District Council Environmental Health – No objection.

Arqiva – No objection.

### **Drawing Numbers and Title**

**01/01, 02/01, 03/01, 04, 05, 06, 07, 08, 09, 10, 11/01, 12, 13/01, 14/01, 15/01, 16/01, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27**

### **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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0088/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed amended house types of previously approved housing development ref: H/2010/0489/F at plots 03-05, 07, 08, 17-19, 20-23, 26,27, 28-31, 34, 37, 38, 58 & 59 and new domestic garage at plot 52	<b>Location:</b> Lands North of no 42 Tobermore Road Magherafelt
<b>Referral Route: 1 objection received</b>	
<b>Recommendation: Approve</b>	
<b>Applicant Name and Address:</b> DMD Developments 116 Deerpark Road Toomebridge BT41 3SS	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	
<b>Signature(s): Sean Diamond</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues:</b> <ul style="list-style-type: none"> <li>• Contrary to PPS 7 and QD1</li> <li>• Contrary to Key Site Requirement (6m ridge height)</li> <li>• Impact on residential amenity</li> </ul>	
<b>Characteristics of the Site and Area</b> <p>This site is located within the development limit of Magherafelt and is zoned for housing in the Magherafelt Area Plan 2015 (MT 17). The site is located adjacent to Area of Townscape Character. The character of the area mainly consists of detached dwellings along the Tobermore Road with higher density developments to the rear. This site is located on lands North of No. 42 Tobermore Road, Magherafelt. The site previous comprise of two agricultural fields, however work has now begun to development the site which was granted approved for 75 residential units under H/2010/0489/F.</p> <p>Dwellings exist adjacent to and along the southern boundary of the site and are a mix of single storey, one and a half storey and two storey.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b> <p><b>The Proposal</b></p> <p>Proposed amended house types of previously approved housing development ref: H/2010/0489/F and new garage. The application proposes 23 change of house types on sites, 03, 04, 05, 07, 08, 17, 18, 19, 20, 21, 22, 23, 26 ,27,28, 29, 30, 31, 34, 37, 38, 58 &amp; 59 made up of 6 different house types and new garage on site 52.</p> <p><b>House type A</b> for Sites 03, 04 &amp; 05 consists of a two and half storey detached dwelling (9.218m ridge height) with two front round dormers. Two single storey bay windows are proposed on either side of the front door and a flat roof return is proposed at the rear. The wall finish is red brick/smooth render painted (off white) and the roof finish is non profile roof tiles/slates.</p> <p><b>House type B3</b> for Sites 07, 08, 22, 23, 37 &amp; 38 consists of a two storey semi-detached dwelling (9.5m ridge height). A two storey front projection with a two storey bay window is also proposed. The wall finish is red brick/smooth render painted (off white) and the roof finish is non profile roof tiles/slates.</p> <p><b>House type B3i</b> for Sites 19 &amp; 34 consists of a two storey detached dwelling (9.5m ridge height). A two storey front projection with a two storey bay window is proposed. A single storey bay window is also proposed on the side elevation. The wall finish is red brick/smooth render painted (off white) and the roof finish is non profile roof tiles/slates.</p> <p><b>House type C</b> for Sites 17, 18, 20, 21, 26, 27, 28, 29, 30, 31 consists of a two storey semi-detached dwelling (8.7m ridge height). A single storey bay windows is proposed at the front. The wall finish is red brick/smooth render painted (off white) and the roof finish is non profile roof tiles/slates.</p> <p><b>House type D</b> for Site 58 consists of a dual frontage two storey detached dwelling (8.7m ridge height). A central two storey front projection is proposed. A single storey bay window is also proposed on the side elevation. The wall finish is red brick/smooth render painted (off white) and the roof finish is non profile roof tiles/slates.</p> <p><b>House type Ei</b> for Site 59 consists two storey detached dwelling (8.7m ridge height). A central two storey front projection is proposed. A single storey bay windows is proposed at the front. The</p>	

wall finish is red brick/smooth render painted (off white) and the roof finish is non profile roof tiles/slates.

**Domestic Garage** for site 52 consists of a single storey garage measuring 6.6m x 4.5m with ridge height 5m above grounds level. The wall finish is red brick/smooth render painted (off white) and the roof finish is non profile roof tiles/slates.

**Relevant Site History:**

H/2004/1560/O - Site of Housing Development. Refused 5th October 2006 and Dismissed at appeal 30th September 2008.

H/2010/0489/F - Proposed new housing development consisting of 64 no. semi-detached dwellings and 11 no. detached dwellings. Approved 18th August 2014

**Representations:**

18 neighbour's notification letters were sent to the occupiers of Nos 16, 18, 20, 22, 24, 26 & 28 Woodlands Drive, Magherafelt and Nos 37, 38, 39, 41, 42, 43, 45, 47, 49, 51 & 53 Tobermore Road, Magherafelt.

1 letter of representation has been received from Mr Christopher O'Neill who resides at No 24 Woodlands Drive, the property located to the rear of plots 17 & 18, points raised:

1. The new amendments are contrary to PPS 7 and Planning Policy QD1 regarding Character, Appearance, Site Intensification etc.

The objector has not advance any argument as why he believes the proposed amendments are contrary to PPS7 and Policy QD1. The application as submitted is for change of house types only, the layout and the number of residential units will remains as approved under the previously application.

2. The proposal is contrary to Key Site Requirements particularly the requirement limiting the ridge height of proposed dwellings to 6m.

Under the previous application the agent was able to demonstrate through the submission of sectional drawings that the development proposed would have a lesser impact than dwellings of 6.0m at existing ground level. I am satisfied this issue was fully considered under the previous application. If approval is not granted under this application the developer has a fall-back position that he can implement the previous permission.

3. Increase in ridge heights will have a detrimental on the objector's residential amenity by way of overlooking and loss of amenity.

Sites 17 & 18 which are located to the rear of the objector's property were previously approved with a 9.5m ridge height. Under this application the ridge height for sites 17 & 18 will be 0.8m lower and will have a lesser visual impact on the objector's property. The layout including finished floor levels and separation distances will be maintained as previously approved.

**Development Plan and Key Policy Consideration:**

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

Magherfelt Area Plan 2015: The site is located within the development limits of Magherafelt as land zoned for housing under Zoning MT17 Housing Land at Tobermore Road. There are no other designation on this site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

Planning Policy Statement 7: Quality Residential Environments (PPS7): Policy QD1 of PPS7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment.

The proposed layout reflects the layout approved under H/2010/0489/F, under this application 23 change of house types plus a new domestic garage at plot 52 are proposed. The design of the proposed dwellings are broadly similar to those previously approved. The proposed changes include:

- small variation in ridge heights
- external architectural changes to the front façade to provide bay windows/front projections
- single storey rear returns to plots 04 & 05
- Plots 59 & 58 will now be detached.

The proposed domestic garage to the rear of No 52 is considered acceptable and will have no impact on future neighbouring residential amenity.

The proposal is considered acceptable and the changes will help break up the uniformity of the previous approved dwellings. I am satisfied the proposal 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 building and landscaped and hard surfaces. There is no adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. It is my opinion that the proposal complies with the policy tests of QD1 of PPS 7.

<b>Neighbour Notification Checked:</b>	<b>Yes</b>
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**Summary of Recommendation: That planning permission be approved subject to the following conditions.**

Conditions

1. This permission hereby granted relates solely to the change of house types on plots 03, 04, 05, 07, 08, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 34, 37, 38, 58 & 59 and new garage on plot 52 of planning permission H/2010/0489/F only and all other conditions contained within the original approval remain applicable.

Reason: To ensure that all other conditions of the previous approval are adhered.

2. All planting comprised in the approved details of drawing No 09 which was received on 27th June 2016 shall be carried out during the first planting season following the date of this decision and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

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

**Informatives**

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

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

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	25th January 2016
<b>Date First Advertised</b>	8th February 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 16 Woodlands Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 18 Woodlands Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 20 Woodlands Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 22 Woodlands Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 24 Woodlands Drive Town Parks Of Magherafelt Magherafelt Christopher O'Neill 24, Woodlands Drive, Magherafelt, Londonderry, Northern Ireland, BT45 5RJ The Owner/Occupier, 26 Woodlands Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 28 Woodlands Drive Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 37 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 38 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 39 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 41 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 42 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 43 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 45 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 47 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 49 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 51 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 53 Tobermore Road, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5HB	

<b>Date of Last Neighbour Notification</b>	15th February 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  <p>Ref ID: H/2004/1560/O  Proposal: Site of Housing Development  Address: Land To North Of 42 Tobermore Road, Magherafelt  Decision:  Decision Date:</p> <p>Ref ID: H/2010/0319/Q  Proposal: Housing Development  Address: Lands North of No. 42 Tobermore Road, Magherafelt  Decision:  Decision Date:</p> <p>Ref ID: H/2010/0489/F  Proposal: Proposed new housing development consisting of 64 no. semi-detached dwellings and 11 no. detached dwellings (amended description and amended plans received)  Address: Lands North of No. 42 Tobermore Road, Magherafelt, BT45 5HB,  Decision: PG  Decision Date: 21.08.2014</p> <p>Ref ID: H/1999/0531  Proposal: EXT. TO DWELLING  Address: 18 WOODLANDS DRIVE MAGHERAFELT  Decision:  Decision Date:</p> <p>Ref ID: H/1986/0449  Proposal: HOUSING DEVELOPMENT 13 NO DWELLINGS AND ROADWAY  Address: FERN DRIVE MAGHERAFELT  Decision:  Decision Date:</p> <p>Ref ID: H/1987/0106  Proposal: HOUSING DEVELOPMENT (39 HOUSES)  Address: FERN DRIVE TOBERMORE ROAD AND DESERTMARTIN ROAD  MAGHERAFELT  Decision:</p>	



Decision Date:

Ref ID: H/2000/0421/F

Proposal: Retention of Ball Keep Nets

Address: Adjacent to 42 Tobermore Road, Magherafelt

Decision:

Decision Date:

Ref ID: H/2005/0452/F

Proposal: Extension to dwelling

Address: 42 Tobermore Road, Magherafelt

Decision:

Decision Date: 19.08.2005

Ref ID: H/1995/0491

Proposal: DWELLING

Address: SITE 23 TOBERMORE ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: LA09/2016/0088/F

Proposal: Proposed amended house types of previously approved housing development ref: H/2010/0489/F at plots 03-05, 07, 08, 17-19, 20-23, 26,27, 28-31,34,37,38 and new domestic garage at plot 52

Address: Lands North of no 42 Tobermore Road, Magherafelt,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 06  
Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 07

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 06/09/2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0271/F	<b>Target Date:</b> 13 <sup>th</sup> June 2016
<b>Proposal:</b> Proposed retention of agricultural shed for livestock handling, storage of fodder and farm machinery and erection of an additional bay to same to provide additional machinery storage	<b>Location:</b> 25 Fardross Road Clogher
<b>Referral Route:</b> 3 objections received	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Damian McKenna 25 Fardross Road Clogher	<b>Agent Name and Address:</b> Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b> Proposal complies with CTY 12 of PPS 21. Objections considered and do not merit refusal of this application.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

There have been 3 no. objections to this application. The issues raised are summarised as follows:

1. Proximity of existing shed to Fardross Road.
2. Road Safety.
3. The use of the shed for non-agricultural purposes.
4. Proximity of livestock units to residential properties.
5. Impact of the building on the existing infrastructure in the area.
6. Why the application is being made retrospectively.

The above issues have been fully considered and I would make the following comments. Transport NI (TNI) have been made aware of all 3 objections as the objectors raise concerns around road safety. TNI have recommended that a Road Restraint Risk Assessment Process be submitted within 1 month of the date of any approval. This assessment determines the need for a Safety Barrier. To ensure compliance with PPS 3 (Access, Movement and Parking) this road safety matter can be dealt with by way of informative given the fact that a safety barrier will be less than 1m in height and would be deemed Permitted Development. Following a site inspection I am satisfied

that the shed is being used for the purposes of agriculture. The site is within a rural area where agricultural uses and livestock are common and acceptable. The building is agricultural in its design, scale and form and I would not consider it to have a negative impact on surrounding buildings in this regard. This application was submitted in light of a recent enforcement case being opened for an unauthorised building (LA09/2015/1080/CA). The Planning Act (Northern Ireland) 2011 (Part 55) has a provision for someone to submit a planning application retrospectively for a development that has already been erected.

I would therefore advise members that these representations raise no issues which would merit refusal of this application.

### **Characteristics of the Site and Area**

The application site is located at 25 Fardross Road, Clogher. It is outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It comprises an existing agricultural building to the rear of a bungalow and which is clustered with two other outbuildings of a similar scale. The site can be accessed via two different approaches from the Fardross Road.

The area is rural in character with the predominant form of development being detached dwellings and farms. There is a wooded area located just to the SE of the site.

### **Planning Assessment of Policy and Other Material Considerations**

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Dungannon and South Tyrone Area Plan 2010

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.

Firstly I am satisfied that agricultural holding is active and established. DARD have confirmed that the applicant has a DARD Business Number and claims Single Farm Payment. His Business Number was allocated on the 31<sup>st</sup> January 2012, less than 6 years ago, however the 6 year test is not applicable for applications under CTY 12, unlike CTY 10 where it specifies 6 years in the policy. It is also noted that the applicant has provided documentation to prove active and established farming over a 6 year period.

(a) The applicant has stated that this shed is necessary for the efficient use of his holding as he is currently expanding flock numbers and buying new machinery. On the day of my site inspection it was evident that there was machinery sitting “un-housed” around the yard and that there were sheep in the adjacent field. It is my opinion that the holding is being used for the purposes of agriculture and for no other use. An enforcement case was previously opened with regard to one of the other sheds being used as a mechanics. This was subsequently closed.

(b) The existing building measures 18.8m x 5.5m x 5m (at highest point). The proposed additional bay will increase the length of the shed by 4.7m. The shed is open fronted, will have a block wall to the rear and side and a pvc coated metal cladding roof which will extend 1m below the roof onto the rear and side elevations. Its materials, form and design are all agricultural and I am content that in terms of character and scale it is appropriate to this rural location

(c) The building reads and clusters with the existing outbuildings and dwelling at 25 Fardross Road. It also benefits from the backdrop of a mature forest. I am therefore satisfied that it will visually integrate into this rural landscape.

(d) Following a site inspection I am content that it will not impact on any natural or built heritage features.

(e) The shed is currently used to house agricultural machinery and products. It is proposed to also use it to house cattle and fodder. Environmental Health have been consulted with the application and with the objection letters and have raised no concerns regarding unacceptable noise, smell or pollution. I am therefore content that this proposal will not have a detrimental impact on the amenity of dwellings outside the farm holding.

With regards to the existing buildings, the applicant has stated that they are all currently been used for the running of the enterprise and due to the expansion of flock/farm machinery the additional building is necessary. As stated above, design and materials 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.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:** Proposal complies with CTY 12 of PPS 21

Conditions/Reasons for Refusal:

Conditions

1.This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Informatives

1.A Road Restraint Risk Assessment Process must be submitted to and accepted by Transport NI in the interests of road safety.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	29th February 2016
<b>Date First Advertised</b>	17th March 2016
<b>Date Last Advertised</b>	17 <sup>th</sup> March 2016
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 27 Fardross Road Fardross Mountain Clogher The Owner/Occupier, 28 Fardross Road Fardross Demesne Clogher The Owner/Occupier, Unknown, The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	9/3/16
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/0271/F Proposal: Proposed retention of agricultural shed for livestock handling, storage of fodder and farm machinery and erection of an additional bay to same to provide additional machinery storage Address: 25 Fardross Road, Clogher, Decision: Decision Date:  Ref ID: M/1994/0030 Proposal: Extension to Dwelling Address: 25 FARDROSS ROAD FARDROSS CLOGHER Decision: Decision Date:	
<b>Summary of Consultee Responses</b> <ol style="list-style-type: none"> <li>1. TNI have recommended that a Road Restraint Risk Assessment Process be submitted within 1 month of the date of any approval. This assessment determines the need for a Safety Barrier. To ensure compliance with PPS 3 (Access, Movement and Parking) this road safety matter can be dealt with by way of informative given the fact that a safety barrier will be less than 1m in height and would be deemed Permitted Development.</li> <li>2. Environmental Health have no objections.</li> <li>3. DARD have confirmed that applicants farm details.</li> </ol>	



<b>Drawing Numbers and Title</b>
<p>Drawing No. 04 Type: Photograph Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 05 Type: Site Layout or Block Plan Status: Submitted</p>
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 <sup>th</sup> Sept 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0449/F	<b>Target Date:</b> 5 <sup>th</sup> July 2016
<b>Proposal:</b> Proposed conversion of existing vacant café into 2 apartments	<b>Location:</b> 64 Scotch Street Dungannon BT70 1BJ
<b>Referral Route:</b> 2 objections received	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Sam Sinnamon 40 Mullaghteige Road Bush Dungannon	<b>Agent Name and Address:</b> Sam Smyth Architecture Unit 45D Enterprise Centre 2 Coalisland Road Dungannon BT70 6JT
<b>Executive Summary:</b> Proposal is in compliance with the Dungannon and South Tyrone Area Plan 2010, QD 1 of PPS7, LC 1 and LC 2 of the Addendum to PPS 7, PPS3 and Creating Places.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	No comment

### Representations:

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

### Summary of Issues

There have been 2 objections to this application.

Objection No. 1 from Dungannon Regeneration Partnership. The issues raised are summarised as follows:

Adverse effect on the character and viability of Scotch Street, an important retail street in the Town Centre.

Objection No. 2 from "Burning Bush". The issues raised are summarised as follows:

Impact on the retail character of the area and the problems associated with flats.

The above issues have been fully considered and I would comment as follows. The site is located outside the Primary Retail Core of Dungannon Town Centre. There are a mix of uses in this particular part of Scotch Street and a similar proposal was granted by DOE for the building next

door. As such I do not feel that the impact on the character of the area is significant. Furthermore, there has been no change in policy since the DOE approval which would merit refusing this application. The concern regarding the problems associated with flats has not been substantiated and therefore holds no material planning weight in my recommendation.

### **Characteristics of the Site and Area**

The application site is located at 64 Scotch Street and is within the development limits of Dungannon. It is also within the Town Centre boundary as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The site is a 3 storey mid terrace building. It also has a basement level. All floors are currently vacant, however the last known use of the building was as a café.

The area is characterised by a mix of uses including retail, office and residential uses. It is also recognised as being an area of archaeological importance (TYR 054:046).

The proposal is to convert the existing vacant café into 2 apartments. It will involve minor alterations to the roof, the front elevation and the addition of 3 small windows on the rear return.

### **Planning Assessment of Policy and Other Material Considerations**

- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 3 – Access, Movement and Parking
- PPS 7 – Quality Residential Environments
- PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- Dungannon and South Tyrone Area Plan 2010
- Creating Places

The SPPS gives provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policies will be applied.

#### *PPS 7 - Quality Residential Environments*

PPS 7 is a material planning policy for this type of development in an urban setting. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy. I will deal with these as they appear in the policy.

The first is that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas – The proposed change of use from a café to apartments is appropriate to the character of this area. It is within the development limits of Dungannon where this type of development is encouraged. The site, whilst being in the Town Centre, is outside the Primary Retail Core. There are other residential properties nearby (eg) along Barrack Street. There was also a DOE approval for the change of use of the adjacent office, no. 62a, to an apartment (M/2011/0560/F). The proposal does not involve any changes to layout, scale or massing. Minor alterations are proposed to the roof, the rear and front elevation but are not deemed to be significant. No landscaping or hardsurfacing is proposed.

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 – The site is within an area of archaeological importance (TYR 054:046) however as no works are proposed which will disturb ground conditions I have no concerns in this regard. The building is not Listed nor will the proposal impact on the setting of any adjacent Listed Buildings. NIEA were consulted and had no comment to make.

QD1 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. There is a small communal courtyard to the rear of the building which provides some communal open space. Railway Park is located to the immediate South of the site and will provide more than adequate public open space to compensate for the lack of private open space. This is acceptable in a Town Centre location.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - I am dealing solely with a conversion application for which local neighbourhood facilities in their own right would not be required.

QD1 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 - As the site is in a Town Centre location there is an existing movement pattern in the immediate area. Transport NI have no objections to the proposal. They have recommended conditions relating to how windows and doors should open and how steps, access ramps etc should not project onto the street in order to ensure pedestrian safety. These conditions are not necessary given the fact that other buildings on the street are not required to do so and therefore can be dealt with by informative.

QD1 also requires adequate and appropriate provision is made for parking. In curtilage parking cannot be accommodated, however, as recognised by Transport NI, the parking requirement is less than the demand for its original use. On street and pay and display parking is available in the immediate area.

The design of the development must draw upon the best local traditions of form, materials and detailing – Only minor changes to the front elevation and roof are proposed and I have no objections in this regard. This site is not in a Conservation Area or Area of Townscape Character.

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 minor design changes will not create conflict with adjacent land uses. The three new windows on the rear return will have no greater impact in terms of overlooking/loss of privacy than the windows on the rear elevations of the other properties which share the communal court yard. I had initial concern regarding the fact that the proposal included 2 bedrooms in a basement with no window openings. The agent has submitted an amended scheme whereby the bedroom is now on the ground floor and will benefit from light coming through a fan light. This is a more acceptable solution in terms of residential amenity.

The development is designed to deter crime and promote personal safety – I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety.

#### PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, the proposed designs are in keeping with the existing character and the unit sizes are not less than recommended in Annex A of this policy (Apt 1 – 73sqm. 70/75sqm recommended) (Apt 2 – 87sqm. 80/85sqm recommended)

I am also satisfied that the proposal complies with LC 2, Conversion or Change of Use of Existing Buildings to Flats or Apartments. As reasoned above, there will be no adverse impact on character, environmental quality or residential amenity. Only minor design

changes are proposed. The original property is greater than 150sqm floorspace, both apartments are self-contained and neither apartment is wholly to the rear of the building. Taking all of the above into consideration as well as the planning history for a similar scheme for the adjacent building, case officer recommendation is to approve.

**Neighbour Notification Checked****Yes**

**Summary of Recommendation:** Approve. Proposal complies with the DSTAP, PPS3, PPS7, Addendum to PPS 7 and Creating Places.

**Conditions/Reasons for Refusal:****Conditions**

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

Reason: Time Limit.

**Informatives**

1.Transport NI advise that no windows or doors shall open out over the footpath and no steps, pillars, ramps, down spouts shall project out into the footpath.

**Signature(s)****Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st April 2016
<b>Date First Advertised</b>	13th April 2016
<b>Date Last Advertised</b>	13 <sup>th</sup> April 2016
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Barrack Street Drumcoo Dungannon The Owner/Occupier, 3 Barrack Street Drumcoo Dungannon The Owner/Occupier, 5 Barrack Street Drumcoo Dungannon The Owner/Occupier, 62 Scotch Street Drumcoo Dungannon The Owner/Occupier, 62A Scotch Street Drumcoo Dungannon The Owner/Occupier, 66 Scotch Street, Drumcoo, Dungannon, Tyrone, BT70 1BJ The Owner/Occupier, 66A Scotch Street Drumcoo Dungannon The Owner/Occupier, 7 Barrack Street Drumcoo Dungannon Niall Maneely Dungannon Regeneration Partnership, C/O Council Offices, 24 Northland Road, Dungannon, Tyrone, BT71 6DT	
<b>Date of Last Neighbour Notification</b>	27th April 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/2007/0613/Q Proposal: Dungannon Town Centre Health Check Planning Search Address: Dungannon Town Centre Decision: Decision Date:  Ref ID: M/1990/0309 Proposal: Alteration and extension to Hardware Shop Address: 66 LOWER SCOTCH STREET DUNGANNON Decision:	

Decision Date:

Ref ID: M/1986/0079

Proposal: RECONSTRUCTION TO EXISTING STORE

Address: 64 AND 66 LOWER SCOTCH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/033501

Proposal: ERECTION OF WAREHOUSE/SALES ROOM

Address: BARRACK STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0335

Proposal: ERECTION OF FURNITURE SHOP

Address: BARRACK STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1979/0188

Proposal: EXTENSION TO EXISTING WAREHOUSE

Address: BARRACK STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0163

Proposal: ERECTION OF FURNITURE FACTORY

Address: BARRACK STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1989/0125

Proposal: Shop Sign

Address: 66 LOWER SCOTCH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1989/0111

Proposal: Alterations to shop front and improvements  
to building

Address: 66 LOWER SCOTCH STREET DUNGANNON

Decision:

Decision Date:



Ref ID: M/1990/0224

Proposal: Change of use from hardware shop to coffee shop and restaurant, new coffee shop and restaurant will form extension of adjacent "Chatters" Coffee Shop and Restaurant.

Address: 64 LOWER SCOTCH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/2011/0560/F

Proposal: Proposed change for use from office to 1 no duplex one bed apartment

Address: 62a Scotch Street, Dungannon,

Decision:

Decision Date: 02.11.2011

Ref ID: M/1991/0573

Proposal: Extension and alterations to shop

Address: 64 SCOTCH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/0436

Proposal: CONVERSION OF DWELLING HOUSE TO SHOP

Address: 3 BARRACK STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0167

Proposal: Change of use of shop/office to 3 no. flats

Address: 1,3, BARRACK STREET AND 62 SCOTCH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2016/0449/F

Proposal: Proposed conversion of existing vacant café into 2 apartments

Address: 64 Scotch Street, Dungannon, BT70 1BJ,

Decision:

Decision Date:

### **Summary of Consultee Responses**

Transport NI have no objections to the proposal. They have recommended conditions relating to how windows and doors should open and how steps, access ramps etc should not project onto the street in order to ensure pedestrian safety.

NIEA (HED) have no comment to make on the proposal.

**Drawing Numbers and Title**

Drawing No. 04  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 03  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 02 rev 2  
Type: Site Layout or Block Plan  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6th September 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0480/RM	<b>Target Date:</b>
<b>Proposal:</b> Infill Dwelling and Garage	<b>Location:</b> Site between 137 and 141 Coolreaghs Road Cookstown
<b>Referral Route:</b> Objection received.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Brian and Joanne Mitchell 23 Claggan Manor Monrush Cookstown BT80 9XY	<b>Agent Name and Address:</b> Marshall McCann Architects 38 Kilmandil Road Dunloy BT44 9BH
<b>Executive Summary:</b> It is my view that the proposal meets Policy CTY 13 – Integration and Design of Buildings in the Countryside, CTY 14 – Rural Character of PPS21 given the site has well-established hedgerow boundaries and the design of the proposed dwelling is acceptable. The proposal also in my opinion satisfies Policy CTY 16 – Development Relying on Non-Mains Sewerage of PPS21 as it has been demonstrated that a Consent to Discharge Effluent has been granted and all consultee bodies are content with the proposal.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	Content
Non Statutory	NIEA	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NIEA	No Objection
Non Statutory	Historic Environment Division (HED)	Consulted in Error
Statutory	Transport NI - Enniskillen Office	Content subject to conditions
Non Statutory	Historic Environment Division (HED)	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
<p><b>Summary of Issues</b></p> <p>A letter of objection was received on the 10th May 2016 from the occupier at No. 141 Coolreaghs Road. This dwelling is situated north of the application site and is separated from the site by a 20m length small field/garden area which the objector also states that he owns. Issues raised include:</p> <p>(1) Surface water disposal, flooding and drainage impact on his property. The objector also states that the 'open drain' to which surface water is to be disposed of runs over his land and so this will not be the case.</p> <p>(2) Septic tank seepage.</p> <p>(3) Hedging and trees needing to be cut back on his property for visibility splays and consent is not given for this.</p> <p>A subsequent letter was received from an MLA 26th May 2016 drawing attention to the issues raised by the occupier noted above.</p> <p>The agent was contacted and directed to the concerns highlighted in the letter of objection received 10<sup>th</sup> May 2016. Points 1 and 2 of the same are addressed as follows:</p> <p>Clarification was sought from the agent on the disposal of surface water which stated on the P1 form bearing the date stamp 8th April 2016 would be to an open drain at the rear of the site. On the same form certificate A was completed declaring the applicants are in possession of every part of the land to which the application relates. The agent confirmed that surface water would in fact be disposed of via soakaways and to the open drain. Foul sewage would however be disposed of using a package treatment plant with 40m filter drains discharged to the waterway /open drain to the rear of the site. A copy of a solicitors letter was also received which states, "we confirm that Brian and Joanne Mitchell enjoy a legal right to effect a discharge from their site into the waterway to the rear of same. Mr and Mrs Mitchell do not require the permission of any third party land owners to effect such discharge."</p> <p>An amended site plan drawing received on 1st June 2016 notes the soakaway to the front of the dwelling and the package treatment plant to the rear. An amended P1 form received 13 June states the same. It is notable that the site is not located within area identified on Rivers Agency Map viewer as subject to flooding.</p> <p>NI Water, Environmental Health and NIEA – Water Management Unit were subsequently consulted / re-consulted with direction to the objection letter received. All returned responses with no objections subject to conditions. These conditions are outlined in the latter part of this report.</p> <p>Point 3 raised by the objector was followed up with a consultation with Transport NI. They responded with no objection subject to conditions including the provision of 2.4 x 70m visibility splays in both directions. It is notable that these splays are contained within the verge as depicted on drawing 02 rev1 bearing the date stamp 01 June 2016.</p> <p>I have considered the objection letter submitted on 10th May 2016 with reference to flooding and Septic tank seepage and visibility splays. The applicant has shown on drawing No. 02 Revision 01 that storm drainage will be directed to a soakaway to the front of the dwelling. To the rear the sewage will be disposed of via a package treatment open drain to the rear of the site. This is acceptable as it will be within the application site. No flood area is identified within the site or within adjacent properties. In relation of the issues raised with septic tank seepage, NI water, NIEA – Water Management Unit and Environmental Health are content with the proposal.</p>	

NIEA Water Management have stipulated a condition which states:

“No development should take place on-site until the method of sewage disposal has been agreed in writing with NIW or a consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.”

A copy of a consent to discharge effluent granted by the Department of Agricultural, Environment and Rural Affairs on 18th July 2016 was received from the agent on 8th August 2016, thus the above condition is no longer applicable.

With regards the hedging and trees I contacted the agent to query the ownership of land over which the visibility splays are required. He confirmed that the visibility splays are contained within the verge to the public road and notice was not required to be served on any adjacent landowners. The Transport NI conditions require visibility splays prior to the commencement of any development. Thus development cannot lawfully commence without their provision.

### **Characteristics of the Site and Area**

The site is located in a rural area, just north of Cookstown along the Coolreaghs Road in an area characterised by agricultural land and dispersed settlement and farm holdings. The site abuts the public road and has well- established hedgerow boundaries which are supplemented by trees, with the exception of the south-eastern boundary which is defined by a post and wire fence. The topography of the land falls from south east to north west. To the north west of the site there is a parcel of land and subsequent to that a bungalow 141 Coolreaghs Road. To the south-east, adjacent to the site there is an agricultural laneway and further south is the site of an existing bungalow - 137 Coolreaghs Road. Immediately opposite the site is a row of three bungalows.

### **History**

I/2014/0195/O - Proposed gap site for new dwelling and garage at lands between 137 and 141 Coolreaghs Road, Cookstown - Granted 20.10.2014.

### **Planning Assessment of Policy and Other Material Considerations**

- Cookstown Area Plan 2010
- The Strategic Planning Policy Statement (SPPS)
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside

The Cookstown Area Plan 2010 identifies the site within a rural area. The proposal is a reserved matters application for a dwelling I/2014/0195/O. The application is live and meets the requirements outlined in condition 1 of the outline permission which states that “application for approval of the reserved matters shall be made to the department within 3 years of the date on which this permission is granted.”

The outline permission stipulates by condition that the proposal shall exhibit traditional elements of rural design, shall have a ridge height of less than 6m from finished floor level and the depth of underbuilding shall not exceed 0.3m. It also states that a landscaping scheme will be submitted and all existing mature trees and vegetation along the entire site boundaries will be retained, except where necessary to provide sightlines.

The proposed dwelling satisfies the ridge height and under-build conditions at 6m and 0.3m respectively. The proposal is a single storey dwelling with a front porch projection, rear return and extension to the gable. The windows proposed have vertical emphasis and there are skylights proposed to provide light to an attic space. It is notable that the overall length of the dwelling is broken down by reducing the ridge height and setting back the projection to the side. The materials proposed include render and natural stone to walls, blue black tiles slates to roof, PVC / timber windows and hardwood doors.

The overall design and finishes proposed are typical of dwellings which have been constructed within the area. The dwelling is set back from the road and will be accessible via a new driveway from the Coolreaghs Road. The dwelling will be partially screened by existing vegetation and mature trees which I recommend are conditioned for retention within any permission granted. There is sufficient space within the curtilage of the site for parking of vehicles.

It is my view that the proposal meets Policy CTY 13 – Integration and Design of Buildings in the Countryside, CTY 14 – Rural Character of PPS21. It also in my view satisfies Policy CTY 16 – Development Relying on Non-Mains Sewerage as it has been demonstrated that a Consent to Discharge Effluent has been granted and all consultee bodies are content with the proposal.

### **Summary of Recommendation:**

I recommend permission is granted subject to conditions.

### **Conditions**

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

2. All existing hedgerows and trees located within the site outlined in red on drawing 01 bearing the date stamp 8 April 2016 shall be retained. No trees or vegetation shall be removed without prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

3. The vehicular access, including visibility splays of 2.4m x 70m in both directions, shall be in place, in accordance with Drawing No. 02 rev1 bearing the date stamp 01st June 2016, prior to the commencement of any other works or other development hereby permitted.

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

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

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

5. The building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise

the risk of wrongly connecting the sewage system to the rain-water drainage system, once the building is occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

6. All services within the development should be laid underground.

Reason: In the interests of visual amenity

7. The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with the details outlined in drawing 02 rev1 bearing the date stamp 1 June 2016.

Reason: In the interests of public health.

8. Development shall not begin until drainage works have been carried out in accordance with details outlined in drawing 02rev1 bearing the date stamp 1st June 2016.

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

### **Informatives**

1. A legal agreement shall be obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.
2. The applicant should ensure that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
3. Any new or existing septic tank unit should be a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
4. Standing advice notes are available on the NI planning portal: [http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice\\_1\\_single\\_dwellings.pdf](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_1_single_dwellings.pdf)
5. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
6. The applicant should ensure that measures are in place to prevent the pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.



<b>Signature(s)</b>  <b>Date:</b>

ANNEX	
<b>Date Valid</b>	11th April 2016
<b>Date First Advertised</b>	28th April 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 136 Coolreaghs Road Coolreaghs Cookstown The Owner/Occupier, 137 Coolreaghs Road Coolreaghs Cookstown The Owner/Occupier, 138 Coolreaghs Road Coolreaghs Cookstown The Owner/Occupier, 140 Coolreaghs Road Coolreaghs Cookstown Harry McCullough 141 Coolreaghs Road Coolreaghs Cookstown Sandra Overend MLA Mid-Ulster UUP Advice Office, 1 High Street, Moneymore, Magherafelt, BT45 7PB	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2015/1183/O Proposal: Proposed gap site for new dwelling and garage Address: Lands between 135 and 137 Coolreaghs Road, Cookstown, Decision: PG Decision Date: 24.02.2016  Ref ID: I/2014/0195/O Proposal: Proposed gap site for new dwelling and garage Address: Lands between 137 and 141 Coolreaghs Road, Cookstown, Decision: PG Decision Date: 20.10.2014  Ref ID: LA09/2016/0480/RM Proposal: Infill Dwelling and Garage Address: Site between 137 and 141 Coolreaghs Road, Cookstown, Decision: Decision Date:	

**Summary of Consultee Responses**

Historic Environment Division were consulted due to the proximity of the site to an enclosure – archaeological site and monument TYR029:018 and are content with the proposal.

NI Water have no objection subject to conditions.

Environmental Health have no objection in principle to the above proposed development subject to conditions/informatives.

NIEA are content with the proposal subject to conditions.

TransportNI have are content subject to conditions.

**Drawing Numbers and Title**

Drawing No. 04

Type: Proposed Elevations

Status: Submitted

Drawing No. 03

Type: Floor Plans

Status: Submitted

Drawing No. 02rev1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Garage Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0523/F	<b>Target Date:</b> 29.07.2016
<b>Proposal:</b> Proposed new Kick Box club and associated car park.	<b>Location:</b> 25m north east of 4 Cavan Road Dungannon
<b>Referral Route:</b>  Objection received.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Dungannon Kick Boxing Club, c/o Stuart Kirk 200 Killycavan Manor Killyman	<b>Agent Name and Address:</b> Paul McAlister Architects Ltd The Barn Studio 64a Drumnacanvey Road Portadown BT63 5LY
<b>Executive Summary:</b>  Whether the proposed use could be accommodated within the village without undue impact on amenity and whether the proposed design is suitable.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	8
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

Whether the proposed use could be accommodated within the village without undue impact on amenity and whether the proposed design is suitable.

## Characteristics of the Site and Area

The application site is within the development limits of Killyman adjacent to where Cavan Road crosses the M1 Motorway. The site is flat and approximately 50.0m deep x 20.0m wide with a loose stone surface. There is an existing access onto Cavan Road. The immediate area contains residential dwellings including opposite the site. To the south is Saint Patrick's RC Church and the rear wall abuts the local graveyard.

## Planning Assessment of Policy and Other Material Considerations

### Description of Proposal

Consent is sought to construct a building within the site which would be used as a local facility for a Kick Boxing Club. The building would be set towards the rear of the site and would be 22.1m wide by 7.4m deep. The building would have a ridge level measuring 4.4m in height. 13 parking spaces would be provided within the site.

### Summary of Issues

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining land owners were consulted by letter. One objection and eight letters of support were received. Issues raised are summarised as follows;

#### *Objection*

6A Old Moy Road: Owner of 2 Cavan Road opposite the site. A commercial looking property such as a gym would be out of keeping with the established character of the area. There is likely to be increased traffic particularly in the evening and this will lead to significant disturbance for local residents and causing hazards for people walking past. Furthermore the likelihood of loud music will cause significant annoyance at times. The actual design of the building is industrial and looks like a warehouse, it will therefore detract from the character of the area and the adjoining church. We have concern that fight nights could attract large crowds resulting in increased disturbance and congestion within the immediate area. The quiet country atmosphere of Killyman would be adversely affected by this proposal.

#### *Support*

Eight submissions of support have been received, largely by email, from local residents: This is a great facility for the younger generation to get involved in exercise and learn discipline. It is a great place to meet others and form relationships. This proposal would have long term benefits for the area. The positives would outweigh any negatives. The new gym would be an excellent cross community facility. The children love this gym and their coach. The club badly needs these new facilities and has outgrown its home. The Kickboxing gym brings the community together.

#### *Policy Assessment*

Proposals for gym type facilities, sui generis uses, can be judged under Policy OS4 of PPS 8 "Open Space, Sport and Outdoor Recreation" and general guidance in the recently adopted Strategic Planning Policy Statement (SPPS) is of relevance. Policy DES2 "Townscape" of A Planning Strategy for Rural Northern Ireland which is an extant policy also aims to ensure good

design and a reasonable standard of amenity in terms of the environment and impact on existing properties. The comments as received above are also material to any determination.

#### Amenity

Concern has been expressed through the objection received that if approved this scheme would have an adverse impact on the amenity of local residents in terms of noise and general disturbance and the movement of vehicles and it is a consideration of policy that any impact on amenity is not excessive. The only real noise that would be of potential to cause nuisance would be the general movements to and from the site and additional noise whilst the gym was in operation. The applicant has submitted a Noise Assessment outlining how the club would operate. This suggests limited hours of operation, largely in the evening, and this is generally the nature of such establishments. The main source of noise would be background music and the exercise movements of participants. Whilst some club competitions are envisaged it is not considered that any noise of movement to and from the club would seriously infringe on the amenity of adjoining residents. The Environmental Health section of the Council are content with the scheme subject to the sensitive location of any plant and machinery away from residential properties and that any lighting is not seriously intrusive. Any serious infraction of general noise or disturbance associated with the use could be addressed through environmental legislation.

In terms of parking and movement, there would be some disturbance as cars entered and exited the site before and after sessions but this is a local club with many members living within the village and any movement would be limited. A car park with 13 spaces would be provided and this should be adequate to meet the demand. It is therefore considered that there would be no significant impact on the amenity of existing residents.

#### Design/Layout

Policy OS4 requires that buildings are of a high standard of design and appropriate to the local area. Concern has also been raised in relation to the proposed design and that it will look out of character with the existing pattern of development. The site is within the development limits of the village and whilst the building would have a functional appearance it is designed with a particular use in mind, as a place of exercise, and it is not considered it would seriously detract from the character of the area. The new building retains a reasonable gap to the adjoining church, in some ways has the appearance of a church hall, and is separated from it by a wall. The setting of the settlement would not be seriously affected and the scale is appropriate. The building would be set well back from the road on the outskirts of the village and can, on balance, be justified. There would be no adverse impact on features of importance to nature conservation, archaeology or built heritage.

#### Highway Issues

Transport NI have been consulted and are content that the required visibility splays can be achieved. As requested tactile paving has been removed from the drawing. A submitted Transport Assessment Form suggests limited movements to and from the site.

#### Summary

To conclude, it is considered that the proposed development would not impact excessively on the amenity of adjoining residents and while the design is relatively standard it can be justified in this case. The facility would bring positive attributes to the area and some of the submissions received suggest that worthwhile work, particularly with young people, forms part of the general activity carried out as part of this club. It is therefore recommended that consent is granted subject to conditions.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> Consent is recommended.	
<b>Conditions/Reasons for Refusal:</b>  <b>Conditions</b> <ol style="list-style-type: none"> <li>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.</li> <li>The visibility splays of 2.4 metres by 60.0 metres at the junction of the proposed access road with the public road, shall be provided in accordance with the details shown on Drawing No 04A bearing the date stamp 08 AUG 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.</li> </ol> <b>Informatives</b> <ol style="list-style-type: none"> <li>This notice relates to the submitted drawings numbered 01, 02, 03A and 04A</li> <li>The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.</li> <li>It is recommended that any lighting to the proposed is designed having consideration to the Institution of Lighting Professionals <i>Guidance Notes for the Reduction of Obtrusive Light GN01:2011</i>. The guidance provides advice on the design and installation of floodlighting when assessed against the relevant environmental zones.</li> </ol>	



<b>Signature(s)</b>
<b>Date:</b>

<b>ANNEX</b>	
<b>Date Valid</b>	15th April 2016
<b>Date First Advertised</b>	28th April 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Cavan Cottages, Cavan, Dungannon, BT71 6RF The Owner/Occupier, 1 Cavan Road,Laghey,Dungannon,Tyrone,BT71 6QP, The Owner/Occupier, 10 Cavan Road,Laghey,Dungannon,Tyrone,BT71 6QP, The Owner/Occupier, 11 Cavan Road,Laghey,Dungannon,Tyrone,BT71 6QP, Julie Jardine 11, Culnagor Row, Dungannon, Tyrone, Northern Ireland, BT71 6EN The Owner/Occupier, 2 Cavan Cottages, Cavan, Dungannon, BT71 6RF The Owner/Occupier, 2 Cavan Road Laghey Dungannon The Owner/Occupier, 3 Cavan Cottages, Cavan, Dungannon, BT71 6RF The Owner/Occupier, 3 Cavan Road,Laghey,Dungannon,Tyrone,BT71 6QP, The Owner/Occupier, 4 Cavan Cottages, Cavan, Dungannon, BT71 6RF The Owner/Occupier, 4 Cavan Road Laghey Dungannon Nigel Wilson 6 Old Moy Road Donnydeade Dungannon Barry & Louise Kirkland Email David Carmichael Email Samantha and Ellie Averall Email Cherie, Joshua, Jaxon & Samuel Cardwell Email M Patterson Email Amanda, Jaayden & Rylan Williamson Email The Owner/Occupier, Saint Patrick's Church, 11 Cavan Road, Cavan, Dungannon, Tyrone, BT71 6QW Cherie Cardwell	

<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
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Drawing No.

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 02

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

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

## 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 8

### 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.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

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 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 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.

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.

#### **Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	18th April 2016
<b>Date First Advertised</b>	5th May 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (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	
<b>Date of Last Neighbour Notification</b>	28th April 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  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 Coagh	

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  
Proposal: Proposed dwelling.  
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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0576/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed replacement dwelling and garage	<b>Location:</b> 72 Killymeal Road Dungannon BT71 6LG
<b>Referral Route:</b> Objections received.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Mr and Mrs S Fearon 72 Killymeal Road Dungannon BT71 6LG	<b>Agent Name and Address:</b> Daly O'Neill Associates Ltd 23 William Street Portadown BT62 3NX
<b>Executive Summary:</b>  Whether the design is appropriate at this location and that the amenity of neighbouring residents is not seriously infringed.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

Consideration on design and amenity grounds is the main assessments in this case.

### Characteristics of the Site and Area

The application site is within the development limits of Dungannon, on Killymeal Road, and is occupied by a detached dwelling site within a generous curtilage. The site rises steadily from the road to where the dwelling is located, circa 80.0m, and contains a significant amount of established vegetation. The house on site is a chalet style bungalow. The property is bordered on three sides by other residential dwellings but also a strip of unused land immediately to the west of the house. An established hedge on the rear boundary separates the property from No11 Mullaghadun Lane. The character of the immediate area is of large detached dwellings on generous plots with no dominant style.

## Planning Assessment of Policy and Other Material Considerations

### Description of Proposal

Consent is sought to construct dwelling to replace the existing house on the site. This house would be two storey with a footprint measuring approximately 13.6m x 11.3m with a projection to the front, including balcony above, and single storey out shot to the side. The new house would have a ridge level of 10.3m. The building would be finished in render with a slate roof. A new garage would be constructed in the rear corner of the site.

### Summary of Issues

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

**11 Mullaghadun Lane:** The proposed dwelling is out of keeping with the local context - the design is that of a town house dwelling in contrast to the local context that is predominantly one and half storey type dwellings (ground floor plus rooms in roof) or bungalows.

As noted on the recently issued sections the bulk and massing of the proposed dwelling is significantly greater than the existing dwelling. The proposed ridge height indicates an increase of 3.5 meters. This will make the dwelling more visible from adjacent properties and will result in a loss of privacy between dwellings.

The proposed detached garage further contributes to the overall increase in bulk and massing and the habitable accommodation in the upper storey of the garage will result in greater loss of privacy between dwellings.

**70 Killymeal Road:** I would like to object to the proposal on the basis that it is considerably taller and larger than the existing building which it is to replace and it will protrude much more than the existing. Also, the design, a two storey townhouse, is out of keeping with the other houses in the area.

The proposal is for a new dwelling and in such instances the policy framework for decision making is provided by PPS7 "Quality Residential Developments" with particular reference to Policy QD1 of PPS7. In September 2015 the Strategic Planning Policy Statement for Northern Ireland (SPPS) was adopted is another material consideration of some weight and contains a section on new housing in settlements. The Dungannon and South Tyrone Area Plan is another material consideration.

### Policy QD1

Policy QD1 firstly requires that the proposed dwelling 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. Whilst concern has been expressed that the dwelling would be out of character with the immediate area, a townhouse in an area of predominantly bungalow developments, it is not considered that the proposed scheme would be seriously contrary to the established character.

The house is well set back from the road and in many ways, owing to this distance and a heavy screen of vegetation it would be judged as a standalone design. There is no constant



streetscene, owing to the expansive nature of the plots, and in any case Killymeal Road does include two storey dwellings. Given the characteristics of the immediate environs this dwelling would not appear out of place and as it would be constructed on largely the same footprint, the general layout is appropriate.

In design terms the use of materials, front balcony, and height and massing can be justified in this existing context of an urban area and quite large dwellings set on generous plots.

There are no significant archaeological and built heritage features to consider and there is more than adequate ground remaining for private amenity space. There is sufficient space for parking within the site, including the proposed garage.

In terms of amenity, concern has been raised that the increased height of the new dwelling would have an impact on the amenity of adjoining residents. There is a property on the rear boundary, No11 Mullaghadun Road, but the actual house is set back some distance from a well screened boundary. Furthermore this house is served by an extensive curtilage. The submitted section plan suggests it would be difficult to see into No11 from upper floor windows and even if this were the case it is hard to conclude there would be serious overlooking. There is no concern with loss of light or overshadowing.

An objection has also been received from No70 Killymeal Road but with a separation distance of some 65.0m between the houses any adverse impacts is hard to envisage. The house is well set in from well screened flank boundaries. It is not considered the new garage would impact on the amenity of adjoining residents to any great degree or on a level to cause serious concern.

#### Conclusion

The proposed development is considered policy compliant and is therefore recommended for approval with conditions.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

Consent is recommended.

#### Conditions/Reasons for Refusal:

##### Conditions

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

Reason: Time limit.

##### Informatives

1. This notice relates to the submitted drawings numbered 01, 02, 03, 04, 05 & 06.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	22nd April 2016
<b>Date First Advertised</b>	5th May 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Mullaghdun Lane, Dungannon The Owner/Occupier, 70 Killymeal Road Mullaghadun Dungannon Catherine Lavery 70 Killymeal Road, Dungannon, Tyrone, Northern Ireland, BT71 6LG The Owner/Occupier, 75 Killymeal Road Mullaghadun Dungannon The Owner/Occupier, 76 Killymeal Road Mullaghadun Dungannon Robert Eitel Email	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 06  
Type: Site Section  
Status: Submitted

Drawing No. 04  
Type: Proposed Elevations  
Status: Submitted

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

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

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

Drawing No. 05  
Type: Garage 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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0606/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed change of use from vehicle workshop to butchery and new estate roadway at rear of 83 Annaginny Road, Newmills, Dungannon	<b>Location:</b> 83 Annaginny Road Newmills Dungannon
<b>Referral Route:</b> <span style="color: red;">Objection received</span>	
<b>Recommendation:</b>	<span style="color: red;">Approval</span>
<b>Applicant Name and Address:</b> Mr Alan Elliott 83 Annaginny Road Newmills Dungannon	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

<b>Case Officer Report</b>
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<b>Site Location Plan</b>
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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received

**Representations:**

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

## Summary of Issues

One representation was received from neighbouring property at number 15 Tullynesken Heights. This representation raised concerns regarding adverse environmental effects including levels of noise, odour and pollution. They also raised concerns about the new road layout and the type of vehicles that will be accessing the butchery.

## Characteristics of the Site and Area

The site comprises a square plot of land situated at number 83 Annaginney Road, Newmills. The site consists of a dwelling, detached garage and large outbuilding to the rear. The dwelling has a white dashed finish, it has a dark slate roof with white upvc windows and doors, it also has a red brick external chimney breast on the eastern gable and a small red brick front porch. The site is accessed off the Annaginny Road via a tarred drive way which rises steadily from the roadside, it dissects a large front garden. To the rear of the dwelling there is a large yard enclosed by a brick wall on the south and east boundaries, there is also a large shed which is finished in white dash with a tin roof and a large roller door. This building holds planning permission for a car body repair workshop.

The site lies within the settlement limit of Newmills, just to the west of a row of town houses, to the east the density of development becomes more spread out with single dwellings in larger plots along the roadside. To the north and south of the site it is bounded by agricultural fields.

The proposal seeks planning permission for the change of use from a car body repair shop to a butchery.

## Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan
- PPS 3: Access, Movement & Parking
- PPS 4: Planning and Economic Development

The proposal is described as:

Proposed change of use from vehicle workshop to butchery and new estate roadway"

The former use of the building was as a car body repair workshop which according to The Planning (Use Classes) Order (NI) 2015 falls within class B2: Light Industrial Uses. The proposal is for a change of use to a butchery which also falls within use class B2: light industrial. The proposal will not involve any extension of the existing building, the only external changes will be the addition of a rear and side door, and internally the existing layout will be amended to sub divide the existing space into different butchering, cold stores and other rooms.

The Dungannon and South Tyrone Area Plan identifies the site within the development limits of Newmills which gives favourable consideration to proposals subject to criteria outlined within the plan policy.

The proposal is considered under Policy PPS4: PED 1 Economic Development in Settlements which states:

Villages and Smaller Rural Settlements.  
Class B2 Light Industrial Use



A development proposal for a Class B2 light industrial use will be permitted where it can demonstrate that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

The site is not within an existing or proposed industrial area, however the principle of light industrial use has been approved and established on the site since the approval of planning application M/1992/0214 for a car body repair workshop.

I have further considered the core principles of the SPPS, specifically "Sustaining economic growth" which states:

"Planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities."

continuing,

"Supporting sustainable economic growth through proactive planning does not mean compromising on environmental standards."

One representation was received from neighbouring property at number 15 Tullynesken Heights. This representation raised concerns regarding adverse environmental effects including levels of noise, odour and pollution. They also raised concerns about the new road layout and the type of vehicles that will be accessing the butchery.

With regards to the new road layout TNI have been consulted and have stated that they will only determine the roadway when the future housing development commences, however is content with the prescribed specifications and has recommended approval of drawing no.3a subject to conditions.

While there is an expected increase in the number of vehicles attending the premises by staff from 0 to 4, the number of visitors attending daily will not increase at all as there will be no sale of goods from this premises. Good vehicles are also expected to decrease from 0 to 2.5 per week. Overall there is a very minimal increase in traffic and vehicles attending the premises. Adequate car parking provision to accompany the proposal exists on site. The road network and car parking on site is therefore sufficient to serve the proposal.

With regards to the environmental issues including levels of noise, odour and pollution, environmental health has been consulted and have replied with no objections in principle requesting that an informative be attached to prevent the transmission of noise to nearby premises. At present on site there is building which is currently vacant and its last use was as a mechanics. The building offers an existing premises which may be utilised as an opportunity to contribute to the economic development of a business. The proposal is unlikely to cause adverse impact on the environment given no trading, waste or effluent is anticipated. The scale and design of the building is not altered and remains at single storey and therefore will not have any impact on neighbouring amenity.

Considering this along with the existing vacant premises and potential contribution to the economy, it is my opinion that the proposal is acceptable and I recommend permission is granted.

**Neighbour Notification Checked**

**Yes**

## Conditions

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

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

2. The vehicular access, including visibility splays of (2.4m \* 60.0m) and any forward sight distance shall be provided in accordance with Drawing No 03A bearing the date stamp 15/06/16, 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.

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

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

4. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and carry out archaeological recording.

Reason: to ensure the identification, evaluation and appropriate recording of any archaeological remains which are exposed by the operations.

5. The butchery hereby permitted shall be used solely for the purpose of meat butchery in keeping with its light industrial use, as provided for in the planning (use classes order) 2015 and shall not be used for any retail or other purpose outside of the light industrial use class.

Reason: To ensure appropriate control is applied to the butchery and the proposal conforms with regional planning policy.

## 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 Informative

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon.

A monetary deposit will be required to cover works on the public road.

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

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.

In the interest of public safety and traffic management.

4. The Clean Neighbourhood and Environment Act (Northern Ireland) 2011.

The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	28th April 2016
<b>Date First Advertised</b>	12th May 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Doras Cottages,Doras,Dungannon,Tyrone,BT71 4EB, Lorna McFarland 15 Tullanisken Heights,Doras,Dungannon,Tyrone,BT71 4BL, The Owner/Occupier, 8 Doras Cottages,Doras,Dungannon,Tyrone,BT71 4EB, The Owner/Occupier, 81 Annaginny Road Sessia Dungannon The Owner/Occupier, 83 Annaginny Road,Sessia,Dungannon,Tyrone,BT71 4EA, The Owner/Occupier, 84 Annaginny Road,Doras,Dungannon,Tyrone,BT71 4EA, The Owner/Occupier, 9 Annaginny Road Creevagh Lower Dungannon The Owner/Occupier, 9 Doras Cottages,Doras,Dungannon,Tyrone,BT71 4EB, The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/2007/0832/Q Proposal: Housing Address: Lands at Newmills Decision: Decision Date:  Ref ID: M/1991/0068 Proposal: Erection of car body workshop Address: APPROX 40M S WEST OF DORAS COTTAGES ANNAGINNY ROAD NEWMILLS Decision:	

Decision Date:

Ref ID: M/1992/0214

Proposal: Erection of Car body workshop

Address: APPROX 40M SOUTH WEST OF DORIS COTTAGE ANNAGINNEY ROAD  
NEWMILLS

Decision:

Decision Date:

Ref ID: M/1984/064601

Proposal: BUNGALOW

Address: SESSIA, NEWMILLS, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2009/0691/Q

Proposal: Proposed Residential Development

Address: Annaginney Road, Newmills

Decision:

Decision Date:

Ref ID: M/1984/0646

Proposal: BUNGALOW

Address: SESSIA, NEWMILLS, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2011/0195/O

Proposal: 50 Bed residential nursing home (amended plans and access detail)

Address: Lands to the rear of 83 Annaginny Road, Newmills, Dungannon, BT71 4EA,

Decision: PR

Decision Date: 15.08.2012

Ref ID: LA09/2016/0606/F

Proposal: Proposed change of use from vehicle workshop to butchery and new estate  
roadway at rear of 83 Annaginny Road, Newmills, Dungannon

Address: 83 Annaginny Road, Newmills, Dungannon,

Decision:

Decision Date:

### **Summary of Consultee Responses**

Transport NI, Environmental Health and HED were all consulted and responded with no objections subject to conditions.

### **Drawing Numbers and Title**

Drawing No. 05  
Type: Site Layout or Block Plan  
Status: Submitted

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

Drawing No. 06  
Type: Proposed Plans  
Status: Submitted

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

Drawing No. 04  
Type: Longitudinal Sections  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 2nd August 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0648/O	<b>Target Date:</b> 19.08.2016
<b>Proposal:</b> Replacement Dwelling	<b>Location:</b> Approx. 100 m north of 102 Glassdrummond Road Aughnacloy
<b>Referral Route:</b>  Refusal is recommended.	
<b>Recommendation: Refusal.</b>	
<b>Applicant Name and Address:</b> Mr Jason Stinson 102 Glassdrummond Road Aughnacloy BT69 6DE	<b>Agent Name and Address:</b> Gibson Design & Build 25 Ballinderry Bridge Road Coagh BT80 0BR
<b>Executive Summary:</b>  A site, where the assessment is that it does not benefit from a dwelling or former dwelling to use as leverage for a new house and is therefore contrary to adopted policy.	
<b>Signature(s):</b>	

## 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

Whether a replacement dwelling can be justified on site in light of adopted policy and other material considerations including site history.

### Characteristics of the Site and Area

The application site is located at a very remote location within open countryside as identified in the Dungannon & South Tyrone Area Plan 2010. The site is accessed from Glassdrummond Road through a gated entrance to an agricultural field and is located some 90.0m from the road at an elevated position. The site contains a small shed and there are the remnants of another building, the part of two walls, nearby.

### Planning Assessment of Policy and Other Material Considerations

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



consulted by letter. No representations were received. In 2006 an application was refused for a new dwelling on the site (M/2006/0808/O) and the appeal was dismissed (2007/A0563). In 2010 an application was refused to convert and extend a non-residential building at this site (M/2010/0287/O).

The proposal is for a replacement dwelling and in such instances the policy context for decision making is provided by PPS21 "Sustainable Development in the Countryside" with particular reference to policies CTY 1 & CTY3 "Replacement Dwellings". In this case there is a planning history to this site, as outlined above, which is of significant material importance also.

The first requirement of CTY3 is that the building to be replaced "exhibits the essential characteristics of a dwelling house and as a minimum all external structural walls are substantially intact". In this case there is the small shed, highlighted on the plan as the building to be replaced, and the remnants of two walls to the west of this building. As stated there is some planning history to this site and a relatively recently dismissed appeal.

With reference to the dismissed appeal in 2007, the Appeal Commissioner when referring to the building on site, as highlighted in this application on plan number 01, described it as a "small cattle shed". Having visited the site and inspected both the interior and exterior of the building I must concur with this view and there is nothing on record as part of this submission to offer a contrary view. It must be concluded on the evidence that this proposition fails the first test of Policy CTY3.

The site also includes the remnants, essentially the corner, of a building which in the course of the appeal it was suggested by the appellant was a former dwelling. No case has been made to use this structure as part of the justification for a dwelling but it would also fail the test as outlined above.

Having failed the test of having a bona fide dwelling or former dwelling on site to use as leverage for a replacement essentially the merits of the scheme require no further consideration. However given the size of the building in question and the elevated position of the site any replacement of even a modest scale would inevitably have a significantly greater visual impact than existing.

In light of the above it is concluded that this proposal would be contrary to Policy CTY3 of PPS21 relating specifically to replacement dwelling. The issue of a conversion of the building has been visited under application M/2010/0287/O when consent was refused and whilst the Council has been furnished with limited facts in this case there appears to be no justification in policy terms for a dwelling on the site. It is therefore recommended that consent is refused.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal is recommended.

**Reason for Refusal:**

1. The proposal site does not benefit from having a building which exhibits the essential characteristics of a dwelling which is substantially intact and as such a replacement dwelling on the site would be contrary to guidance contained in policy CTY3 "Replacement Dwellings" of PPS21.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	6th May 2016
<b>Date First Advertised</b>	19th May 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 102 Glasdrummond Road, Aughnacloy, Dungannon. BT69 6DE	
<b>Date of Last Neighbour Notification</b>	17th May 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/0648/O Proposal: Replacement Dwelling Address: Approx. 100 m north of 102 Glasdrummond Road, Aughnacloy, Decision: Decision Date:	
Ref ID: M/2013/0042/F Proposal: Erection of dwelling, garage and car port (change of house type and garage from that previously approved under M/2007/1100/RM) Address: 200m north west of junction of Glasdrummond Road and Bog Road, Aughnacloy, Decision: PG Decision Date: 08.03.2013	
Ref ID: M/2010/0287/O Proposal: Conversion and Extension of non - residential buildings to dwelling house and garage. Address: 350m SW of Bog Road and Glasdrummond Road, Aughnacloy Co Tyrone. Decision: Decision Date: 03.09.2010	
Ref ID: M/2006/0808/O Proposal: Replacement dwelling and garage	

Address: 350m SW of Bog Road and Glassdrummond Road, Aughnacloy

Decision:

Decision Date:

Ref ID: M/2004/1750/O

Proposal: 2 Storey house and domestic garage

Address: 200m North West of junction of Glassdrummond Road and Bog Road, Aughnacloy

Decision:

Decision Date: 30.12.2004

Ref ID: M/2007/1100/RM

Proposal: 2 Storey house and domestic garage

Address: 200m North West of junction of Glassdrummond Road and Bog Road, Aughnacloy

Decision:

Decision Date: 29.11.2007

### **Summary of Consultee Responses**

TNI no objection subject to agreement of sight splays at RM stage.

### **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:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6th September 2016	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0693/F	<b>Target Date:</b> 26.08.2016
<b>Proposal:</b> Detached shed for winter storage of caravan and general domestic use	<b>Location:</b> 239 Ballygawley Road Dungannon
<b>Referral Route:</b>  Objection received and recommended for refusal.	
<b>Recommendation:</b> Refusal.	
<b>Applicant Name and Address:</b> Mr Martin Mc Caul 239 Ballygawley Road Dungannon	<b>Agent Name and Address:</b> P G Quinn Ltd 15 Derrytresk Road Dungannon BT71 4QL
<b>Executive Summary:</b>  Consideration required with regards to potential impact on amenity of adjoining residents and the design and siting of the storage building.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

Consideration required with regards to potential impact on amenity of adjoining residents and the design and siting of the storage building.

### Characteristics of the Site and Area

#### Characteristics of Site/Area

The site contains a 2 storey semidetached dwelling with a single storey 'coal house' to the rear and 2 small metal-clad sheds, it has a flat grass garden area to the rear and a hard surfaced parking and turning area. The boundaries of the property are low picket fences to the N, E & S and a low laurel hedge to the W. The dwelling attached to this house has a single storey mono pitched roof garage in its rear garden at the boundary with 4 Whites Road. 4 Whites Road is a detached chalet dwelling with a sun room on its south boundary facing no's 239 & 241 Ballygawley Road, it has a low picket fence between it and the application site.

## Planning Assessment of Policy and Other Material Considerations

### Summary of Issues

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining land owners were consulted by letter. One objection was received. Issues raised are summarised as follows;

4 Whites Road: We strongly object to a shed being built so close to our boundary. This would leave the house in darkness by blocking out sunlight. A shed at this location was proposed before which we objected to and the result was that a new location and downsize was agreed and subsequently granted consent. We would have concerns about the roof lifting off in storms, or fires, as the shed is very close to our dwelling. The structure would be more suitable closer to their own house. The proposed shed would completely block sunlight.

### Policy Assessment

Planning policy SETT1 in Dungannon & South Tyrone Area Plan 2010 is permissive for development within settlement limits provided it meets with a number of specified criteria, these are mostly reiterated in EXT1 of the Addendum to PPS7 – Residential Extensions and Alterations. The Strategic Planning Policy Statement does not change any of the policy considerations relating to this type of development.

As highlighted in the response from 4 Whites Road there is some planning history on the site and consent has been granted for a garage of a similar size though in a different location (LA09/2015/0703/F). The consented scheme ran along the rear flank boundary and retained a gap of 8.1m to the boundary with No4. This was an amendment to the originally submitted scheme. As firstly submitted the storage building was in the position as now suggested but with a floor area measuring 15.8m x 11.9m and a ridge of 5.2m it was a much larger structure. The applicant was advised that a building of these dimensions at this location within the site had the potential to adversely affect the amenity of adjoining residents. Hence the relocation which was subsequently agreed. The issue before Members is to determine if the reduced scheme at this same location would have an adverse impact on amenity. The scheme can therefore be tested against Policy EXT1.

Policy EXT1 firstly requires that the proposed development in scale, massing, design and external materials is sympathetic with the existing dwelling on site and the character of the immediate area. In terms of scale, massing and design, a garage of this nature has already been agreed on site and therefore the only real consideration therefore is the revised siting. Policy advises that the proposed building is subordinate to the main house on site and this would be achieved in this case. Whilst the garage would not be located to the front of the dwelling in this case, it would extend beyond the front elevation of No4 Whites Road. Garages which extend beyond an established building line can have the potential to over dominate. However in this case there is no constant building line, with No4 set behind the adjoining neighbour No6 and it is not considered that the garage at the position suggested would look seriously out of place such that consent should be refused for this reason. In terms of overall appearance it is generally acceptable and as previously agreed.

The policy also requires that the proposal does not unduly affect the privacy or amenity of neighbouring residents in terms of loss of light/sunlight, privacy or dominance when viewed from adjoining properties. As recorded above concern has been expressed from occupants of no4 whites Road that this development would have an adverse impact on their amenity particularly in relation to loss of sunlight. With regards to the key considerations it is not considered that there



would be issues of loss of privacy. New development should not be over-dominant when viewed from neighbouring properties and this can often result in loss of daylight/sunlight to windows.

In this case the building would be located 2.0m from the common boundary and a further 5.0m from the nearest window. There is also a conservatory on this side of the building and the storage shed would project approximately 10.0m beyond the nearside corner of the house. Supporting text to the policy suggests that for single storey extensions, similar to this case, a 60 degree line when drawn from the centre of the nearest window should ideally not be breached by built form. In this case a line drawn in such a way would just breach the corner of the building. With regards to this assessment it is therefore fairly balanced but there would be some loss of light to this nearest window and to some degree the conservatory and a side facing window, particularly in the early part of the day. Relatively good outlook would remain apart from on this flank. With an eaves level of almost 4.0m the wall facing No4 would be fairly imposing. Whilst the building would be used to house a caravan the eaves level still appears larger than necessary and a lot more than the standard of 2.5m. The case is balanced, but it is difficult not to conclude that this building would result in loss of daylight and sunlight having an imposing, unneighbourly impact when viewed from the adjoining property. It is considered that impact would be on a level to infringe on amenity and that this would be excessive.

Whilst concern has been expressed about danger through fire or storm damage to No4 whites Road this is not considered a valid reason to refuse consent.

No landscaping features would be affected and sufficient space would remain for parking.

#### Conclusion

The proposed storage building would have a detrimental impact on the amenity of adjoining residents. It is therefore recommended that consent is refused.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

Refusal is recommended.

#### Conditions/Reasons for Refusal:

##### Refusal Reasons

1. The proposed development would have an imposing, unneighbourly impact when viewed from the adjoining property resulting in loss of daylight/sunlight to adjacent windows contrary to guidance contained in policy EXT1 in the addendum to PPS7.

#### Signature(s)

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	16th May 2016
<b>Date First Advertised</b>	2nd June 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 241 Ballygawley Road Fasglashagh Dungannon The Owner/Occupier, 4 Whites Road Fasglashagh Dungannon Noel Gillen 4 Whites Road, Dungannon, Tyrone, Northern Ireland, BT70 3AN	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  LA09/2015/0703/F – Shed for the storage of caravan and general domestic storage.	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0981/F	<b>Target Date:</b>
<b>Proposal:</b> To develop car parking spaces to lay by adding to existing car parking adjacent to site (planning for 25 no additional bays)	<b>Location:</b> Situated on Gulladuff Road Bellaghy (approx. 50m North off Main Street Junction Bellaghy)
<b>Referral Route:</b>  This application is being presented to Committee as the applicant is Mid Ulster District Council.	
<b>Recommendation:</b>	<b>APPROVE</b>
<b>Applicant Name and Address:</b> Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EH	<b>Agent Name and Address:</b> Mid Ulster District Council Technical Services Burn Road Cookstown
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report
<b>Site Location Plan</b>

**Consultations:**

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

**Representations:**

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

**Summary of Issues**

No representations have been received in respect of this application.

**Description of Proposal**

To develop car parking spaces to lay by adding to existing car parking adjacent to site (planning for 25 no additional bays).

The proposal is to remove the roadside boundary hedge and create a lay-by parking area which will extend the existing lay-by parking area in a linear manner along the Gulladuff Road in a north westerly direction. The parking is to be laid out in a single line, with the parking bays end-on to the public road. A new post and wire fence with a hedge is proposed along the rear of the parking area. The proposal also includes for the provision of a 1.2m wide public footpath between the parking bays and the proposed hedgeline. However, following an office meeting on 16th August 2016, Transportni requested that this footpath be at least 1.8m wide in addition to other amendments.

### **Characteristics of the site and area**

The site is comprised of a small portion of a roadside field and adjoins the existing lay-by parking area at the junction of Main Street and the Gulladuff Road. The south eastern boundary which adjoins the existing lay-by is defined by a low hedge with a taller and more hedge line along the road frontage. The field to the rear of the hedge sits slightly lower than road level but rises to a crest a short distance to the west. There are a number of mature trees along the north western boundary, at least one of which will require to be removed in order to provide the necessary visibility splays.

The existing 30mph speed limit signs are positioned at the end of the existing lay-by and will require to be repositioned at the end of the proposed parking spaces which is approximately 130m south east of a slight bend in the road. There is an open watercourse on the opposite side of the Gulladuff Road into which the existing storm water discharges from the public road.

### **Planning Assessment of Policy and Other Material Considerations**

The main policy consideration is the assessment of this proposal are:-

Magherafelt Area Plan 2015: The site is located outside but adjacent to the settlement development limit of Bellaghy and in an area designated as Ballaghy Bawn and Cavehill Local Landscape Policy Area.

Planning Policy Statement 3 – Access, Movement and Parking.

Policy AMP 10 Provision of Public and Private Car Parks advises that approval will be granted to such proposals provided :-

- they do not significantly contribute to increased congestion;  
the proposal will provide additional car parking for the Seamus Heaney Centre which has limited parking approved at present. This will help to reduce inappropriate parking along the Main Street or other approach roads and will help to reduce congestion;
- are not detrimental to environmental quality;  
the proposal is not seen as causing any detriment to environmental quality and will provide appropriate parking in an organised fashion;
- they meet an identified need;  
the Seamus Heaney centre as approved has a performance arts studio and photographic gallery which has a capacity for approximately 120 persons. However, the parking as approved only provides for 39 car parking spaces, of which 4 were reserved for people with disabilities. Of those 39 spaces, 12 were located on the Gulladuff Road adjacent to the proposed site. This proposal will provide much needed additional spaces for the centre.
- Within areas of defined parking restraint, the spaces are appropriately managed to deter long stay commuter parking;

The site is not within an area of where there is a defined parking restraint. However, these spaces can be defined and managed so as to deter long stay commuter parking.

- They are compatible with adjacent land uses;

The adjacent land uses includes the existing car park and Seamus Heaney Centre, so is fully compatible with these.

#### Relevant Planning History

H/2014/0042/F - Provision of Heaney Interpretative Centre & Community Resource Facility to include exhibition areas, library, arts studio, cafe area & associated site works to include car parking, amphitheatre & outdoor public space. (Amended plans received).

#### Consideration

The proposal is designed to provide additional car parking for the recently approved community resource facility (Seamus Heaney Centre) which is due to open shortly. Planning application H/2014/0042/F was approved and contained proposals for the existing lay-by parking area. That layout proposed 12 no. parking spaces which have not yet been lined out on the ground.

Transport NI have been consulted and raised a number of concerns regarding;

- the design and layout of the parking spaces;
- proposed footpath around the site;
- orientation of the spaces;
- distance of the parking spaces from the Main Street junction;
- street lighting;
- pedestrian crossing point;
- control/ownership of the parking area;
- position of the speed limit signs.

An office meeting was subsequently held on 16th August 2016 to discuss these issues and the outcome of that meeting was that the principle of the proposal was acceptable subject to the resolution of the above issues. Further information from the applicant is required to allow Transportni to reassess the proposal. Subject to this information being provided to the satisfaction of Transportni to address road safety issues in my view the proposal is acceptable and should be approved.

In my view the proposal is acceptable as it is broadly similar to the layout which was granted approval in connection with the Heaney Interpretative Centre, albeit it extends that layout in a linear fashion along the Gulladuff Road. The site is not subject to flooding and no planning objections have been received. The proposal will have no greater impact on adjacent residential amenity than what was previously granted permission.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the necessary amendments being received to allow Transportni to give a favourable response and also subject to the conditions listed below:-

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**



Approve subject to the satisfactory resolution of issues raised by Transportni and subject to appropriate conditions.

**Conditions:**

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

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

2. During the first available planting season after the car park hereby approved becoming operational, a hawthorn or native species hedge shall be planted in a double staggered row 300mm apart, at 300 mm spacing, along the north-western and south eastern boundaries of the site

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

3. Precommencement conditions as to be agreed between Mid Ulster District Council and Transportni prior to any works commencing on site.

Reason: In the interests of road safety.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	11th July 2016
<b>Date First Advertised</b>	28th July 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	N/A
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/0981/F Proposal: To develop car parking spaces to lay by adding to existing car parking adjacent to site (planning for 25 no additional bays) Address: Situated on Gulladuff Road, Bellaghy (approx. 50m North off Main Street Junction, Bellaghy), Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Submitted  Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	

C



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2015/0471/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> 61m south of 79 Kinrush Road Ardboe Cookstown BT80 0HP
<b>Applicant Name and Address:</b> Mrs Geradine Ryan Ardnacraney Drumraney Athlone	<b>Agent name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b><u>Summary of Consultee Responses:</u></b>  No objections  <b><u>Location Map</u></b>	



### **Characteristics of the Site and Area:**

The site is located between the settlements of Ardboe and Moortown as defined in the Cookstown Area Plan 2010 and is accessed off a disused air field. The site is 61m south of No. 79 Kinrush Road. The site is an existing flat agricultural field bounded by post and wire fencing. There is some hawthorn hedging defining the southern half of the western boundary. There is some sparse vegetation along the southern boundary. To the west of the site there is an existing single storey dwelling. To the north is a cluster of single storey dwellings.

Land in the area is used mostly for agricultural grazing purposes. There are dispersed single farm holdings and dwellings. To the south is an industrial estate some of which falls within the development limits of Ardboe.

### **Deferred Consideration:**

This application was presented as a refusal to Committee in December 2015 with four reasons for refusal;

1. The proposal is contrary to 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 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 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 therefore result in a detrimental change to (further erode) the rural character of the countryside.

The application was deferred at this Committee and subsequently an office meeting was held with Area Planning Manager - Dr Boomer on 10 December 2015 and options were discussed. Agent advised they were aware the case in need was not sufficient in line with CTY6 and they would look into possibility of a farm case on the site. No information had been forthcoming by June 2016 so a final letter was issued if no further information was received the application would be assessed on the information available. On 21 July 2016 a map was submitted to the Council, however they was no mention of a farming case.

The new plan focuses on CTY2a and how the site would meet the criteria of new dwellings in existing clusters.

Planning permission will only be granted at an existing cluster provided certain criteria are met as follows;

- the cluster of development lies outside a farm and consists of four or more buildings, of which at least three are dwellings - the 'cluster' identified does not fall under the definition or spirit of the policy in CTY2a. Although the site lies outside a farm it does not represent as a cluster of development where a new dwelling could be granted at an existing 'cluster'.

- the cluster appears as a visual entity in the local landscape - the agent has outlined an area they consider to a cluster to appear as a visual entity. It would not be read with the site in this way and this is a road between them.

- the cluster is associated with a focal point such as social/community building/facility or at a cross roads - there is no crossroads to rely on. The agent is using the Clay Pigeon Range as the focal point, however this would not be associated with any cluster of development which would be line with policy.

- the site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster - the site is very open in a large agricultural field, and is not bounded on any side with development, providing no means of enclosure.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter the existing character, or visually intrude into the open countryside; - there would be no rounding off of a cluster of development and a dwelling here would intrude into the countryside and change the character of the area at this point.

- development would not adversely impact on residential amenity. - There would be no adverse impact due to the proposal.

Refusal is recommended on CTY1, CTY2a, CTY13 and 14.

### **Reasons for Refusal**

1. The proposal is contrary to 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 Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
  - the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling;
  - the cluster does not appear as a visual entity in the local landscape
  - the cluster is not associated with a focal point and is not located at a cross-roads;
  - 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,
  - the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks 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 therefore result in a detrimental change to (further erode) the rural character of the countryside.

**Signature(s):**

**Date**





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2015/1184/O	<b>Target Date:</b> 11.3.2016
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Approx 80m South of 99 Killeeshil Road Dungannon
<b>Applicant Name and Address:</b> Martin Hamill 99 Killeeshil Road Tullyvannon Dungannon BT70 2HX	<b>Agent name and Address:</b>
<b>Summary of Issues:</b> Infill development	



#### **Summary of Consultee Responses:**

TNI – access to be provided in accordance with RS1

#### **Characteristics of the Site and Area:**

##### **Characteristics of Site/Area**

The application site is located along a country lane south of the Sandvik (Finlay's) junction of the Dungannon Road in Killeeshil. The character of the immediate area is typically rural, containing a number of individual residential dwellings, commercial enterprises and farm buildings set in open swathes of arable farmland. These properties are largely fronting onto the lanes that dissect the hedged lined fields. The site itself is one such field which falls steadily from south to north, generally following the fall in the adjacent road. Even in winter the tree lined frontage provides a reasonable screening along Killeeshil Road and the other boundaries are demarcated by mature hedgerows/trees. The field has a frontage of approximately 65.0m onto the road and an area of circa 1.2 hectares.

In terms of development in the immediate vicinity, to the south of the field there is a short run of two residential properties with a commercial shed ending the run. The northern boundary of the field abuts a laneway leading to a new dwelling being constructed close to the north east corner of the site. To the north of the lane a short section of field (approximately 37.0m) separates the lane from another detached residential property. A number of individual detached properties across Killeeshil Road complete this small group of properties.

#### **Deferred Consideration:**

This application was deferred at the Committee Meeting in March 2016 to allow further consideration of the case against Policy CTY8 and the merits of the case as an infill opportunity site as well as exploring any other possible alternatives.

Dr Boomer met with the applicant where it was clarified there are no factors that would allow a dwelling to be approved against other policies in Planning Policy Statement 21. Following this meeting a revised site location plan has been submitted, this is the plan which is being considered.

I visited the site and noted that Killeeshil Road, at this location, has a number of new dwellings and other buildings that has been allowed to develop on both sides of the road. There are 6 buildings to the south of this site: a dwelling with outbuildings immediately adjacent to the site and the applicants home place which is a 2 storey dwelling with a large domestic garage and a large building used for stabling horses as the applicants family hobby. To the north of the site a new lane has been created which serves a new 2 storey dwelling with a detached domestic garage; further north of this, along the road frontage, is a detached 2 storey dwelling. The frontages of the development to the 2 properties to the south are of significant length with the applicants homeplace having a road frontage of 70m and the adjacent property with a road frontage of 65m. The dwelling to the north has a road frontage of 40m which is smaller than the proposed sites frontage of 65m, but I do not consider this is the typical frontage size. In my view the proposed site meets with the exception in policy CTY8 as the site is within a substantial and built up frontage, it respects the character of the surrounding area in terms of size, scale, siting and plot size and it and the adjacent plot to the north could only accommodate a maximum of 2 dwellings, if developed as proposed by the applicant. The road frontage at this location has mature trees that are setback behind a wide verge screening the application site and the development to the north from view. There is no reason why this vegetation cannot be retained and I consider it appropriate to condition its retention. With this in mind I do not consider this is a development is on an important gap site and I do not consider it would adversely impact on the rural character of the area.

#### **Conditions**

1. Approval of the details of the design and external appearance of the buildings (hereinafter called "the reserved matters"), shall be obtained from Mid Ulster Council, in writing, before any development is commenced.

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

2. As required by Section 62 of the Planning Act (NI) 2011, application for approval of the reserved matters shall be made to Mid Ulster 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

3. The dwelling hereby approved shall be sited as generally indicated on drawing No 02 bearing the stamp 29 JUN 2016.

Reason: To control the number of dwelling on the site.

4. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.0m x 60.0m in the north direction and 2.0m x 45.0m in the south direction shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

5. The existing vegetation along the site boundary as indicated in yellow on the approved drawing No 01 Rev 1 bearing the stamp dated 29 JUN 2016 shall be permanently retained at a height no less than 5 metres, except where is required to provide an access to the site. No works to lop, top, fell or otherwise affect these trees shall be carried out without the express written consent of Mid Ulster Council.

Reason: In the interest of visual amenity.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with Mid Ulster Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted along all new boundaries of the area identified in green on the approved drawing No 01 Rev 1 bearing the stamp dated 29 JUN 2016. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

**Signature(s):**

**Date**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2015/1235/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed new dwelling and garage on the farm adjacent principle farm	<b>Location:</b> Adjacent to 220 Drum Road Cookstown Bt80 9HP
<b>Applicant Name and Address:</b> Mr Eric Lyttle 220 Drum Road Cookstown BT80 9HP	<b>Agent name and Address:</b> W M McNeill 30 Knowehead Road Broughshane Ballymena BT43 7LF
<b><u>Summary of Issues:</u></b>  The proposal had not met the active and established criteria of CTY10, however the applicant provided additional information to show that the land had historically been used for farming by the applicant and his brother, each of whom had separate holdings, as well as the future intention of his son in law taking over the applicants holding. In light of this the Committee is asked to treat this as an exception to policy and approve the application.	
<b><u>Location map</u></b>  <div style="height: 150px;"></div>	



**Characteristics of the Site and Area:**

The site is located approx 4 miles west of Cookstown and it is currently agricultural land. It is adjacent to No.220 Drum road. Access to the site is proposed over the yard of No.220. No.220 is a single storey dwelling with a shed to the rear.

There are 4 detached dwellings on the opposite side of the road. Other development in the wider area consists of detached and semi-detached dwellings as well as farm groups and commercial premises.

**Deferred Consideration:**

This application for a new dwelling and garage on a farm was recommended as refusal at April Committee for the following reasons;

CTY1-& CTY10 in that it has not been demonstrated that the farm business is currently active or established for at least 6 years.

CTY13 in that the siting would be prominent in the landscape, and lacks long established boundaries to provide integration.

CTY14 in that the dwelling would result in suburban style build-up which would change the character of the area.

At the Committee meeting it was deferred for an office meeting with the Area Planning Manager, Dr Boomer, and this meeting was held on 14 April 2016.

The applicant's brother, who has the adjoining holding, farms the land and it has been in good agricultural and environmental condition and Eric (the applicant) maintains the fences and boundaries etc. The applicant advised he intends to retire and move into this new dwelling and his son in law will take over the running of the farm, living in his current dwelling.

Following discussion, Dr Boomer suggested that in order for the case to be strengthened as a farm proposal, additional supporting information should be submitted.

Information has been submitted. Eric Lyttle has applied for a farm business ID from 13/06/16, which shows his intent to farm. His number was awarded for veterinary purposes to enable him to operate herd/flock number and he has a herd number for sheep.

A land register map has been provided to show the land under his ownership, including the site, and the existing farm buildings.

A signed letter had been submitted by Eric Lyttle that he will continue to farm with his own flock and his son in law Graeme Clarke will help him with his farming activities. On completion of the proposed new dwelling the applicant will transfer his current house to his daughter and son in law and the farm business ID will be transferred to them also and they will continue with the farm business and claim SFP.

The SE boundary along the lane has a mature hedge and the CTY13 & 14 issues are overcome by the requirement for the house to link to farm buildings to ensure it complies with policy. A 6m ridge height condition will aid with integration and reducing the prominence of the dwelling. This will ensure it remains in keeping with the character of the existing area.

Taking into account all the information submitted and the future intention of the applicant's son in law to farm, an approval is recommended with the following conditions.

#### **Conditions;**

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

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

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

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

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The existing natural screenings of this site, as indicated on the approved plan 01 date stamped 16 December 2016, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Department in writing.

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

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 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 with the adjacent residential dwellings.

**Signature(s):**

**Date**





## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2016/0310/F	<b>Target Date:</b>
<b>Proposal:</b> New storey and a half dwelling and detached single storey garage on a farm using existing farm laneway as access	<b>Location:</b> Land 30m NW of 112 Sixtowns Road Draperstown
<b>Applicant Name and Address:</b> Mr Gerard McNamee 112 Sixtowns Road Draperstown BT45 7BE	<b>Agent name and Address:</b> CMI Planners Unit C5 80-82 Rainey Street, Magherafelt, BT45 5AJ
<b>Summary of Issues:</b>	
<b>Summary of Consultee Responses:</b>  Consultation: DARD, Transport NI, MUDC Environmental Health, DAERA Rivers Agency and NI Water have no objection to the development, subject to conditions and informatives. Part of the site lies within the pluvial flood zone, however it does not impact upon the proposed building therefore a drainage assessment is not required.	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 2 km south west of Draperstown in the open countryside, as defined by the Magherafelt Area Plan 2015. This relatively flat site is accessed via an existing private laneway from Five Mile Straight. The site is located adjacent to an existing dwelling (No. 112) and outbuildings. A stream bounds the site to the south, while the rear (south western) boundary is defined by small trees and a hedgerow. The north western boundary is undefined while the eastern boundary runs alongside the laneway and is defined by a low hedgerow. The surrounding land is characterised mainly by flatter agricultural land as it is located in a valley with more upland terrain towards the north and south of the site. The predominant development characteristics of the surrounding area are single dwellings and farm complexes. A ribbon of development exists along the Five Mile Straight immediately to the west of the site access. The site is located within the Sperrins Area of outstanding natural beauty (AONB).	

**Deferred Consideration:**

This application was presented before the Planning Committee in August 2016 with a recommendation to refuse based on the following reasons:

1. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that a development opportunity has been sold off from the farm holding within 10 years of the date of the application.
2. 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.

Following a discussion at that meeting the application was deferred for a meeting with the Planning Manager, Dr Boomer. This meeting took place on 18 August 2016 and together with information that was submitted prior to the office meeting we have established the following information:

- Mr McNamee produced a letter from a solicitor together with a Memorandum of Sale to confirm that he has now purchased the site.
- Mr McNamee's son helps him on the farm and with him living in Draperstown it proves difficult at lambing time.
- The replacement dwelling that was approved and has since been built is in the ownership of Mr McNamee's daughter, Bronagh Kerr. This dwelling was lived in by an aunt of Mr McNamee and was owned by his father. The dwelling never formed part of the farm holding.

This application falls to be considered under Policy CTY 10 and it has been accepted under criteria (a) that the farm business is currently active and has been established for at least 6 years. Confirmation has been received that the site on which the replacement dwelling for the applicant's daughter was never on the farm holding, it belonged to Mr McNamee's aunt and it is only due to probate that the site came temporarily under Gerard's ownership and to use this would merely exercise a technicality which would be unduly harsh and I am therefore satisfied that criteria (b) has been met. With regards to criteria (c) the applicant has confirmed, through the submission of a solicitor's letter and a Memorandum of Sale that he is the owner of the application site, it sits sandwiched between a field on the farm to the north west and the applicant's farm dwelling, farm buildings and other farm land to the south east. Although the site itself is not listed on the farm maps it is now in the ownership of the applicant, a new dwelling on this site would visually link and would cluster with an established group of buildings on the farm and the access to the proposed dwelling will be obtained from an existing laneway. Having considered all of this the proposal is within the spirit of Policy CTY 10 and is still reliant upon the Business ID.

I am therefore recommending an approval of this application

**Conditions:**

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

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

2. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the boundary marked in yellow on drawing 02, date stamped 2 March 2016 in accordance with the schedule listed on that drawing

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

3. The vehicular access, including visibility splays of 2.4m x 90m in both directions shall be provided in accordance with Drawing No 04 bearing the date stamp 2 March 2016 prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Signature(s):**


**Date**





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2016/0507/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling on a farm	<b>Location:</b> Adjacent to 76 Moor Road Coalisland
<b>Applicant Name and Address:</b> Mr Patrick O'Neill 76 Moor Road Coalisland BT71 4QD	<b>Agent name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
<b><u>Location map</u></b> 	

**Summary of issues**

The proposal was not acceptable as a replacement dwelling under relevant criteria CTY3, however Under CTY10 the site would be considered as acceptable as a farm dwelling.

**Characteristics of the Site and Area:****Description of Proposal**

This is an outline planning application for a replacement dwelling in the countryside.

**Characteristics of Site and Area**

The site is located approx. 1.3km east of Coalisland, with access from Moor Road. The site is located adjacent and north of No. 76 Moor Road, which is a 2 storey farm dwelling accessed via an existing laneway and set back 80 metres from the public road, with gable end onto road, on a well matured tree lined elevated site. The northern portion of the site forms part of a larger field which is elevated and open to Moor Road. Dissecting the site in half is part of the existing curtilage boundary to No 76 Moor Road, and is defined by hedging and fencing. There are 2 buildings sited on the southern half of the site, the larger corrugated buildings is used for agricultural/domestic store purposes, the smaller building for domestic storage. This small building is the subject of this application for replacement and measures approx. 4m by 5m, with a corrugated roof, two door openings to the front elevation and a single glazed window opening. The site is proposed to be accessed via a new access point that will run adjacent, north and parallel to the access point and existing curtilage of No 76. The NW and NE boundaries are not defined and open to a larger field. The SW boundaries are defined by hedging with some trees.

The area is rural in character and is defined by dispersed single dwellings and farm holdings. Land is used mostly for agricultural purposes.

**Deferred Consideration:**

The application was presented to Committee in June 2016 for the following reason;

The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced was never used as a dwelling and does not exhibit the essential characteristics of a dwelling and all external structural walls are not substantially intact.

It was subsequently deferred at Committee meeting to allow the proposal to be considered as a farm dwelling. The proposal was amended on p1 form to a 'farm dwelling' and neighbours were re-notified with no objections received. Relevant maps and P1c form were submitted and DARD were consulted.

CTY10 is the relevant policy for a farm dwelling to be assessed against. Planning permission will be granted for a dwelling house on a farm where certain criteria has been met;

(a) DARD have stated the farm business ID has been in existence for more than 6 years, and they have claimed SFP in the last 6 years. it would therefore meet the criteria that the farm business is active and established for at least 6 years.

(b) A history check shows no dwellings or development opportunities have been sold off from the farm holding since 25 Nov 2008, in line with this part of the criteria.

(c) The site will be visually linked with the agricultural shed and farm dwelling & garage. It will be accessed using an existing laneway.

In terms of CTY 13 there are no issues with integration or CTy14 and the issue of build-up, A dwelling on the site would not erode the existing rural character of the area.

Approval is recommended. Condition 6m ridge height to ensure the dwelling is not prominent.

### **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 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 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 with the adjacent residential dwellings.

7. The proposed dwelling shall be sited in the area shaded green on the approved plan 01/01 date stamped 9 August 2016

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

**Signature(s):**


**Date**





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2016/0602/O	<b>Target Date:</b> 10.08.2016
<b>Proposal:</b> Proposed dwelling on a farm	<b>Location:</b> 43 Eglish Road Dungannon
<b>Applicant Name and Address:</b> Steven Hughes 13 Orpheus Drive Dungannon	<b>Agent name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
	
<b>Summary of Issues:</b>	

An objection has been received that relates to the status of the farm, refers to other development on the site and the impact trees planted will have on light and property value.

**Summary of Consultee Responses:**

TNI – approve with conditions

DARD NI – business id has not been in existence for 6 years

**Characteristics of the Site and Area:**

The application site is a 0.74 hectare plot of land cut out of a larger agricultural field opposite number 42 Eglish Road. It is outside the development limit of any settlement in the Dungannon and South Tyrone Area Plan 2010. The Roadside boundary with the Eglish Road is void of any established vegetation and is defined by a wire and post fence. Access to the site is along this boundary and a hard core access has already been constructed. This access is also defined by a wire and post fence and some potted trees have also placed along it ready for planting. The Northern boundary of the site is partly defined by a wire and post fence and partly defined by a band of semi mature trees. The Western boundary is irregular in shape and is defined by a wire and post fence. The Southern boundary is undefined on the ground. The site rises quite steeply from the level of the public road. Adjacent to the Western boundary of the site is a bungalow and outbuilding. This is outside the applicant's ownership. There is one small outbuilding just North of this bungalow which is shown to be in the applicant's control.

This area is generally rural in character with an undulating, drumlin topography. There is however a factory located to the NE of the site (CK International) which deals with recycling.

This proposal is for a dwelling on a farm. There was a previous application for a farm dwelling on this site (M/2013/0201/O) which was withdrawn.

**Deferred Consideration:**

Committee members are advised this application was deferred at the meeting on 5th July 2016 to allow an office meeting to allow the agricultural case under Policy CTY10 of Planning Policy Statement 21 to be further explored. Since then an objection has been received to the application that raises issues about the farms status, development being carried out on the site, trees being planted on the site and the impacts these trees will have on light and value of the objector's property.

Dr Boomer met with the applicant to discuss the farming interests, the history of farming activities and land ownership of the site. Following the meeting Mr Hughes has provided details to show the land has been within his immediate family since 1990 when the farm was effectively divided between 2 brothers, his father and uncle. Mr Hughes's father, John Hughes, officially inherited the land following the passing of his mother in 2001 and Stephen Hughes effectively took over the entire farm from his father in 2006. I am content that the land has been within the applicant's immediate family since 1990, therefore I consider the farm has been established for more than 6 years. Mr Hughes has provided details of the extent of his farming on the land, this equates to the keeping of the land in a good agricultural condition. Mr Hughes recently purchased 10 sheep to graze the land and I consider this illustrates the farm is currently active. It is my view the farm is active and has been established for more than 6 years and in principle a dwelling in the countryside is acceptable under policy CTY10.

Land transfer maps indicate a transfer in 2009, however, Mr Hughes has explained this refers to land that was not in the control of this farm. There are no planning permissions on the farm as identified in the farm map and as such it is my view that no dwellings or development opportunities have been sold off from the farm since 28 November 2008.

Mr Hughes has existing buildings located on the highest part of the site, which are beside a dwelling that is not on the farm. The policy requires new dwellings to be sited beside existing buildings except in specified circumstances. The existing buildings are relatively small in scale and size and it is my view that a modest dwelling sited beside these would have a significant visual impact due to its prominent location. Siting beside these buildings would also result in a new lane through the field, in a prominent position, as the applicant does not own land to allow the access, where the existing lane meets with Killybracken Road, to be improved. I consider the north east corner of the proposed site offers a more acceptable degree of integration for a dwelling due to the existing mature trees along the road frontage and the rising ground and I would ask the committee members to consider sitting a dwelling in this location. This would be an exception to the policy as in my view it will have a significantly lesser visual impact than if it were sited beside the existing buildings.

The objection has raised issues about the impacts trees will have, members are advised that planting trees is not development and can be carried out without any planning permission. Other development referred to on the site is not the subject of this planning application and is being addressed by the enforcement section. It is important to note the application site is 40 metres from the objector's property, at its closest point and due to this separation I do not consider a dwelling located in the lowest part of the site with appropriate conditions to limit its visual impact, will have any significant impact on the amenity of the objector.

I recommend this application is approved with conditions.

### **Conditions**

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

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

2. As required by Section 62 of the Planning Act (NI) 2011, application for approval of the reserved matters shall be made to Mid Ulster 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

3. Prior to commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4mx 90.0m in both directions, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with Mid Ulster Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in green on the approved drawing No 02 bearing the stamp dated 27 APR 2016. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the dwelling integrates into the landscape.

5. The curtilage of the dwelling hereby approved shall not extend beyond the area identified in green on drawing no 02 bearing the stamp dated 27 APR 2016, without the express written consent of Mid Ulster Council.

Reason: In the interests of visual amenity of the rural area.

6. The ridge height of the dwelling hereby approved shall not exceed 6.5m above the level of the lowest existing ground adjacent to the dwelling.

Reason: To ensure the dwelling integrates into the landscape.

**Signature(s):**

**Date**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2016/0631/F	<b>Target Date:</b>
<b>Proposal:</b> Remove or vary condition No.3 of Planning Approval M/2013/0578/F	<b>Location:</b> Lands approx. 113m North East of 8 Derryvale Road Coalisland
<b>Applicant Name and Address:</b> Mr Pat O'Neill 43 Summerisland Road Clonmain Armagh	<b>Agent name and Address:</b> CMI Planners Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
<b><u>Location map</u></b>	



**Characteristics of the Site and Area:**

Description of proposal

Remove or vary condition No.3 of Planning Approval M/2013/0578/F.

M/2013/0578/F granted permission for a proposed industrial/light industrial shed to be built on site of approved equestrian shed to include relocation of roadside industrial fencing, granted 11th December 2014.

Condition number 3 reads;

No external storage of raw materials or finished goods shall be permitted within the site as identified in red on drawing 01 bearing the date stamp 11-DEC-2013.

Reason: In the interests of visual amenity

**Deferred Consideration:**

This application was for the removal or variation of condition 3 of planning approval M/13/0578/F. The granted approval relates to an industrial shed and condition 3 relates to no storage of raw materials or finished goods within an identified area on the site, in the interests of visual amenity.

It was presented as a refusal to Committee in July 2016 and deferred for an office meeting with the Area Planning Manager.

An office meeting was held on 21 July 2016 to discuss the issues relating to the proposal. Dr Boomer the application should be to vary the condition to ensure there would be an

identified area on the map to show to suitable area for storage. A map was submitted by the agent with a hatched area shown for the external storage. It is an acceptable location for this type of storage, as the visual amenity of the area and site has been somewhat eroded by the industrial uses existing. By being conditioned in this area it will prevent any spill over of storage on other parts of the site which would not be deemed accepted in terms of visual impact.

Approve as variation of condition to read;

Any external storage of raw materials or finished goods shall only be permitted within the area hatched blue on the stamp approved plan 02 dated

Reason: In the interests of visual amenity.

**Condition variation ;**

Any external storage of raw materials or finished goods shall only be permitted within the area hatched blue on the stamp approved plan 02 dated 22 July 2016

Reason: In the interests of visual amenity.

**Signature(s):**

**Date**

**D**



## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0398/D	Discharge of condition no 12 and 13 of Planning permission I/ 2014/0181/f	56-58 Burn Road Cookstown	01/07/2016	Fold Properties 3 Redburn Square Holywood	JNP Architects Alfred House 21 Alfred House BELFAST BT2 8ED
LA09/2016/0405/F	Demolition of existing dwelling house and farm outbuilding and erection of proposed replacement single storey dwelling house with detached garage	15 Killyneedan Road Killyneedan Cookstown	01/07/2016	Mr Keith Black 14 Killycavan Court Killyman Dungannon BT71 6XP	ARC-1D 2A Loral Gardens Newtownabbey BT37 0LJ
LA09/2016/0378/F	Proposed 1 1/2 storey extension to existing 2 storey dwelling to create additional ground floor living accommodation and bedroom/ensuite over and alterations to existing porch external finish	10A Ivybank Road Moneymore Magherafelt BT45 7YS	04/07/2016	Mr William McConnell 10A Ivybank Road Moneymore BT45 7YS	Gibson Design & Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
LA09/2015/0544/LI	Retention of existing dressmaking/design/boutique business	22C Gort Road Dungannon	05/07/2016	Brantree Boutique 22C Gort Road Dungannon BT70 1PT	Prestige Homes 1 Lismore Road Ballygawley BT70 2ND

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/1133/LE	Single storey extension to church incorporating wheelchair accessible toilet and new escape stairs from first floor	The Select Vestry Gracefield Parish Church Ballymaguigan Road Magherafelt	05/07/2016	The Select Vestry Gracefield Parish Church Ballymaguigan Road Magherafelt	Leighton Johnston Associates 39 Main Street Moira BT67 0CQ
LA09/2015/1135/F	Single storey extension to church to incorporating wheelchair accessible toilet and new escape stairs from first floor	Gracefield Parish Church Ballymaguigan Road Magherafelt	05/07/2016	The Select Vestry Gracefield Parish Church Ballymaguigan Road Magherafelt	Leighton Johnston Associates 39 Main Street Moira BT67 0LQ
LA09/2016/0643/NI	Minor Alterations to Previously Approved Housing Development I/2008/0773/F	Adjacent to Castle Road and to the Rear of 1-13 Castle Road and 6-12 Dungannon Road Cookstown	05/07/2016	McAleer Contracts Ltd 130a Drum Road Cookstown BT80 9DN	Teague and Sally Ltd 18 Loy Street Cookstown BT80 8PE
LA09/2016/0757/F	Single storey side extension to allow bedroom, lobby and disabled shower room with carport to the rear	14 Megargy Road Magherafelt	05/07/2016	Robin Kells 14 Megargy Road Magherafelt BT45 5HW	TJ Fullerton 12 Rainey Court Magherafelt BT45 5BX

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/1214/O	Proposed extension of the existing business park to facilitate the establishment of a new agri food hub	Lands immediately West of the Torrent Valley Business Park Gortnagola Road Donaghmore	06/07/2016	Torrent Valley Initiative Ltd Unit 14 Torrent Valley Business Park Gortnagola Road Donaghmore BT70 3BF	McKeown and Shields 112 Annagher Road Coalisland BT71 4NE
LA09/2016/0256/O	Bungalow with rooms in the roofspace and domestic garage (infill site)	35m NE of 14 Ballyronan Road Derrygarve Toome	06/07/2016	Mr Gareth Ewart 11 Killyfaddy Road Magherafelt BT45 6EX	M J Fullerton 12 Rainey Court Magherafelt BT45 5BX
LA09/2016/0451/F	Alterations of approval I/ 2010/0325/F to include modifications to floor plans and elevations of chill storage and locker area	70 Molesworth Street Cookstown	06/07/2016	Karro Food Ltd 70 Molesworth Street Cookstown	Teague And Sally Ltd Loy Buildings 18 Loy Street Cookstown BT80 8PE
LA09/2015/0874/F	Farm Diversification: Change of use from existing farm outbuilding to accommodate Alloy Wheel Refurbishment and alloy wheel and tyre internet and trade sales	Approximately 66m NE of 174 Trewmount Road Dungannon BT71 7ED.	07/07/2016	Ray Wilson 174 Trewmount Road Dungannon BT71 7ED	Simon Black 92 Mullalelish Road Richhill BT61 9LT
LA09/2015/1164/O	Site for a Dwelling on a farm	214m N of 78 Coagh Road Ballywholan Stewartstown	07/07/2016	John and Ann McCann 21 The Brambles Coalisland BT71 4SN	

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0213/F	Proposed two storey dwelling with central front projection and detached domestic garage	Approx 15m West of 92 Colebrooke Road Fivemiletown	07/07/2016	Wayne Speer 22 Grogey Road Fivemiletown BT75 0SQ	Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
LA09/2016/0217/F	Proposed agricultural building for the storage of agricultural machinery and hay	Approximately 290m SSW of 250 Orritor Road Cookstown	07/07/2016	Messrs M and T and Mrs G. Gourley 99 Lissan Road Cookstown BT80 9SQ	Rodney Henry 2 Lischoole Cookstown BT808RG
LA09/2016/0412/F	Proposed extension and internal alterations to existing dwelling	45 Aughrim Road Magherafelt	07/07/2016	Mark Paul 45 Aughrim Road Magherafelt BT45 6JX	Newline Architects 48 Main Street Castledawson BT45 8AB
LA09/2016/0626/F	Extension and alteration to existing office to include additional storage at ground floor with office and ancillary space at first floor level	53 Gortgonis Road Dungannon	07/07/2016	Trustees of the Treanor Property City Trustees Ltd M W House 1 Penman Way Grove Park Enderby Leicester	ADP Architects 1 Holmview Terrace Campsie Omagh BT79 0AH

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0789/F	Single Storey Extension to Rear of Dwelling	46 Gortalowry Park Cookstown	07/07/2016	Mr Vincent Murphy 46 Gortalowry Park Cookstown	Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
LA09/2015/0541/F	Housing development consisting of 10 number 2 storey semi detached dwellings with new vehicular access from Deer Park Road and associated site works	North of and including Number2 Ballyscullion Road Old Town Deer Park Bellaghy	08/07/2016	MP Coleman Ltd C/o.Agent	McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 2QD
LA09/2015/0764/F	Proposed retention of a temporary mobile home for temporary living accommodation	500m NE of 90 Derryfubble Road Dungannon	08/07/2016	Mr Alan Weir 32 Tobermason Road Dungannon BT71 7PW	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2015/1292/F	Proposed Joinery Workshop extension incl. Fabrication workshops, stores, offices and service areas	100 Coleraine Road Maghera BT46 5BP	08/07/2016	Specialist Joinery Group 100 Coleraine Road Maghera BT46 5BP	PAC Architectural 11 Hanover Chase Bangor BT19 7NT
LA09/2016/0409/F	Improvements and extension to dwelling and domestic garage including relocation of site access and redesign of site layout	1 Old Chapel Road Aughnacloy BT69 6BP	08/07/2016	Leo Daly 2 Moore Street Aughnacloy BT69 6AY	J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0931/NI	Dwelling and Garage in substitution for I/2005/0095/O (Amended Plans)	113 Springhill Road Ballydawley Money more	08/07/2016	Mr and Mrs I Forsythe 6 Manor Lodge Magherafelt BT45 6QL	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2015/0907/RI	Proposed dwelling and domestic garage	Site immediately east of 8 Coal Pit Road Rossbeg Dungannon	11/07/2016	Mark Kelly 5 Currans Terrace Edendork Dungannon	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2015/1042/F	Community complex with coffee shop, exhibition centre and museum, proposed fire exit to Kilrea Road elevation	The Beetling Mill 20m South West of 75 Kilrea Road Upperlands Maghera	11/07/2016	Upperlands Community Development Ltd The Linenhall Centre 67 Kilrea Road Upperlands Maghera	3rd Dimension Architectural Design Services 27 Gracefield Road Magherafelt BT45 6LD
LA09/2016/0036/F	Proposed replacement dwelling and garage (Amended plans)	29 Lisgobban Road Sessiamagaroll Benburb Dungannon Co Tyrone BT71 7PT	11/07/2016	Mr & Mrs Kieran Jordan 29 Lisgobban Road Sessiamagaroll Benburb BT71 7PT	AP Mackle 127 Benburb Road Tobermesson Moy BT71 7QA
LA09/2016/0203/F	Extension to existing chassis shelter	116 Deerpark road Toomebridge Co Antrim.	11/07/2016	SDC Trailers Ltd 116 Deerpark Road Toomebridge BT41 3SS	Newline Architects 48 Main Street Castledawson BT45 8AB

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0266/O	Bedroom and Ancillary Accommodation	26 Dungannon Road Cookstown	11/07/2016	Mr and Mrs H Moffett Otter Lodge 26 Dungannon Road Cookstown	Montgomery Irwin Architects Ltd 7-9 Stone Row Coleraine BT52 1EP
LA09/2016/0287/O	Proposed dwelling and domestic garage	Lands 80m North of 97 Annaghmackeown Road Castlecaulfield Dungannon	11/07/2016	Mr Desmond Murphy 97 Annaghmackeown Road Castlecaulfield Dungannon	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/0474/F	Proposed single storey extension to existing dwelling to provide utility room, WC and kitchen	65 Dunnamore Road Cookstown	11/07/2016	Thomas McGurk 67 Dunnamore Road Cookstown BT80 9NX	Conor McGurk 67 Dunnamore Road Cookstown BT80 9NX
LA09/2016/0503/F	Proposed ground floor extension to kitchen at rear of existing dwelling and conversion of existing loft to living accommodation (2 bedrooms)	79 Westfort Cookstown	11/07/2016	Mr Mickey McGovern 79 Westfort Cookstown BT80 8TH	Corr Architectural Design 79 Sweep Road Cookstown BT80 8JT
LA09/2016/0609/F	Single storey extension to rear and side of dwelling to provide study and sunroom	57 Killymoon Road Cookstown	11/07/2016	Mr Robert Kee 57 Killymoon Road Cookstown BT80 8TW	Kee Architecture Ltd 9a Clare Lane Cookstown BT80 8RJ

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0617/F	11Kv overhead line to facilitate connection to wind turbine	66 Thornhill Road Dungannon	11/07/2016	Northern Ireland Electricity 57 Dargan Road Belfast BT3 9JU	
LA09/2016/0677/O	Proposed dwelling and domestic garage in accordance with PPolicy CTY8	Site immediately South and adjacent to 130 Killymeal Road Edendork Dungannon	11/07/2016	Colette Coney 28 Moorland Moor Road Coalisland	Mc Keown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/0711/F	Proposed gable ground floor bedroom extension with en suite and walk in Wardrobe to existing dwelling	23 Corrycroar Road Corrycroar Pomeroy	11/07/2016	Jacqueline Heron 23 Corrycroar Road Corrycroar Pomeroy BT70 3DY	



## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2015/0488/F	The proposed development consists of the construction and operation of a single wind turbine with a maximum base to blade tip height of 102.5metres as an extension to the consented Eshmore wind farm (M/ 2006/1802/F). Proposed ancillary developments include turbine transformer; turbine base, foundation and hardstanding and temporary set-down area; widening and strengthening of existing tracks and construction of new access tracks, junctions and turning areas; underground electrical cables and communications lines; on site drainage works; and all ancillary and associated development and infrastructure including general and excavation works. The proposed development is located 641 metres to North of no 28 Altaglushan Road, Altaglushan Townland, Galbally, Dungannon, Co Tyrone	641metres North of no. 28 Altaglushan Road Altaglushan Townland Galbally Dungannon	14/07/2016	Eshmore Ltd C/ O Patricia Kelly Energia Renewables 3rd Floor Mill House Ashtowngate Navan Road Dublin 15	Canavan Associates Ltd 23 Prince's Street Derry BT48 7EY

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0157/D	Discharge conditions 6 and 7 of application M/2011/0500/F	50km of overhead line from Omagh Main Substation to Tamnamore Grid Substation Dungannon in the general area of Laghey Corner Moygashel Greystone Ballyreagh Garvaghy Tattykeel. Proposed Gort Main Substation at Omagh Road Garvaghey Ballygawley.	14/07/2016	Alan McMenemy NIE 120 Malone Road Belfast BT95HT	
LA09/2016/0167/D	Discharge of Condition No 20 of Planning Approval M/2007/1407/F	Shantavny Scotch Omagh Road Ballygawley	14/07/2016	Tyrone Wind Energy Ltd c/o 409 Lisburn Road Belfast BT9 7EW	Juno Planning & Environmental Ltd 409 Lisburn Road Belfast BT9 7EW
LA09/2016/0591/D	Discharge of condition Re. Archaeological Programme of works	Lands at Brick Row Moy	14/07/2016	White Property Rentals	OTRA Archaeology 109 Milltown Road Tullymore Otra Benburb

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0706/NI	The change sought is to sub-divide one bedroom in each of the seven units into two Bedrooms to create seven three bedroom townhouses There are no changes to the elevations or side layout and the 19 parking spaces provided are in excess of parking standards for seven three bedroom townhouses (i.e. 12.25 unassigned or 14 assigned spaces)	Adjacent to Old Mill Court Moneymore	14/07/2016	Bell Contracts 7 Sandholes Road Cookstown	FM Planning The Gasworks 5 Cromac Avenue Belfast BT7 2JA
LA09/2015/0155/O	Proposed domestic dwelling	Site adjacent to 22 Mullaghbane Road Dungannon	18/07/2016	Mrs Sally Gribben 22 Mullaghbane Road Dungannon BT70 1SR	McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
LA09/2016/0122/F	Proposed change of house types from 3no detached dwellings to 6no semi detached dwellings on sites 1,2 and 44 and change of house type on site 109B from a 2 bedroom semi detached dwelling to a 3 bedroom semi detached dwelling	Site 1 2 44 and 109b Brookfield Dungannon	18/07/2016	PYS Property Limited 64 Hall Street Maghera BT46 5AD	Diamond Architecture 77 Main Street Maghera BT46 5AB

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0216/O	Proposed off-site replacement dwelling with garage	250a Orritor Road Cookstown	19/07/2016	Mrs Gladys Gourley 99 Lissan Road Cookstown BT80 9SQ	Rodney Henry 2 Lischoole Cookstown BT80 8RG
LA09/2016/0482/F	Proposed erection of dwelling, garage and new access as approved under LA09/2015/0390/F	156 metres North West of no. 52 Halfgayne Road Swatragh	20/07/2016	Patsy Bradley 12 Grillagh Hill Maghera BT46 5PR	Patrick Bradley Architects 30 Gortinure Road Maghera BT46 5PA
LA09/2016/0515/F	Extension to existing dwelling	187m NE of 69 Moneysharvin Road Swatragh	20/07/2016	Mr Paul Turner 76 Gorteade Road Swatragh Maghera BT46 5QN	OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
LA09/2016/0539/F	Proposed alteration to existing laneway	9 Keady Road Upperlands	20/07/2016	Mr P McAllister C/o.2 Lisgorgan Lane Upperlands Maghera BT46 5TE	D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
LA09/2016/0721/F	Replacement single storey dwelling and carport	78 Main Street Tobermore Magherafelt	20/07/2016	Mr And Mrs Wesley Mc Cartney 2 Island Road Tobermore Magherafelt	T J Fullerton 12 Rainey Court Magherafelt BT45 5BX

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0319/F	Dwelling with increased ridge height, domestic garage and increased site area	Adjacent to 68 Ballygrittle Road Stewartstown	21/07/2016	Peter Campbell 56 Ballygrittle Road Stewartstown BT71 5JS	Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
LA09/2016/0367/LE	Application for a Certificate of Lawfulness confirming that a "material start" was made on dwelling approved under M/ 2005/1446/F before the permission was expired	Adjacent and North of 3 Whitelough Road Glendavagh Aughnacloy	21/07/2016	Mr D Hughes 80 Mowhan Road Markethill Co Armagh BT60 1RQ	Pat Quinn Planning Consultant 13 Garvan Road Sion Mills Co Tyrone BT82 9NZ
LA09/2016/0460/F	New 7 span overhead line to facilitate 250kw wind turbine	192 Coagh Road Stewartstown	21/07/2016	B9 Energy Control Ltd 192 Coagh Road Stewartstown BT71 5LW	NIE Networks Carn Industrial Estate Craigavon
LA09/2016/0632/LE	Proposed Alterations and demolition of store to existing masonic hall	32 Fairhill Road Cookstown	21/07/2016	Cookstown Masonic 32 Fairhill Road Cookstown BT80 8NN	Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
LA09/2016/0633/F	Proposed new access and carpark to rear and alterations to existing masonic hall	32 Fairhill Road Cookstown	21/07/2016	Cockstown Masonic 32 Fairhill Road Cookstown	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0691/NI	Proposed change of house type from previously approved Ref I/ 2008/0277/F and double garage. Approved minor amendment 02 March 2015	36m East of 28 Roughan Road Stewartstown	21/07/2016	Mr Kevin & Mrs Lisa Park 88A Drumenny Road Coagh Cookstown BT80 0HL	
LA09/2016/0728/F	Proposed change of house type and rotation of same from that originally approved under application ref no I/2015/0076/RM	65mts North of no 14 Killybearn Lane Cookstown	21/07/2016	Mr Graham Taylor c/o No 14 Killybearn Lane Cookstown BT80 8SX	CMI Planners Ltd Unit C5 The Rainey Centre 80 - 82 Rainey Street Magherafelt BT45 5AJ

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0851/NI	Amendments to windows (a number of window openings have been made slightly wider with the maximum increase in width being 300mm, one window will be omitted) Eaves detail has been altered A decorative pre cast concrete band has been added around the dwelling , positioned between the ground and first floor windows, to receive a rendered and painted finish. The dwelling has been moved further down the site (down the slope) towards the northern boundary so that it is positioned approximately 8m from its original proposal. The garage roof (ridge and eaves) has been raised by 300mm.	Land adjacent /North West of 8 Dunarnon Road Magherafelt with access from Dunarnon Road using existing farm lane way	26/07/2016	Mr Darren Henderson C/ o. agent	Robbie Gilmour 20 Donaghendry Road Stewartstown BT71 5PW
LA09/2016/0513/RI	Proposed dwelling and garage on a farm	30m SW of 39 Drummuck Road Upperlands	27/07/2016	Mr Vincent O'Neill 39 Drummuck Road Upperlands BT46 5TY	CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
LA09/2015/0632/F	8 no Semi-Detached Dwellings and 2 no Detached Dwellings	Phase II Glendale Manor between 103 & 109 Glen Road Maghera	28/07/2016	DMAC Homes Ltd 103 Glen Road Maghera	James Hughes Architect 10B Fallylea Road Maghera BT46 5JT

## Delegated Planning Applications Decisions Issued

**Decision Issued From: 01/07/2016 To: 31/07/2016**

Reference Number	Proposal	Location	Date Decision Issued	Applicant	Agent
LA09/2016/0147/F	Proposed agricultural shed and associated entrance lane	Site adjacent to 23a Tullyglush Road Ballygawley	28/07/2016	Mr Kieran Pearson 23a Tullyglush Road Ballygawley BT70 2BZ	McNally Morris Architects 15 Edentrillick Road Hillsborough BT26 6PG
LA09/2016/0186/F	Amendment of Planning Approval H/2013/0088/F to a V52 wind turbine with a 40m high tower and blade span of 26m (proposed tip height of 66m compared to approved tip height of 61m)	Lands approximately 710m North of no.31 Gortinure Road Maghera	28/07/2016	Mr James Bradley 28 Gortinure Road Maghera	TC Town Planning 84 Ashgrove Park Magherafelt BT45 6DN