



06 February 2018

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Tuesday, 06 February 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

4. Receive Planning Applications 5 - 90

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2016/0308/F	Retention of change of use of shed from agricultural to electrical storage at 26 Moneysallin Road, Kilrea, for Mr J Donaghy.	APPROVE
4.2.	LA09/2016/1094/F	Agricultural cattle shed adjacent to 17 Annaghoboe Road, Coalisland, for Mr Dominic Ryan.	REFUSE
4.3.	LA09/2016/1156/F	New vehicular access to existing car park with associated walling, pillars and gates at Magherafelt Gospel Hall, 14 Hospital Road, Magherafelt, for The Trustees of Magherafelt Gospel Hall.	APPROVE

4.4.	LA09/2016/1310/F	Extension to provide exercise pool (amended proposal) at 1 Gorteade Wood, Upperlands, Maghera, for Mr and Mrs N Voice.	APPROVE
4.5.	LA09/2016/1752/F	Agricultural sheds for cattle/livestock at 80m SE of 91 Mullan Road, Cookstown, for Mr P Devlin.	APPROVE
4.6.	LA09/2017/0387/O	2 storey dwelling and domestic garage/store 20m N of 33 Oldtown Road, Bellaghy, for Mrs Emma McCoy.	REFUSE
4.7.	LA09/2017/0947/F	Storage unit at 15 Greers Road, Dungannon, for Eugene McGonnell.	APPROVE
4.8.	LA09/2017/1332/F	Conversion and extension of an existing storage shed to provide an indoor swimming pool, gym and changing facility at 10m S of 62B Airfield Road, Toomebridge, for Mr Sean Corr.	REFUSE
4.9.	LA09/2017/1368/F	Dwelling on a farm at 45m NE of 19 Ardagh Road, Coagh, for Mr Tony Anderson.	REFUSE
4.10.	LA09/2017/1443/F	Erection of prefabricated building at rear of 2 Chestnut Hill, Coalisland, for Sharon Ferrity.	REFUSE

5. Receive Deferred Applications

91 - 108

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2016/0540/F	Replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation at 89 Tirkane Road, Maghera, for Declan McKenna.	APPROVE
5.2.	LA09/2016/0593/LBC	Replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation at 89 Tirkane Road, Maghera, for Declan McKenna.	APPROVE
5.3.	LA09/2017/0810/F	Dwelling at Coltrim Lane, Moneymore (approx. 220m from	REFUSE

		junction with Cookstown Road), for Mark Hamilton	
5.4.	LA09/2017/1079/O	Site for dwelling and domestic garage approx. 20m NE of 40 Coole Road, Aughamullan, Dungannon, for Mr Lee Canavan.	REFUSE

Matters for Information

6 Minutes of Planning Committee held on 8 January 2018 109 - 126

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

Matters for Decision

7. Extract of Confidential Minutes of Planning Committee held on 8 January 2018 (Item P010/18)
8. Receive Report on Temporary Listing
9. Receive Report on Tree Preservation Order
10. Receive consultation response to Department for Communities
11. Receive LDP Report - Renewable Energy
12. Receive LDP Report - Minerals

Matters for Information

13. Confidential Minutes of Planning Committee held on 8 January 2018 (Item P010/18 redacted for referral to committee)
14. Enforcement Live Caseload
15. Enforcement Cases Opened
16. Enforcement Cases Closed

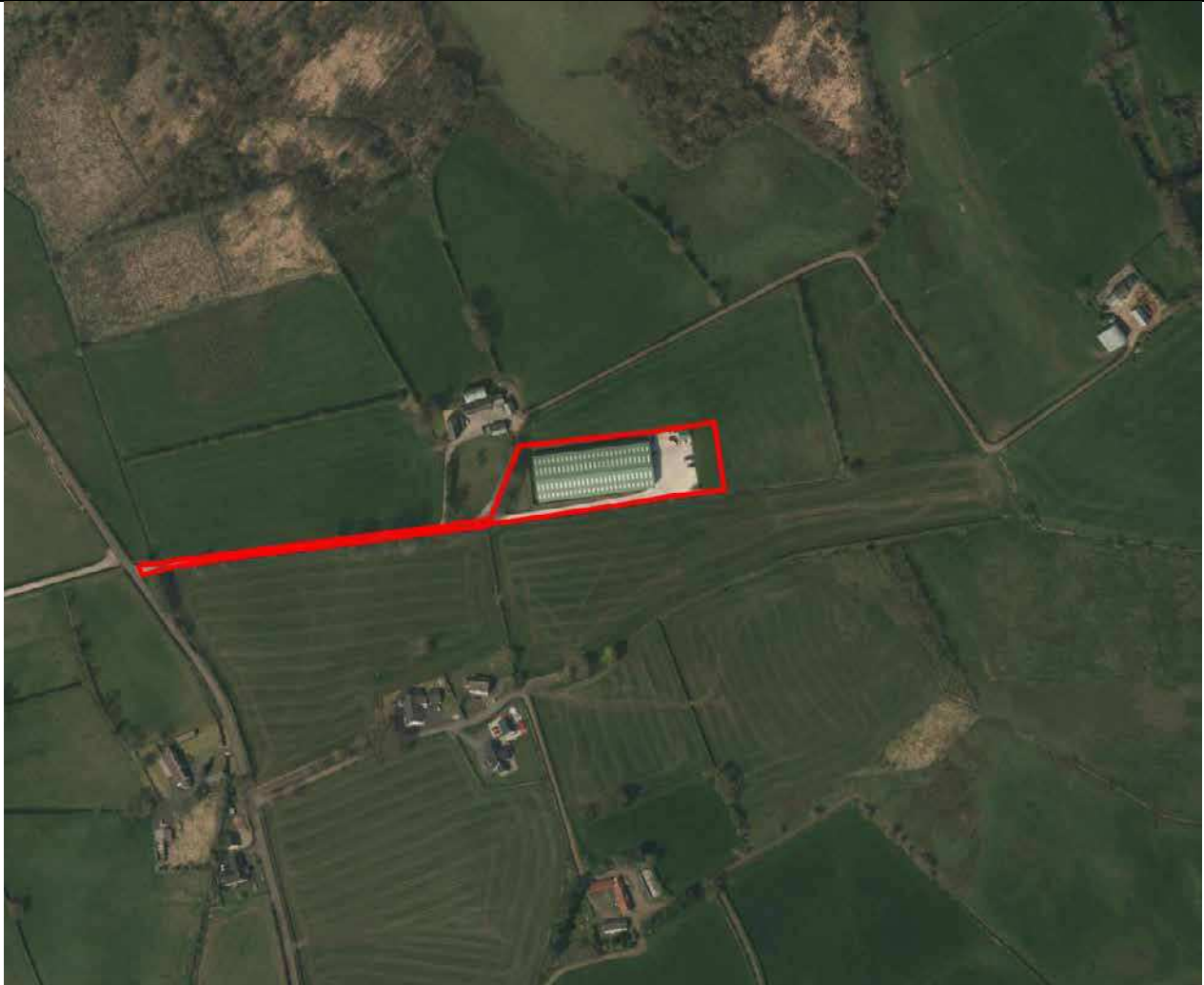


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0308/F	Target Date:
Proposal: Retention of change of use of shed from agricultural to electrical storage at 26 Moneysallin Road, Kilrea	Location: 26 Moneysallin Road Kilrea
Referral Route: Approval recommended	
Recommendation:	APPROVE
Applicant Name and Address: Mr J Donaghy 26 Moneysallin Road Kilrea BT51 5TQ	Agent Name and Address: Farren Architects 105 O'Cahan Place Dungiven BT47 4SX
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located a couple of miles north of Upperlands and sits in the countryside just within Magherafelt Area. The site is located up a long laneway adjacent 26 Moneysallin Road, Kilrea. Due to a boundary of trees the site and building in question cannot be seen from the Moneysallin Road. Beyond number 26 a large building is located with a concreted laneway and yard. A small building is located further north of the main building. It is used to house rubbish which appears to be the remains of packaging and cardboard boxes, etc. There were several vans on the site relating to Donaghy Brothers in Kilrea the building is completely filled with electrical goods. There are several employees on the site and a number of cars, presumably owned by the employees on the site.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable development in the countryside.

Planning Policy Statement 4 – Planning & Economic development.

Site History - H/2006/0710/LDP - A certificate of Lawfulness was granted for 'construction of agricultural shed, storage of farm machinery, general purpose store' stating that the proposal complied with permitted development rights. The building under this previous application is the same as the one identified under this current application.

Consultees: - Environmental Health were asked to comment and responded on 30.03.2016 with no objections

NI Water were asked to comment and responded on 25.03.2016 with no objections to the proposal

Transportni were asked to comment and responded on 13.04.2016 with no objections subject to conditions

Neighbours notified - Owners/occupiers of Nos 23, 23a, 25 _ 28 Moneysallin Road were notified of this proposal, no objections/representations have been received to date.

In line with legislation this proposal was advertised in several local press publication during March 2016 with no representations/objections having been received to date.

In line with PPS21 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. 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. Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4

According to CTY 11 of PPS21 planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. In order to comply with this the farm business has to be currently active and established, the character and scale of the building should be appropriate to its location, the proposal should not have an adverse impact on the natural or built heritage and there should be no detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution. Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

The building in this question is agricultural in design and scale and located to the rear of a dwelling and associated farm buildings and surrounded by agricultural land and as such the character of the locality will be unaffected. However the farm business ceased to be active from 9th May 2012 when Mr Sean Donaghy passed away. Although it is evident the applicant/son has intentions to re-activate the farm business in the future, however at the time the application was lodged the farm business was not active although a business id number had been applied for and the applicant was in the process of purchasing animals.

I understand the applicant has been awarded category 21 DARD business number in August 2016, with the applicant since submitting his first SFP claim at the start of May 2017. This claim was based on the 3.30ha of ground under the applicant's category 1 business ID (662339) and the first payment from this claim has now been received.

In addition the applicant has been allocated a flock number on 22nd September 2016 (732863), he purchased 5 ewes from Ballymena sheep market on 06.02.2017. These sheep are kept and grazed on the 3.30ha claimed and located at 26 Moneysalin Road adjacent to the application building.

All of the above additional information demonstrates that the applicant has an active and established farm albeit there was a break due to the death of his father but the farm has been continued to be active. This is indeed an exceptional case however I would make a recommendation to the committee that this applicant does adhere to the principles of CTY 11. The building in question although being used for storage and distribution this use is being run alongside the active farm and this use will not prejudice the continued agricultural use thus I feel the proposal does comply with this criteria of CTY 11.

There are no views of the building from Moneysallin Road and only distant views from neighbouring Lisnagrot Road, Kilrea. The building exists under a CLUD, therefore it is not considered this change of use will have a negative impact on natural or built heritage and there are no neighbouring properties affected. The proposed use should not cause pollution problems from noise or smell. The re-conversion of the building back to an agricultural use would be easily done without any impact on the area, neighbours etc.

I am therefore also content that there is no conflict with the criteria of PPS 4 - Planning and Economic Development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions

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

Reason: This is a retrospective application.

2. The use of the approved building shall solely be for electrical storage.

Reason: In order to control the nature of the use and prevent unacceptable uses.

Informatives

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

Signature(s)

Date:

ANNEX	
Date Valid	7th March 2016
Date First Advertised	24th March 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Moneysallin Road Moneysallin Kilrea The Owner/Occupier, 23a Moneysallin Road, Moneysallin, Kilrea, Londonderry, BT51 5TQ The Owner/Occupier, 25 Moneysallin Road Moneysallin Kilrea The Owner/Occupier, 28 Moneysallin Road, Kilrea	
Date of Last Neighbour Notification	23rd March 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/1979/0517 Proposal: HV O/H LINE (BM 3290) Address: MONEYSALLIN, MAGHERAFELT Decision: Decision Date: Ref ID: H/2006/0710/LDP Proposal: Construction of agricultural shed, storage of farm machinery, general purpose store Address: 44m SE of 26 Moneysallin Road, Kilrea Decision: Decision Date: Ref ID: LA09/2016/0306/F Proposal: 2 X New 11kv Overhead lines (one at each address stated) to facilitate connection to wind turbine Address: From 295m South East of 12 Moneysillan Park, Drumard Road, Kilrea to 50m West of 72 Drumagarner Road, Kilrea, Decision: Decision Date:	

Ref ID: LA09/2016/0308/F

Proposal: Retention of change of use of shed from agricultural to electrical storage at 26 Moneysallin Road, Kilrea

Address: 26 Moneysallin Road, Kilrea,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1094/F	Target Date:
Proposal: Proposed agricultural cattle shed	Location: Adjacent to 17 Annaghoboe Road Coalisland
Referral Route: Recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Dominic Ryan 25 Annaghoboe Road Coalisland	Agent Name and Address: Dennis O'Neill 90 Gortgonis Road Coalisland BT71 4QG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	DAERA - Veterinary Service	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	DAERA - Veterinary Service	
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Description of proposal This is a full planning application for an agricultural shed to act as an isolation facility for rare breeds of cattle. Sited away from the main farm holding of the applicant, a case has been presented to justify why the building is necessary at this particular location.		
Characteristics of the Site and Area On my site visit dated 12th September 2016 it was noted that a new hardcore laneway had been constructed along the entire access of the proposed site, which follows an existing mature tree lined hedgerow along the NE. The site is set back approx. 150m from Annaghoboe Road and is set behind a tree lined mature hedge along its NE boundary. A mature tree lined hedge also defines the NW boundary, with the remaining boundaries open to a larger agricultural field. The site is flat and due to setback and existing vegetation is not clearly visible from the public road. The area is defined by a number of detached properties (mostly 2 storey) on sizable plots and farm holdings with associated outhouses and sheds. The applicants farm holding is located at No. 25 Annaghoboe Road which is approx 500m SE from the application site. Land in the area is relatively flat and is used mostly for agricultural purposes.		
Planning Assessment of Policy and Other Material Considerations		
Area Plan Dungannon and South Tyrone Area Plan 2010- the site is located in the countryside and the policy provisions of SPPS and PPS21 apply. There is no relevant site history to consider.		
Key planning policy The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Policy CTY12 which allows agricultural development on active and established farm holdings subject to certain policy criteria being met.		

The applicant/agent has provided a P1C form which contains an agricultural business ID number. DARDNI has confirmed that the business ID has been in existence for more than 6 years and that the business is in receipt of single farm payment within the last 6 years therefore there is sufficient evidence that the farm business is both established and active. DAERA also point out that the person named in part Q 1 (a) of the P1C form, Mr Leon Daily, does not have a farm business registered with DAERA. I am not sure as to what Leon Daily's interest is in this application as the applicant in the planning application is Mr Dominic Ryan.

The policy then lists 5 criteria that have to be met in order to meet policy (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; In assessing this proposal the applicant/agent was asked to demonstrate why this shed was necessary for the efficient use of the holding, away from the main farm grouping at this location. Information supplied stated that an isolation facility was required to house rare cattle breeds so that they would not become contaminated with other animals. No information was supplied as to numbers of Cattle that would be imported/exported or their breed.

The applicant (Mr. Dominic Ryan)/agent provided a letter date received 19th Jan 2017 stating that he used a building which was leased from Paul Dorman at No. 52a Moor Road, for his agricultural needs. This lease has now run out and therefore the applicant requires new premises for his agricultural needs hence the subject application. Mr. Ryan argues that he cannot build at his own dwelling/farm holding as there is threat of TB infection from a neighbouring farm. Plus, he intends to use the building to introduce new breeds to his herd, and these animals need to be isolated. No information has been provided to say that the risk of TB still exists at the applicants farm holding.

On assessment of this information it was deemed to be insufficient to demonstrate the requirements of this policy. On 6th June 2017 a meeting was held with the agent Denis O'Neil, Chris Cassidy (to assist agent), Case Officer Paul McClean and Senior Planner Emma McCullagh in order to provide an opportunity for clarification on some points and to demonstrate need. Nothing new was raised at this meeting. During this meeting it was agreed that one more opportunity would be provided to address outstanding information.

Further information was supplied after this meeting and this information was forwarded to DAERA Veterinary Service for comment. The information supplied included listed criteria and regulations set out by DAERA in regards to export facilities, health and safety reasons, and that no other buildings on the farm holding were suitable for this facility.

DAERA Vet Service replied to this information on 02/08/2017 stating;

1. Export Isolation facilities need to be physically separated from other buildings. This, however, does not require them to be located on a different site to the main farm holding.
2. Most Export Isolation Facilities approved by DAERA are located within the main farm holding but kept separate from other buildings.
3. Export Isolation facilities are not required for all exports. They are sometimes required for sheep exports and even then not in all circumstances. They are only occasionally required for cattle exports and only then in very specific circumstances.
4. An Export Isolation Facility building needs to be physically in existence before approval can be granted.

This response is extremely helpful for informing my decision. The applicant has not demonstrated that a building cannot be erected at his farm holding. Land surrounding the

applicant's holding is within his ownership. Where the proposed facility is to be built is only leased by the applicant. The applicant has failed to demonstrate how this proposal is necessary for the efficient functioning of the holding at this location.

(b) in terms of character and scale it is appropriate to its location;

The size, scale and design of the proposed building has the appearance of an engineering/industrial unit and not an agricultural shed. In terms of character and scale I am not convinced that this building is appropriate for this countryside location.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

The shed is set back from the public road and will be set behind an existing tree lined hedge. The size and scale of the shed will integrate into this flat landscape.

(d) it will not have an adverse impact on the natural or built heritage;

The proposal does not impact upon any natural or built heritage interests. The proposal will not have any adverse impact on any ASSI, N2K or non-designated sites, nor on any landscape or buildings of historic value.

(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.

The nearest dwelling not associated with this farm holding is approx. 90m away. No 3rd party objections have been received on this proposal and Environmental Health have no objections to this proposal.

CTY12 then states 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;

The proposed building is to be sited on land leased by the applicant, away from his farm grouping and insufficient information and evidence has been provided that would convince me that this proposed site is necessary away from his existing holding or farm grouping. The fact the land is not owned by the applicant also raises some unanswered questions as to this proposed location. On discussion with fellow colleagues with farming backgrounds, a sectioned off space within an existing shed would be ample for this purpose. Plus, the applicant has failed to demonstrate that there still exists a threat of TB from surrounding farms.

-the design and materials to be used are sympathetic to the locality and adjacent buildings;

This is covered in part (b) above.

- the proposal is sited beside existing farm or forestry buildings.

The building is located away from the existing farm buildings and no logical explanation has been given why planning policy should be relaxed in this instance.

Other material consideration

The site is not subject to flooding. There are no land contamination issues to be considered.

Abandoned mines have been identified in this area but GSNi do not object to this proposal.

Department for Infrastructure require 2.4m by 70.0m visibility splays, this has not been requested as the principle of development has not been established for this proposal.

Neighbour Notification Checked	Yes
Summary of Recommendation: That planning permission is refused for the following reasons:	
Refusal Reasons 1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that; -the alternative site away from the existing buildings is essential for the efficient functioning of the business; -there are no suitable existing buildings on the holding or enterprise that can be used; -the design and materials to be used are sympathetic to the locality and adjacent buildings; -the proposal is sited beside existing farm or forestry buildings; -health and safety reasons exist to justify an alternative site away from the existing farm buildings; 2. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that sight splays of 2.4m by 70m in both directions can be achieved.	
Signature(s) Date:	

ANNEX	
Date Valid	8th August 2016
Date First Advertised	25th August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Annaghnaboe Road Meenagh Coalisland The Owner/Occupier, 16 Annaghnaboe Road Meenagh Coalisland The Owner/Occupier, 17 Annaghnaboe Road Meenagh Coalisland	
Date of Last Neighbour Notification	7th July 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2016/1094/F Proposal: Proposed agricultural cattle shed Address: Adjacent to 17 Annaghaboe Road, Coalisland, Decision: Decision Date: Ref ID: LA09/2015/1156/O Proposal: Site for 2 no Infill Dwellings Address: Lands between 15 and 17 Annaghnaboe Road, Coalisland, Decision: PG Decision Date: 17.06.2016 Ref ID: M/2002/1132/RM Proposal: Proposed one and a half storey dwelling Address: 100 M North West of 19 Annaghaboe Road, Coalisland Decision: Decision Date: 28.11.2002	

<p>Ref ID: M/2001/1075/O</p> <p>Proposal: Site for one and a half storey dwelling.</p> <p>Address: Land 100m NW of 19 Annaghnaboe Road, Coalisland.</p> <p>Decision:</p> <p>Decision Date: 01.02.2002</p> <p>Ref ID: M/2005/0279/O</p> <p>Proposal: Proposed Dwelling & Domestic Garage</p> <p>Address: 100 M West of 19 Annaghaboe Road, Coalisland</p> <p>Decision:</p> <p>Decision Date: 27.07.2005</p> <p>Ref ID: M/2012/0262/O</p> <p>Proposal: Proposed new dwelling and domestic garage</p> <p>Address: 50m SE of 15 Annaghnaboe Road, Coalisland, Dungannon, Co Tyrone,</p> <p>Decision: PG</p> <p>Decision Date: 26.11.2012</p>
Summary of Consultee Responses
Drawing Numbers and Title
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1156/F	Target Date:
Proposal: Proposed new vehicular access to existing car park with associated walling, pillars and gates	Location: Magherafelt Gospel Hall 14 Hospital Road Magherafelt
Referral Route: Objection Received	
Recommendation:	APPROVE
Applicant Name and Address: The Trustees Of Magherafelt Gospel Hall 14 Hospital Road Magherafelt	Agent Name and Address: ARC 1D 8A Lower Rashee Road Ballyclare BT39 9JL
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	No Objection

Representations:

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

Summary of Issues

Objection received.

Summary of objection

The objection letter raised two main concerns that were the basis of their objection:-

Firstly, raised concerns that the applicant did not own the land at the proposed access and therefore no entrance should be approved.

Secondly, stated that an additional entrance will further reduce the car parking on the street and will increase the traffic turning left close to their property. Went on to state the issues already along the road and due to events from Bryson's Bar and the Court House along with buses has made it virtually impossible to park outside his property.

Characteristics of the Site and Area

The site is located within the settlement limits of Magherafelt and it situated within white land as per defined by the Magherafelt Area Plan 2015. The proposed new access is located 17m

towards the south of the existing access. The site contains the Magherafelt Gospel Hall and an area of hardstanding which has been identified as the existing carpark. The site is bounded by an existing metal mesh fence along the southern boundary with the western boundary being partly with an existing stone wall and roughcast pillars and walling with railings and gates. Along the northern wall is a concrete wall with metal fencing. The immediate area is comprised of a mix of development inclusive of residential, commercial and a court house.

Relevant Site History

Planning approval was previously granted under ref. H/2004/1294/F for 'Demolition of existing hall & erection of proposed Gospel Hall with provision for parking to rear as existing'.

Representations

There was four neighbour notification sent however one objection letter was received with regard to this application.

Description of Proposal

The proposal is for a new vehicular access to existing car park with associated walling and gates.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

DCAN 15 Vehicular Access Standards

This application is for a new proposed new vehicular access to existing car park with associated walls, pillars and gates.

The site is located within the settlement limits of Magherafelt and therefore must comply with SETT 2 of the Area Plan. I am content that the proposal is sensitive to the size and character of the settlement in terms of scale, form design and use of materials and is unlikely to impact on residential amenity. I am content that the proposal does not conflict with policy SETT 2.

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 states that the policy provisions of PPS 3 will be retained until such time as the LDP is adopted.

In terms of policy AMP 2 of PPS 3, the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with policy AMP 3 relating to Protected Routes. Transport NI were consulted on the proposed development and have no objections, subject to conditions relating to the provision of visibility splays.

In response to the concerns raised by the objector, to start with the concerns over ownership, the applicant submitted a folio to confirm that all lands identified in the location plan were under their ownership. Finally, in response to the reduction of car parking on the street and the increase the traffic turning left at his property, it must be noted that the use of the access for the car park will only be occasional in which events etc. are occurring within Gospel Hall. In addition it must be noted that there is a mix of uses in the close proximity and that side of the road provides on street parking for these premises in that it is not felt that this new access would adversely impact upon this.

Rivers Agency were also consulted however they had no objections to development.

On balance, I recommend approval for this development as it satisfies the policy tests of the SPPS, PPS 3.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation is to approve.

Conditions

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

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

2. The vehicular access, including visibility splays of 2.0m x 33m in both directions, shall be in place in accordance with Drawing No. 04/1 bearing the date stamp 11th October 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.

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

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. 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 any other statutory authority.
4. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Regional Development is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.

Notwithstanding the terms and conditions of the approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for

Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Transportni, Molesworth Place, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

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

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

It is the responsibility of the developer to ensure that

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

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

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

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

8. Consent to discharge additional storm run-off to the watercourse(s) serving the site may need to be deferred pending completion of proposed drainage infrastructural improvements necessary to provide adequate capacity for increased flows. The Rivers Agency should be consulted about proposed timing of development at the earliest possible time.

9. Visual inspection of the site indicates that it is unaffected by any watercourse(s);- open or culverted.

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

11. The Rivers Agency has no record of flooding occurring at the site and `visual inspection indicates that it is unlikely to be affected by general flooding originating from any watercourse(s)

Signature(s)

Date:

ANNEX	
Date Valid	19th August 2016
Date First Advertised	1st September 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Hospital Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 15 Hospital Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 16 Hospital Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 19 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 2 Derramore Court Town Parks Of Magherafelt Magherafelt Seamus Carmichael 8, Hospital Road, Magherafelt, Londonderry, Northern Ireland, BT45 5DG The Owner/Occupier, Rainey Endowed School, 79 Rainey St, Magherafelt BT45 5DB	
Date of Last Neighbour Notification	19th October 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1156/F Proposal: Proposed new vehicular access to existing car park with associated walling, pillars and gates Address: Magherafelt Gospel Hall, 14 Hospital Road, Magherafelt, Decision: Decision Date: Ref ID: H/2005/0375/F Proposal: Proposed New Staircase to Science Block Address: 79 Rainey Street, Magherafelt Decision: Decision Date: 27.07.2005 Ref ID: H/2007/0552/F	

Proposal: Provision of perimeter fencing
Address: 79 Rainey Street, Magherafelt
Decision:
Decision Date: 22.11.2007

Ref ID: H/1999/0248
Proposal: EXTENSION TO GRAMMAR SCHOOL
Address: RAINEY STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2000/0878/F
Proposal: Proposed Fencing
Address: Rainey Endowed School, 79 Rainey Street, Magherafelt
Decision:
Decision Date: 01.02.2001

Ref ID: H/2005/0609/O
Proposal: Site of new grammar school and associated grounds
Address: Rainey Endowed School, 79 Rainey Street, Magherafelt, BT45 5DB
Decision:
Decision Date: 17.11.2005

Ref ID: H/1995/0213
Proposal: 2 MOBILE CLASSROOMS
Address: RAINEY ENDOWED SCHOOL RAINEY STREET MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1985/0327
Proposal: ALTERATIONS AND ADDITIONS TO HOUSE
Address: 16 HOSPITAL ROAD, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/2004/1294/F
Proposal: Demolition of existing hall & erection of proposed Gospel Hall with provision for parking to rear as existing.
Address:
Decision:
Decision Date: 24.02.2005

Ref ID: H/2014/0157/F

Proposal: Removal of 3no modular buildings and construction of 7no modular portable buildings and associated landscaping
 Address: Rainey Endowed Grammar School, 79 Rainey Street, Magherafelt,
 Decision: PG
 Decision Date: 21.08.2014

Ref ID: H/2013/0473/F
 Proposal: 4 no extensions to provide disability access including lifts
 Address: Rainey Endowed School, 79 Rainey Street, Magherafelt,
 Decision: PG
 Decision Date: 28.02.2014

Ref ID: H/2014/0345/F
 Proposal: Erection of Sports Hall and Changing Facilities.
 Address: Rainey Endowed Grammar School, 79 Rainey Street, Magherafelt.,
 Decision: PG
 Decision Date: 24.03.2015

Ref ID: H/2013/0361/F
 Proposal: Three separate sections of 3m high Powder Coated Steel Mesh Ballstop fence to be erected against the site boundary at the ends of existing hockey pitches. Total 124m long.
 Address: Rainey Endowed School, 79 Rainey Street, Magherafelt, BT45 5DB,
 Decision: PG
 Decision Date: 23.01.2014

Ref ID: H/2012/0299/F
 Proposal: Modular Construction Hygiene Room placed in inner court yard of school
 Address: Rainey Endowed Grammar School 79 Rainey Street, Magherafelt, BT45 5DB,
 Decision: PG
 Decision Date: 08.10.2012

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

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

Drawing No. 02
Type: Existing and Proposed Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1310/F	Target Date:
Proposal: Proposed extension to provide exercise pool (amended proposal)	Location: 1 Gorteade Wood Upperlands Maghera
Referral Route: Approval to go to committee – Objections received and conflict with opinion of HED: Historic Buildings	
Recommendation:	approve
Applicant Name and Address: Mr & Mrs N Voice 1 Gorteade Wood Upperlands Maghera BT46 5TQ	Agent Name and Address: D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	8
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

There were eight objections received:

- Proposal appears to be for business use rather domestic.
- Claims that this is a major development that would affect the whole cul-de-sac and that the appearance of the front of the house would spoil the look of the whole development.
- Claims that the extension would be overpowering to that of the existing dwelling.
- Claims that the proposed balcony is not in proportion and will take away from the rest of the development and that the use of materials is to keep costs down rather than enhancing the house. And to replace all front upstairs windows with doors would make the dwelling look totally out of place in this setting.
- Issues raised that this proposal would have an adverse impact to the Protected Trees in the area.
- The shallow roof pitch of the proposed extension and type of roof covering is out of keeping with the house.
- The submitted plans show a much a much wider site than is actually available. The proposed extension would be much closer to the boundary than indicated on the plan.

Conflict with the opinion of HED: Historic Buildings.

Characteristics of the Site and Area

The application site is situated at 1 Gorteade Wood, Upperlands, Maghera. The site is defined by a large two storey dwelling which is situated just outside the development limits of Upperlands but within a Local Landscape Policy Area and a Historic Park as defined by the Magherafelt Area Plan 2015. Public interest of the site is filtered by mature roadside vegetation. The area surrounding the site is characterised by the small development known as Gorteade Wood which comprises of 5 detached two storey dwellings and detached garages.

Representations

There were six notification letters that were sent out however eight objections were received on this application.

Description of Proposal

This is a proposed full application for the proposed extension to provide exercise pool. The proposed extension is located at the side of the existing dwelling wherein the proposed extension will have a width of 7.5m and a depth of 14m with a small connection to the existing dwelling, the ridge height is 4.15m. The external materials are mixed with the front of the extension matching that of the existing dwelling with the rear having natural stone cladding.

Planning Assessment of Policy and Other Material Considerations

The proposal is for a proposed extension to provide an exercise pool.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7 – Residential extensions and alterations

PPS 6 – Planning, Archaeology and the Built Heritage.

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. Para 6.137 of the SPPS advises that residential extensions should be well designed.

Planning Policy EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

With regards to the scale, massing and design of the proposed extension it is felt on balance after group discussions that this is acceptable. Reasoning for this is that the front elevation of the extension reflects that of the existing dwelling and from this is capable of being sympathetic

towards the built form and appearance of the existing property. Despite there being a mix of external materials it is felt that these are also acceptable and will not detract from the surrounding area. In terms of neighbouring amenity, I am content on balance due to location and proximity from other properties that this extension is unlikely to have an adverse impact in terms of loss of privacy or amenity. There were concerns that this extension may have an adverse impact on protected trees in the near vicinity after a response from the Tree Officers within the Mid Ulster Council. From this the applicant submitted a tree survey and report and after further discussions with the Tree Officers Team it was concluded that based on the arboriculturalist's report that opinion was to approve subject to conditions. From this I am content that this proposal will not result in a loss or damage to trees or other landscape which contribute to local environmental quality. There remains sufficient space within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. From this I am of the opinion that the application meets the policy test of Addendum to PPS 7.

PPS 6 – Planning, Archaeology and the Built Heritage.

Historic Environment Division were consulted on this application as the site falls within curtilage of a listed building.

HED: Historic Building Section responded and considered that the application fails to satisfy BH 11 Development in the Setting of a Listed Building of the Departments Planning Policy Statement 6 (PPS 6) Planning, Archaeology and the Built Heritage. In its current form, the detailed design of the proposed structure is not appropriate in the special character of the setting of the Listed Building, when assessed against policy. Went on to make recommendations if the applicant wished to make alterations. In response to these comments and comments made by objectors, amended plans were sent in and the design was agreed as acceptable in this location after group discussions despite the comments previously made by HED. It is felt that the shielding provided by the surrounding trees and the fact the front elevation reflects elements of the existing dwelling reduces any concerns with the design and impact of the extension therefore on balance it is felt that this proposed extension would not have an adverse impact on the setting of the listed building of Ampertain House.

HED: Historic Monuments responded to state that they consider the application will not have an additional adverse impact to the setting of the historic demesne.

In response to the comments made by the objectors the following comments apply: Any planning approval would pose a condition restricting the use to domestic only. Any subsequent change of use applications cannot be considered at this stage, only what has been submitted can be considered. With regards to any concerns of impact on the area due to design, that it would be overpowering, materials have all been addressed and agreed upon within this application process and has had a group consensus that these are acceptable under policy. Ant references to the proposed balcony are no longer valid as this element has been removed from the application. Finally any concerns on the potential impact on the Protected Trees in the area have also been addressed by the Tree Officer's within the Council who recommended approval subject to conditions.

The proposal accords with the policy tests of Addendum to PPS 7 therefore I recommend approval for the development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. The proposed extension hereby approved shall be used only for domestic purposes ancillary to No 1 Gorteade Wood, Upperlands.

Reason: To prohibit an unacceptable change of use.

3. All works to be carried out in accordance with the submitted tree survey and report dated December 2017 (received 15.01.2018) by Dr. Philip Blackstock. Protective fencing shall be erected on site prior to commencement of works as per the Tree Constraints dated 20.12.2017.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

4. All tree works shall be carried out in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations and BS 3998:2010 Tree Work – Recommendations.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

5. Protective barriers shall be erected outside the Root Protection Area (RPA) of all protected trees, prior to any plant machinery entering the site or construction work commencing on site. These shall be retained in place until all site works are completed. The protective barriers should be installed using the best practice as outlined in paragraph 9 of BS 5837:2012.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

Informatives

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

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

Signature(s)

Date:

ANNEX	
Date Valid	20th September 2016
Date First Advertised	6th October 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Gorteade Wood Upperland Upperlands Brian and Shirley Malcomson 2 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Brian & Shirley Malcomson 2, Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Sharon and Mark Hunter 3 Gorteade Wood Upperland Upperlands The Owner/Occupier, 3 Gorteade Wood Upperland Upperlands The Owner/Occupier, 4 Gorteade Wood Upperland Upperlands Audrey E.A Hunter 4 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Audrey E.A Hunter 4 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ The Owner/Occupier, 5 Gorteade Wood Upperland Upperlands William MacDonald and Sandra MacDonald 5 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ William & Sandra MacDonald 5, Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Mark Hunter Email	
Date of Last Neighbour Notification	8th March 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2015/0812/TPO Proposal: Consent to Remove Trees Address: Lands at Ampertaine House, 76 Kilrea Road, Upperlands, Maghera, Decision: CG Decision Date:	

Ref ID: LA09/2016/1310/F

Proposal: Extension to provide exercise pool area and covered terrace / balcony to frontage

Address: 1 Gorteade Wood, Upperlands, Maghera,

Decision:

Decision Date:

Ref ID: H/1990/0453

Proposal: SITE OF HOUSING DEVELOPMENT

Address: LAND ADJACENT TO AMPERTAIN HOUSE KILREA ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1997/0204

Proposal: HOUSING DEVELOPMENT OF 4 NO. DWELLINGS

Address: LAND ADJ TO APERTAIN HOUSE GORTEADE ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1997/0442

Proposal: HOUSING DEVELOPMENT/CHANGE OF HOUSE TYPES

Address: GORTEADE ROAD/KILREA ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1996/0399

Proposal: 4 DWELLINGS

Address: LAND ADJACENT TO AMPERTAIN HOUSE GORTEADE ROAD
UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1996/0112

Proposal: HOUSING DEVELOPMENT

Address: ADJ TO AMPERTAIN HOUSE GORTEADE ROAD UPPERLANDS

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Elevations and Floor Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1752/F	Target Date:
Proposal: Agricultural Sheds for Cattle/Livestock (Odour Management Plan received)	Location: 80m SE of 91 Mullan Road Cookstown
Referral Route: approval recommended / objections received / Dfi splay requirement challenged.	
Recommendation: Approval.	
Applicant Name and Address: Mr P Devlin 91 Mullan Road Cookstown BT80 0JF	Agent Name and Address: Terry Scullion Architects 158 Ballinderry Bridge Road Cookstown BT80 0AY
Executive Summary: approval recommended / objections received / DFi request for splays is challenged.	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan





Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received

Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	NIEA	No objections subject to conditions
Non Statutory	Shared Environmental Services	Subject to above.
Representations:		
Letters of Support	1 Craemill Veterinary.	
Letters of Objection	5	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Characteristics of the Site and Area		
Rural location on quiet dead-end road approaching the shore of Lough Neagh.		

The proposed development is located to the rear of the applicants recently erected replacement dwelling house No 92 Mullan Road. The site of the adjacent dwelling once also contained agricultural sheds and 2 No access points to the subject lands to the rear. Good standard existing trees and hedging define the 2 site boundaries within an otherwise flat landscape. A drain/watercourse is present to the south of the red line boundary.

Adjacent scrap metal business with 2 other dwelling houses located opposite and to the NE, Nos 90, 92.

Description of Proposal

Agricultural Sheds for Cattle/Livestock.

The proposed footprint totals 841sq m and comprises 5 No dry bedding pens / 2 calving pens/ a bull pen / feeding area / collection tank / yard area.

Long established agricultural access to be used to access the proposed development and associated lands.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan

SPPS

PPS21

PPS15

PPS3

PPS2

The Area Plan identifies that the proposed development is located approximately 190m from Lough Neagh and Lough Beg SPA/Ramsar. The anticipated environmental effects on these areas have formed much of the consideration around the acceptability of this application and I address these impacts later in my report.

The SPPS provides guidance on agriculture and forestry development at Par. 6.73. It is stated that provision should be made for development on an active and established agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing farm buildings on the holding.

This strategic guidance is not dissimilar to Policy CTY12 of PPS21 which sets out the following criteria for development proposals such as this:

Policy CTY 12 – Agricultural and Forestry Development

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

The applicant, whilst appearing to have only acquired a Farm business ID in 2015 has demonstrated to the Council that the farm holding which he purchased here has been operational since 2005 under an established business ID. He has also re-affirmed to the Council that DEARA have confirmed that there has been a large increase in the number of livestock on

the farm since 2015 and has provided a letter of support from Craemill Veterinary indicating a need for more suitable housing to assist with animal welfare.

(b) in terms of character and scale it is appropriate to its location;

The proposed development whilst large in scale will integrate successfully into the landscape and is dwarfed in any case by a large established commercial shed to the SW operated by McGeary Metals.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

As above – the existing vegetation / trees to the site boundaries are able to be retained to assist with integration.

(d) it will not have an adverse impact on the natural or built heritage; and

The applicant has had to carry out a flood risk assessment / odour and ammonia assessment and these have been submitted to statutory consultees for clearance. NIEA (NED) at the time of this report have indicated no more that they have objections (subject to the full consultation response being uploaded) subject to planning conditions and Rivers Agency accept the findings of the flood risk assessment. The site is in close proximity to sensitive areas and these impacts have been central in determining the likely environmental impacts of the proposed development.

An EIA screening has determined that the potential environmental impacts are not likely to be significant as a result of this proposal.

(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.

Objections have been received which I will summarise later. EHO have been consulted and have raised no objections. Their response is listed below:

This application is for the construction of agricultural sheds for cattle and livestock 80m SE of 91 Mullan Road, Cookstown.

It is noted that there has been one objection to this proposal from a nearby resident. This has been considered in making this comment.

It is noted that such sheds can give rise to problems with noise and odour if not operated in a professional manner.

EHO Recommendation

This Department has no objection to this proposal. However it is recommended that the following informative should be attached.

1. *The construction and operation of the agricultural sheds for cattle and livestock should be consistent with those laid out in the Code of Good Agricultural practice for the Prevention of Pollution and Water, Air and Soil.*

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;

I am satisfied that at this location this is not the case.

- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

On both of the above tests I am satisfied that the design is appropriate for this location and the location chosen achieves a visual grouping with No 91 and its associated outbuildings.

Consideration of local objections

A total of 5 objections have been received from an adjoining dwelling (No 90 Mullan Road).

The principle issues of objection relate to the following concerns:

1. Nuisance as a result of vermin / building too close to No 90
2. History of flooding in that area
3. Poor condition of Mullan road already and additional traffic will make this worse
4. Health and safety risks to occupants small children
5. Devaluation of property
6. Applicant does not own trees shown to be retained on the plans
7. Impact on pressurised water system
8. Notification letters were not sent to all notifiable properties.
9. Noise pollution
10. Lack of splays / inability of applicant to achieve these
11. Lack of farm details
12. Risk of pollution incidents
13. Risk to walkers on the road
14. Doubt over the numbers of livestock held by the applicant.

In response I comment as follows:

1. EHO have not objected to the concerns raised. The applicant will be reminded to operate within codes of good agricultural practise.
2. The flood risk has been assessed and no risk has been identified.
3. I have observed myself the poor condition of the Mullan road on a recent site visit – this is matter for DFI and reflects a wider issue presently around road quality
4. No obvious risks are felt to be identified which cant be assured against by good agricultural management of the site
5. No evidence to substantiate any claims on property value. In any case the long established scrap metal business at the location is the dominant use.
6. The proposal should not impact on any third party vegetation
7. Separate consents will assess and impacts on water supply
8. I am content that occupied properties on neighbouring land as defined by the Planning Act have been notified
9. EHO have no objections on noise grounds
10. Splays – DFI have sought splays measuring 2.4 x 35m in both directions. My observations on site would lead me to The applicant has resisted this requirement and members may wish to consider the following which could allow an exception to be made in this instance:

- That there was previously 2 agricultural access to the rear field which when the replacement of No 91 is fully complete will be reduced to one.
- That most of the frontage across No 91 has since been removed for the replacement of No 91
- That this is a dead-end road will all heavy vehicles entering the adjacent scrap metal site anyway- there is also an ability to see clearly to the LHS despite a number of since cut down tree stumps.
- That DFI should (based on accepting a lower 2m x distance) permitted in DCAN 15 due to the low volume of traffic movements on the road at this location, drop to a lesser 2 x 33m splay requirement which is close to existing on site presently.
- That the applicant has argued and stated on the P1 that he once had up to 3 farm sheds using these accesses and this will be reduced to one, albeit larger building, so being less intensive. The P1 forms indicates no expected increase to the site.

11. Sufficient farm details are on file

12. Again good farming practise and drainage / storage facilities should ensure such risks are minimised.

13. More Risk to pedestrians in my view exists due to the heavy vehicles using this narrow road for commercial purposes.

14. Numbers of livestock have been indicated by DAERA / NED/SES have given careful consideration to the ammonia assessment. A condition is required by HED to limit livestock numbers using the shed to those identified in the ammonia assessment. In response to the latest objection around the numbers of livestock the applicant has referred to in the ammonia assessment I have received the following clarification:

“The figure of 44 animals is my total herd at that period of time which will fluctuate as calves are born and sold off. My herd total on 25/01/18 is 38 animals. The facilities proposed is for calving pregnant cows. I currently only have 23 cows which is the maximum number that I would house at the proposed shed. The Irwin Carr Report would allow me to expand this to 27 but I am happy to keep my numbers to 25 or under to keep within the recommendations allowing an additional safety factor on top of those in the calculations. The remaining animals are out wintered (Kept out in the field over the winter period) as they do not need the same attention as pregnant cows.

My current farming practice is to calve cows and sell their calves as weanlings (Calves approx 6 months old) although the shed has been designed to allow me to change farming practices in the future, if I require, such as rearing small calves in which case I would be able to keep a larger number of animals yet stay below the ammonia levels but require the additional room. This proposed shed allows the flexibility to do this. It is worth noting that cows produce the most ammonia so my current circumstances are the worst case scenario and if I ever change farming practices then the level of ammonia would decrease dramatically. Calves produce less than 25% of the ammonia of Cows.

Also it is worth noting that these animals currently exist and are been housed on the same road as the proposed shed so they will be adding no additional ammonia to the environment and in pragmatic terms the effect is negligible”.

In conclusion, and on balance, it is my considered opinion that the applicant has demonstrated a need for this proposal. The potential environmental impacts have been rigorously considered and found to be acceptable at this environmentally sensitive location. The arguments around access have been set out and there is reasonable argument presented to justify not seeking such improvements which so far the applicant has been unwilling to do.

Approval is therefore recommended.

Neighbour Notification Checked	Yes
Summary of Recommendation: approval subject to conditions.	
<p>Conditions:</p> <ol style="list-style-type: none"> 1. 5 year commencement of development 2. Retention of all existing vegetation. 3. The total number of livestock associated with this development shall be limited to 27 Beef cattle or other livestock numbers as may be agreed in writing with the Council. 4. There shall be no mixing of slurries / manure produced from this development. 5. A 10m buffer shall be maintained between the location of all construction works, fuel storage, concrete mixing and washing areas and all onsite and adjacent watercourses. 	
Signature(s) M.Bowman Date: 25/1/18	

ANNEX	
Date Valid	13th December 2016
Date First Advertised	5th January 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 77 Mullan Road, Cookstown, County Tyrone, BT80 0JF The Owner/Occupier, 85 Mullan Road, Lower Mullan, Coagh, Tyrone, BT80 0JF, The Owner/Occupier, 89 Mullan Road Lower Mullan Coagh The Owner/Occupier, 90 Mullan Road, Lower Mullan, Coagh, Tyrone, BT80 0JF Vivian Maynes 90 Mullan Road, Cookstown, BT80 0JF Vivian Maynes 90 Mullan Road, Cookstown, BT80 0JF Vivian Maynes 90 Mullan Road, Cookstown, BT80 0JF Vivian Maynes 90, Mullan Road, Coagh, Tyrone, Northern Ireland, BT80 0JF	
Date of Last Neighbour Notification	4th January 2018
Date of EIA Determination	25/1/18
ES Requested	No
Planning History Ref ID: LA09/2016/1752/F Proposal: Agricultural Sheds for Cattle/Livestock Address: 80m SE of 91 Mullan Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2015/0562/F Proposal: Replacement dwelling and garage Address: Lands at 91 Mullan Road, Cookstown, Decision: PG Decision Date: 06.10.2015	

Ref ID: I/2000/0015/F

Proposal: Proposed Workshop for the manufacture and repair of conveyor operated stone carts and replacement parts for same.

Address: Rear of 89 Mullan Road, Coagh

Decision:

Decision Date: 17.04.2000

Ref ID: I/1992/0500

Proposal: Workshop for the Maintenance of Farm Machinery

Address: TO REAR OF 89 MULLAN ROAD COAGH

Decision:

Decision Date:

M.Bowman

26/1/2018

Drawing Numbers and Title



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0387/O	Target Date:
Proposal: Proposed 2 storey dwelling and domestic garage /store	Location: Approx 20m North of 33 Oldtown Road Bellaghy
Referral Route: This application is being presented to Committee as it is being recommended for Refusal	
Recommendation:	REFUSE
Applicant Name and Address: Mrs Emma McCoy 26 Castle Lodge Randalstown Co Antrim BT41 2ES	Agent Name and Address: CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	DAERA - Coleraine	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
No 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		
<p>The site is located on the north western side of the Oldtown Road 0.75km from the centre of Bellaghy. The site is a small field adjacent to an existing bungalow on a long straight part of the Oldtown Road. There are a number of dwellings located along this stretch of the Oldtown Road, some of which have a road frontage and others which are set back from the road. The site is bounded by a post and rail fence to the rear of a 1.5m wide public footpath along the site frontage, a 1.2m high hedge and open drain along the north-eastern boundary, a 4m high conifer hedge along the south western boundary and tall semi-mature trees along the rear boundary. The public road rises gently for around 200m to the north east towards a crest before dropping towards Bellaghy. The proposed access is located in a dip in the road with a second crest located close to the entrance of no.35 approximately 40m to the south west. It was noticed during the site inspection that a car, on approach from the south west, was completely obscured from view by that crest when standing at the proposed site entrance.</p> <p>There are critical views of the site on approach from the north east on leaving the 30mph limits of Bellaghy from where any dwelling on this site will be read against the backdrop of the existing dwelling at no.33 and the surrounding vegetation. From this vantage point, the existing low hedge along the north eastern boundary is largely screened from view by the low crest of the hill in the adjacent field. There are no critical views of the site on approach from the south west due to the level of existing vegetation.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>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.</p> <p>The main policy considerations in the assessment of this application are:-</p> <p>CTY 10 – Dwellings on Farms</p> <p>Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-</p> <ul style="list-style-type: none">• the farm business is active and has been established for at least 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.
- the new building will be visually linked or sited to cluster with an established group of buildings on the farm and 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.

DARD have advised that the farm business has been in existence for more than 6 years, and that the business has claimed SFP or other agri environment payments in the last 6 years. A farm check has revealed no previous approvals on the farm holding or development opportunities which could have been disposed of since 25th November 2008.

The site location map shows the site adjacent to a dwelling, which is the address of the farm business owners and a small field to the rear which is currently accessed through the site. The only building on these lands is the dwelling at no.33 which according to the P1 states that the applicants address as care of 33 Oldtown Road. This raises the question of where does the applicant live at? Either way, the only building on the farm holding at this location is the dwelling. The farm maps cover a number of fields at several locations with no farm buildings highlighted at any of these locations. However, given that the farm business includes in excess of 53ha it is reasonable to expect that the business would have farm buildings somewhere to house stock, feedstuffs and machinery. In keeping with the policy requirements, any dwelling on this holding should be located to cluster with a group of buildings on the farm and not solely with one dwelling. Following the submission of additional farm maps, this has identified the location of the farm buildings in question. These buildings are located at 45A Ballydermot Road. At this location the farm has in excess of 19ha. The applicant has claimed that as their farm is involved in the Countryside Management Scheme, initially from 2007-2013 and then extended until 2018, if any lands are removed from the scheme this will result in a financial penalty to the applicant. However, following discussion with DAERA Countryside Management Scheme it has been clarified that the above claim is incorrect. DAERA's advice on the applicant's submission clearly states that 'DARD may seek to recover any monies' (my emphasis). DAERA clarified that it does not automatically follow that they will seek to recover monies in every case and in any event it will only relate to the monies paid for the area which is removed from that particular scheme. It is noted that field 5/023/035/5, which measures 1.65ha and wraps around the farm group is classified as improved grassland. It is further noted within the 'Commitments Schedule' that this particular field attracts 'NO' payment in connection with the Countryside Management Scheme and therefore if it was removed from the scheme, no monies would be recovered by DAERA. Therefore, there is no justification for not siting a dwelling within this field.

CTY 13 – Integration and Design of Buildings in the Countryside

Due to the topography of the site and the surrounding land, a dwelling on the proposed site will only be visible on approach from the north east from where it will appear against the backcloth of the mature trees and hedge surrounding no.33. A dwelling would not be visible on approach from the south west until reaching the access point as the mature hedge along the south western boundary will provide adequate screening and aids integration from this approach. In this instance whilst a dwelling on this site would normally be considered to be acceptable in terms of integration, however, as discussed above, the proposed dwelling is not visually linked or clustered with an established group of buildings on the farm and therefore it is contrary to this policy.

CTY 14 – Rural Character

The proposed site is located to the north east of an existing road frontage dwelling with the adjoining field rising gently towards the north east. Although a dwelling on this site would only be visible on approach from the north east, it would be viewed with the existing dwelling at No.33 and therefore would give the impression of a suburban style build-up of development in this rural location. In addition, as the site is also a road frontage site similar to No.33 it would be read as a ribbon of development. This is particularly the case on approach from, but not limited to, the south west as there are four existing dwellings, no's 45, 47 and 49 all of which have adjoining road frontages and when viewed with the road frontage amenity space to no.35 and no.33 this site adds to and extends the ribbon of development in a north easterly direction.

CTY 8 – Ribbon Development

This policy states that permission will be refused for a site which creates or adds to a ribbon of development with the exception of a small gap site large enough to accommodate a maximum of two dwellings within a substantial and built up frontage which includes a line of three or more buildings with a common frontage. In this case as the site is located at the end of a line of development, it is not considered to be a gap site within a substantial and continuously built up frontage. It would only serve to extend the line of built development in a north-easterly direction and therefore is considered to be ribbon development. Consequently, the proposal is contrary to this policy.

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

The site does not satisfy the criteria of Policies CTY 1, CTY 8, CTY 10, CTY 13 or CTY 14 and therefore should be refused.

Recommendation

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refuse for the reasons listed below.

Refusal Reasons

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along this stretch of the Oldtown Road.

3. 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;
no health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
no verifiable plans exist to expand the farm business at the existing building group.

4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that 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.

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

Signature(s)

Date:

ANNEX	
Date Valid	16th March 2017
Date First Advertised	30th March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Oldtown Road, Old Town Downing, Bellaghy, Londonderry, BT45 8LQ, The Owner/Occupier, 34 Oldtown Road, Old Town Downing, Bellaghy, Londonderry, BT45 8LQ, The Owner/Occupier, 35 Oldtown Road Old Town Downing Bellaghy The Owner/Occupier, 43A Oldtown Road, Ballydermot, Bellaghy, Londonderry, BT45 8LQ,	
Date of Last Neighbour Notification	30th March 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0387/O Proposal: Proposed 2 storey dwelling and domestic garage /store Address: Approx 20m North of 33 Oldtown Road, Bellaghy, Decision: Decision Date: Ref ID: H/2004/1067/O Proposal: Site of dwelling and garage Address: Site adjacent to 35 Oldtown Road, Bellaghy Decision: Decision Date: Ref ID: H/1980/0396 Proposal: SITE OF BUNGALOW Address: OLDTOWN ROAD, BELLAGHY Decision: Decision Date: Ref ID: H/1981/0300 Proposal: FARM BUNGALOW WITH GARAGE	

Address: OLDPARK ROAD, BELLAGHY

Decision:

Decision Date:

Ref ID: H/1993/6054

Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT

Address: NEAR BELLAGHY

Decision:

Decision Date:

Summary of Consultee Responses

None of the consultees raised any issues of concern.

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. 01/1

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Cross Sections

Status: Submitted

Drawing No. 02

Type: Farm Boundary Map

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0947/F	Target Date:
Proposal: Proposed storage Unit	Location: 15 Greers Road Dungannon
Referral Route: An objection to the proposal has been raised by DfI Roads.	
Recommendation:	Approve
Applicant Name and Address: Eugene McGonnell 37 Irish Street Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The proposed development is within an area of townscape character in the town centre for Dungannon. The development reflects the area it is within and improves the appearance of the area of townscape character. DfI Roads have concerns about servicing and turning for vehicles.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - 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

Dfi Roads have advised access and parking and turning are not acceptable.

Characteristics of the Site and Area

This application relates to a portion of land that fronts onto Greers Road in Dungannon. It is at the rear of the Olympic Dry Cleaners on Irish Street. The site is a concrete yard with a 3m high block wall within it and along one side and 2 pairs of corrugated iron gates facing Greers Road.

Adjacent to the site is a 3 storey building that has a rear access to Hagans Bar and a vacant shop unit on the ground floor with apartments above. The buildings fronting Greers Road to the west are 3 storey with pitched roofs and ground floor shop units and finished with render painted. To the east the buildings are a mix of single storey and 2 storey with flat roofs to the east. Greers Road is a cul-de-sac, with no through route for vehicular traffic to Union Place. It provides access to the rear of some shops on Irish Street and access to the Councils pay and display car park. There is an area that is currently not in use and is fenced off with temporary fencing which prevents parking or turning at the end of the cul de sac.

Description of Proposal

The proposal is for the erection of a single storey 6.5m x 17.5m store, with a grey tiled pitched roof and smooth render walls, it has an aluminium shop front facing onto Greer's Road. Members are advised the store is associated with Olympic Cleaners as they require additional storage space.

Planning Assessment of Policy and Other Material Considerations

The application site is within the settlement limits of Dungannon and also within an Area of Townscape Character within the designated Town Centre for Dungannon. Policies SETT1, RSO2 and CON5 of the Dungannon & South Tyrone Area advocates favourable consideration of development within settlement limits provided they meet the specified criteria and other regional policy. I consider the other regional policies relevant to this proposal are contained within the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 3 - Access, Movement and Parking and the Addendum to Planning Policy Statement 6 - Areas of Townscape Character and A Planning Strategy for Rural Northern Ireland.

The SPPS outlines the aim to providing sustainable development and where it provides clarification or a change in policy direction the provisions with the SPPS should be accorded greater weight in the assessment of the planning application. I do not consider the SPPS has provided a change to the policy for ATC's and that the policies contained in DES 2 and ATC 2 are the determining policies.

The proposed store will, in my view, result in a positive contribution to the appearance of this part of Greer's Road, as it will replace a tin gate with built development finished to a standard that is reflective of the adjoining area and will enhance the appearance of the area. The proposed development is single storey, which is lower than the 3 storey development immediately adjacent to it, however it does reflect the scale of some of the other buildings along Greer's Road. As such I do not consider it would appear out of place. The development is for storage use only which is unlikely to have any significant detrimental impact on the adjoining residential properties, especially as there is a bar/nightclub adjoining the premises, which is likely to have a greater impact due to noise.

Dfi Roads were consulted about the proposal and have concerns that the proposed development does not provide for adequate parking and turning within the site and adequate visibility splays are not proposed. Members are advised that Greers Road is a cul-de-sac at this location, with pedestrian access only to Union Place. There is a public pay and display car park on the opposite side of Greer's Road and parking bays along Greer's Road. At the moment there is limited opportunity to turn within the existing site, it may be possible for 2 vehicles to pass or park side by side in the existing 5m wide entry, however this would block any other access into the site. I consider the development can be serviced from the adjoining road or public car park, in a

<p>similar fashion to other development along Greer's Road and this arrangement is generally the case in the rest of the town centre. The proposed development is located in an area where vehicles are moving very slowly as space to manoeuvre is limited. The proposed development is not, in my opinion, creating any additional road safety issues as pedestrians will be aware of the entry and drivers will be aware there is potential for pedestrian activity. I do not consider the concerns raised by TNI Roads would justify refusing planning permission for this development near the end of a cul-de-sac in a town centre location.</p> <p>In light of the improvement this proposal will have on the appearance of this part of Greer's Road, the similar issues with parking and servicing that affect other properties on Greer's Road and the wider town centre and the location of a public car park adjacent to the site, it is my view that planning permission should be granted for this store.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation: It is recommended to approve the development.</p>	
<p>Conditions:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives</p> <p>1. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.</p> <p>2. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved by Mid Ulster District Council BEFORE any such signs are erected.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	10th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1-3 Union Place Drumcoo The Owner/Occupier, 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, 2 Union Place Drumcoo Dungannon The Owner/Occupier, 3 Union Place Drumcoo Dungannon The Owner/Occupier, 33 Irish Street Drumcoo Dungannon The Owner/Occupier, 39 Irish Street Drumcoo Dungannon The Owner/Occupier, FLAT A 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, FLAT B 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, FLAT C 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, FLAT D 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR	
Date of Last Neighbour Notification	12th January 2018
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0947/F Proposal: Proposed storage Unit Address: 15 Greers Road, Dungannon, Decision: Decision Date:	

Ref ID: M/2005/0007/F

Proposal: Internal alterations to premises with new shop front with sign above

Address: 31-33 Irish Street, Dungannon

Decision:

Decision Date: 01.04.2005

Ref ID: M/1991/0582

Proposal: Change of use from vacant dwelling to 1 No ground floor shop and 1st and 2nd floor storage

Address: 33 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1991/0496

Proposal: Conversion of dwelling to 1 No shop unit and extension

Address: 33 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/2010/0581/F

Proposal: Alterations and extension to existing public house to provide addition smoking area, toilets, Bar/lounge area, restaurant and kitchen facilities within vacant shop units

Address: 39-43 Irish Street Dungannon, Co Tyrone

Decision:

Decision Date: 16.06.2011

Ref ID: M/2007/0391/F

Proposal: Replacement of existing buildings, alterations/extension of existing public house to provide ground floor extended public house complete with storage etc. and 14 no. upper floor flats.

Address: 43, 39 & 41 Irish Street, Dungannon

Decision:

Decision Date: 29.08.2008

Ref ID: M/1999/0955/O

Proposal: Extension of existing public house to include nightclub additional storage off-licence and independent shop unit

Address: 39/41 Irish Street Dungannon

Decision:

Decision Date: 17.04.2000

Ref ID: M/2008/1106/F

Proposal: Amendment of previously approval desgin, including change of internal layout and change of roof type.

Address: 39 Irish Street Dungannon

Decision:

Decision Date: 18.11.2008

Ref ID: M/2008/0423/F

Proposal: Alterations and extension to public house to provide ground floor service area extension, smoking areas, toilets, lift and first floor toilets extension

Address: 39 Irish Street, Dungannon

Decision:

Decision Date: 16.07.2008

Ref ID: M/1992/4030

Proposal: Improvements to Dwelling

Address: 39 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0476

Proposal: Extension and repairs to licensed premises

Address: 39 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/6013

Proposal: Residential Flats, Retail/Commercial use or development Anne Street or Lane at the rear of 39 Irish Street Dungannon

Address: Anne Street or Lane at the rear of 39 Irish Street

Decision:

Decision Date:

Ref ID: M/1989/0365

Proposal: Hanging Projecting hand painted sign

Address: 41 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/0416

Proposal: Extension to Shop and Proposed Flat

Address: TO THE REAR OF 37 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1979/0037

Proposal: OFFICES

Address: 38 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/0957/F

Proposal: Proposed store

Address: Rear of 35 Irish Street, Dungannon

Decision:

Decision Date: 06.11.2003

Ref ID: M/2007/0613/Q

Proposal: Dungannon Town Centre Health Check Planning Search

Address: Dungannon Town Centre

Decision:

Decision Date:

Ref ID: M/1987/0003

Proposal: REAR ACCESS FROM ADJOINING CAR PARK

Address: 39 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/1543/F

Proposal: Proposed shop and 4 flats.

Address: Rear of 39 Irish Street (Fronting Greers Road) Dungannon

Decision:

Decision Date: 13.08.2008

Ref ID: M/2007/0077/F

Proposal: Proposed ground floor shop and 10 No.1 bedroom apartments.

Address: To rear of 35 to 37 Irish Street, Dungannon

Decision:

Decision Date: 21.06.2007

<p>Summary of Consultee Responses</p> <p>TNI- requested amendments to make the building smaller to allow parking and turning within the site.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 03 Type: Proposed Plans Status: Approved</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1332/F	Target Date:
Proposal: Conversion and extension of an existing storage shed to provide an indoor swimming pool, gym and changing facility	Location: 10m South of 62B Airfield Road Toomebridge
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Sean Corr 62b Airfield Road Toomebridge	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

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

Summary of Issues; Scale and massing and concerns regarding an intended commercial use of the building.

Characteristics of the Site and Area

The site is located 0.5 miles south of Creagh, accordance with the Magherafelt Area Plan 2015. The site outlined in red consists of the residential curtilage of No 62b made up of a two storey dwelling and a large agricultural/industrial shed with hardstanding to the front and sides. The

surrounding area is characterised by a relatively flat landscape. The predominant land use is of an industrial nature (concrete works) and some small scale agricultural use.

Description of Proposal

The application proposes the conversion of an existing shed to provide an indoor swimming pool and new extension to provide gym, unisex W.C. and two changing rooms. Although not included in the description the application also proposes to increase the residential curtilage in order to facilitate the new development.

The existing shed measures 19.8m x 8.5m with a floor area of 168.3 sqm and has an overall height of 4.8m. The new extension will be attached onto the south-western elevation and measures 11.75m x 7.68m with a floor area of 90.24 sqm and has an overall height of 4.8m. Located on the north-western elevation there are 3 No. 2m x 2m windows, 1 No. 2m x 1m window, 1 No. 1m x 0.4m high level window and 1 No. 2.3m x 1m pedestrian door, on the south-western elevation there is 1 No. 1.8m x 0.4m high level window and on the south-eastern elevation there are 1 No. 1.8m x 0.4m high level window and 1 No. 3.6m x 2.3m pedestrian glass door. The finishes include black insulated roof cladding and smooth render walls.

Planning Assessment of Policy and Other Material Considerations

Relevant Site History:

H/2009/0471/O - Site of farm dwelling and garage (2 storey). Approved 16th December 2009

H/2010/0172/RM - Dwelling and Garage. Approved 28th May 2010

Representations:

2 neighbour's notification letters were sent to the occupiers of No 64 & 68 Airfield Road, Toome. A new dwelling at No 62c Airfield Road was not been neighbour notified, however the agent has confirmed that the applicant's mother lives at No 62c and is aware of the proposal.

No letter of representation have been received.

Policy Considerations

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

Magherafelt Area Plan 2010: The site is located within open countryside. There are no other designations on the site.

PPS 15: Planning and Flood Risk: sets out policies to minimise and manage flood risk to people, property and the environment.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside. These developments can be found in policy CTY 1 of PPS 21. The proposal does not involve an extension to or alteration of the existing dwelling. However the preamble to the first Addendum to PPS7, entitled 'Residential Extensions and Alterations' states that proposals for a domestic garage or outbuilding, or other development ancillary to a residential property will also be considered under the provisions of this addendum.

Policy EXT1 of the Addendum to PPS 7 sets out four criteria for residential extensions and alterations. I have no concerns regarding criteria (b), (c) and (d) which deals with privacy and amenity of neighbouring residential, impact on trees or other landscape features and retention of sufficient amenity space for recreational and domestic purposes.

With regard to criterion (a) which requires the scale, massing, design and external materials of the proposal to be sympathetic with the built form and appearance of the existing property and not to detract from the appearance and character of the surrounding area.

The proposal is located to the rear of a large two storey dwelling at No 62b Airfield and will be located entirely outside its established residential curtilage. The proposal makes use of an existing farm shed with an existing underground tank and will be used to accommodate the swimming pool. The new extension will be built onto the south-western elevation and will provide accommodation for a gym, unisex W.C and two changing rooms.


Paragraph A11 provides guidance for domestic buildings such as garages and shed and states that they should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views.

It would be difficult to argue that the proposal would detract from the appearance and character of the surrounding area given the backdrop of the large industrial buildings located 120m south east of the site. I am also satisfied that the proposal would read as part of an integrated group of buildings and that the finishes are broadly in keeping with the existing dwelling.

However, I do have concerns regarding the scale and the possible commercial use of the proposed building. The proposed conversion of the existing shed on its own would be considered subordinate in scale to the existing residential property. However, it is the addition of the new extension that tips the balance and makes the proposal unacceptable. Compared with the footprint of the existing residential property (185sqm), the proposal (258sqm) would have a significantly larger footprint and therefore cannot be considered subordinate in scale.

During the processing of the application the Council were made aware of an online promotion of the swimming pool for the wider public (see below). The online promotion states that the venue will be opening spring of 2018 offering lessons for very young learners up to advanced swimmers and a breakdown of the cost of each lesson is also available.

Toomebridge Airfield Road



62 Airfield Road, Toomebridge BT41 3SQ

**NEW VENUE
OPENING
SPRING 2018**

Cossum Swim Schools
welcome you to our new and latest Swim Venue.


This brand new purpose built 20 meter pool has everything our new learner or advanced swimmer could want.

Sited between Toomebridge and Magherafelt this stunning new location will be ready to greet our first customers in Spring 2018. The pool itself has been custom built and with its gradual slope from less than 1 meter to 1.6 meters is ideal for the very young learner and advanced swimmers alike. The deep water means that we are able to offer diving, lifelife and survival classes. Parents can also watch pupils progress from the spacious viewing facilities.

Register your interest now and we will be in touch once we start enrolling.

Class	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Starfish & Seals						0900 - 1000	
Beginner	0845 - 0915	0845 - 0915	0845 - 0915	0845 - 0915	0845 - 0915	0900 - 1000	
Improver	0845 - 0915	0845 - 0915	0845 - 0915	0845 - 0915	0845 - 0915	0900 - 1000	
Advanced	0845 - 0915	0845 - 0915	0845 - 0915	0845 - 0915	0845 - 0915	0900 - 1000	
Adult	1000 - 1130	1000 - 1130	1000 - 1130	1000 - 1130	1000 - 1130	1000 - 1130	

The times illustrated above are flexible as we will try to accommodate when possible. New members will be allocated a suitable time slot. All of our classes are small and pupils are grouped by both age and ability.



REGISTER YOUR INTEREST

This was brought to the applicant's attention who argues that the online promotion was only being used to gauge public interest and if there was enough interest a planning application would be submitted to change the use of the building at later date. That said I do have concerns regarding the need for two changing rooms and a unisex W.C. if the proposal is only for domestic use. As previously stated I would have no concerns regarding the conversion of the shed on its own and I see no reason why changing facilities could not be provided in the applicant's dwelling, this would do away with the need for the new extension.

Floodplain.

The site is located within a fluvial floodplain and falls to be considered under FLD 1 of PPS 15 Planning and Flood Risk. FLD 1 states that development will not permitted within a fluvial flood plain unless it can be demonstrated that the proposal constitutes an exception to the policy. I am satisfied that the proposal would be considered acceptable under part c) Replacement of an Existing and under Minor Development which permits householder development such as sheds, garages and game rooms within the residential curtilage. Although the proposal is not located within the residential curtilage given that the application also includes the extension of the residential curtilage and the small footprint created by the new extension I considered it unnecessary to seek a flood risk assessment.

Neighbour Notification Checked: Yes

Summary of Recommendation: I recommend refusal on the bases the proposal is not considered to be subordinate in scale to the existing dwelling.

Refusal Reasons

1. The proposal is contrary to Policy EXT 1 of Addendum to Planning Policy Statement 7 - Alterations and Extensions in that the scale of the proposal is not subordinate to the existing dwelling.

Signature(s)

Date:

ANNEX	
Date Valid	29th September 2017
Date First Advertised	12th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 64 Airfield Road Toome Londonderry The Owner/Occupier, 68 Airfield Road Toome Londonderry	
Date of Last Neighbour Notification	31st October 2017
Date of EIA Determination	
ES Requested	Yes
Planning History Ref ID: LA09/2017/1332/F Proposal: Conversion and extension of an existing storage shed to provide an indoor swimming pool, gym and changing facility Address: 10m South of 62B Airfield Road, Toomebridge, Decision: Decision Date: Ref ID: LA09/2015/0940/O Proposal: Proposed replacement of single semi detached dwelling to detached dwelling and garage off site Address: Land to rear of 62b Airfield Road, Toome, Decision: PG Decision Date: 21.04.2016 Ref ID: H/2010/0172/RM Proposal: Dwelling and Garage Address: Adjacent to 64 Airfield Road, Toomebridge Decision: Decision Date: 01.06.2010 Ref ID: H/2009/0471/O Proposal: Site of farm dwelling and garage (2 storey) Address: Adjacent to 64 Airfield Road, Toomebridge Decision: Decision Date: 17.12.2009 Ref ID: H/1991/0509 Proposal: SITE OF DWELLING AND GARAGE Address: ADJ TO 66 AIRFIELD ROAD CREAGH TOOMEBRIDGE Decision: Decision Date:	

Ref ID: H/1992/0140
 Proposal: DWELLING AND GARAGE/STORE
 Address: ADJ TO 66 AIRFIELD ROAD CREAGH TOOMEBRIDGE
 Decision:
 Decision Date:

Ref ID: H/1995/0033
 Proposal: DWELLING AND GARAGE
 Address: ADJ TO 66 AIRFIELD ROAD TOOMEBRIDGE
 Decision:
 Decision Date:

Ref ID: LA09/2016/0600/F
 Proposal: Proposed replacement of single semi-detached dwelling to detached dwelling
 Address: Lands to rear of 62b Airfield Road , Toome,
 Decision: PG
 Decision Date: 23.08.2016

Summary of Consultee Responses

Drawing Numbers and Title

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

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

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

Drawing No. 04
 Type: Proposed Plans
 Status: Submitted

Drawing No. 05
 Type: Existing Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1368/F	Target Date:
Proposal: Proposed dwelling on a farm	Location: 45m North East of 19 Ardagh Road Coagh Cookstown
Referral Route: Contrary to CTY 10 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Mr Tony Anderson Gort Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	DAERA - Coleraine	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues - The proposal is contrary CTY1 and CTY10 – in that a development opportunity has been sold off.		
Characteristics of the Site and Area The site is located less than 1 mile north-west of Ballyinderry in open countryside in accordance with the Cookstown Area Plan 2010. The site outlined in red is located at No 19 Ardagh Road, Coagh and consists of a single storey dwelling, two small agricultural buildings and a cut-out portion of a large field identified as field No 5 on the farm map. The site fronts onto the public road with access via an existing laneway. The northern and southern boundaries are defined by 1.5m hedgerow and the southern boundary is defined by tall mature trees. The remaining eastern boundary is undefined. The topography of the area is relative flat in nature and the Ballyderry River is located approximately 150m south-east of the site.		
Description of Proposal The application seeks full planning for a two storey farm dwelling with attached carport and garage. The proposed dwelling has a 13m frontage with a gable depth of 8.8m and a ridge height of 8.5m above finished floor level. A two storey rear return is also proposed. The chimneys are expressed on the ridge, the wall finishes are smooth render painted white and the roof finishes is blue/black natural slate.		
Planning Assessment of Policy and Other Material Considerations		
Relevant Site History: No relevant history on the proposal site on the Ardagh Road, however LA09/2016/0183/F - Proposed new dwelling and detached garage/store (infill site), located between 12 and 12a Gort Road, Coagh, Cookstown for Jeffrey and Naimh McCrystal - Approved 20th June 2016 is considered relevant because it has been 'sold off' from the farm holding.		
Representations: 1 neighbour notification letter was sent to the occupier No 60 Brookmount Road, Magherafelt. No letters of representation have been received		
Development Plan and Key Policy Consideration: Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.		
<u>Cookstown Area Plan 2010:</u> The site itself is located in the open countryside. There are no other designation on the site.		
<u>SPPS – Strategic Planning Policy Statement for Northern Ireland:</u> sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.		

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

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

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DARD has confirmed is currently active and has been established more than 6 years and that the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

Under criterion (b) which requires no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

A planning history search reveals that a full application for new dwelling, ref No. LA09/2016/0183/F was approved on 20th June 2016 for Jeffrey and Naimh McCrystal, the applicant's brother in law and sister. The site is located between 12 and 12a Gort Road, Coagh and is in the process of being constructed. The site on the Gort Road is still shown as an agricultural field on the 2017 farm map, however Jeffrey and Naimh McCrystal completed certificate 'A' indicating that they were in full ownership of their site on 10th February 2016. A land registry check was carried out to determine if the land had been transferred. The land registry check proved inconclusive but indicated that an application was pending. However, given that the Jeffrey and Naimh McCrystal claimed ownership of their site in 2016, in my opinion this provides confirmation that the site has been transferred off the farm.

Paragraph 5.40 of the Justification and Amplification makes it clear that planning permission will not be granted for a dwelling under this policy where a rural business has recently 'sold off' a development opportunity from the farm such as a replacement dwelling. Paragraph 5.40 goes on to say for the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a member of the family. As the 2016 application was approved under PPS 21, and was subsequently 'sold off', this application fails to comply with criterion (b) of policy CTY 10.

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. The established grouping is located immediately to the rear of the site and consists of a number of agricultural buildings and a single storey farm dwelling. The proposal site is a cut out portion of a large agricultural field identified on the farm map as field No 5. I am satisfied the proposal complies with criterion (c) and criterion (g) of CTY13. Site Curtilage of Proposed Dwelling

Integration.

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.

The proposed site is relatively flat and the rear boundary consists of a large belt of tall mature trees which provides an ideal backdrop to allow the proposed two storey dwelling to successfully integrate into the landscape. When travelling in a westerly direction the proposed dwelling will read with the established farm grouping located to the rear and when traveling in the opposite direction the mature belt of trees will help to screen the proposal.

In terms of design the proposed dwelling has become fairly standardised in rural areas and does consist of elements which are considered traditional such as vertically emphasised windows, linear form and chimneys expressed on the ridge. The finishes include blue/black natural slates and smooth rendered painted white are generally acceptable and will not appear incongruous in the rural area. The orientation of the proposed dwelling fronts onto the public road and the proposal will make use of an existing access onto the Ardagh Road.

Impact on Character and Appearance of the Area.

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. I am satisfied a new dwelling would not cause an undesirable change to the rural character due to the existing built form on the site.

Other Policy and Material Considerations

I am satisfied that the proposal is adequately sited and designed to avoid a significant adverse impact on neighbour amenity and that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Neighbour Notification Checked: Yes

Summary of Recommendation: I recommend refusal on the bases that a development opportunity has been sold off.

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that a development opportunity has not been sold off from the farm holding within 10 years of the date of the application.

Signature(s) Sean Diamond

Date: 23/01/2018

ANNEX	
Date Valid	5th October 2017
Date First Advertised	19th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Ardagh Road Coagh Londonderry	
Date of Last Neighbour Notification	31st October 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/1368/F Proposal: Proposed dwelling on a farm Address: 45m North East of 19 Ardagh Road, Coagh, Cookstown, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1443/F	Target Date:
Proposal: Proposed erection of prefabricated building in rear garden of 2 Chestnut Hill, Coalisland to allow home working for established beauty business	Location: 2 Chestnut Hill Coalisland
Referral Route: Contrary to Policy	
Recommendation:	REFUSE
Applicant Name and Address: Sharon Ferrity 2 Chestnut Hill Coalisland	Agent Name and Address: Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: Refusal recommendation proposal is Contrary to Policy	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Considered - No Comment Necessary

Representations:

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

Summary of Issues

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The application is located at No 2 Chestnut Hill, Coalisland and 750m from the town centre and within the settlement limits of Coalisland as depicted in the Dungannon and South Tyrone Area Plan 2010. The site includes the rear garden associated with the dwelling house. The applications seeks permission sought for the re-location of a beauty salon which is currently situated at 16 Main Street in Coalisland to a prefabricated building to the rear of the applicant's property.

The property No 2 Chestnut Hill is part of a large residential housing estate where similar style dwellings form the urban fabric with good road networks. A number of established businesses are located in the wider surrounding area included schools. The dwelling is a detached single storey dwelling with front, side and rear gardens. The northern, western sections of boundary are defined by a 0.8m block wall with dry dash painted render finish with approximate 1m boarded fence sitting on top of the wall.

The remaining western and southern boundaries are defined by a 0.8m high block wall dry dash and painted render finished with painted copings with access gates. The area to the front has a bitmac surface providing parking spaces.

Description of Proposal

The applicant is seeking full planning consent for proposed erection of prefabricated building in rear garden of 2 Chestnut Hill, Coalisland to allow home working for established beauty business. The proposed buildings measures 6.6m in length, 4m in width and 3m in height above ground level and is finished in prefabricated sheeting. The proposed building will have a lobby, spray tan room, WC and 2 treatment rooms. The area to the rear of the dwelling measures 165.42sq.m which leaves a small area. The total footprint of the proposed building is 26.4sqm leaving approximately 139sqm, which is over the recommended private amenity space set out in Creating Places.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations...

The application property while inside the settlement limits of Coalisland, it is outside the limits of the town centre as defined in the Dungannon and South Tyrone Area Plan 2010.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

Dungannon and South Tyrone Area Plan 2010 operates as the local development plan of the area the application site lies within. The site sits in an urban area and within the Coalisland settlement limits. The LDP (DSTAP) outlines Plan Policy SETT 1 – Settlement Limits where is applicable to proposal within settlement limits.

There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of contained within the LDP (DSTAP).

Policy References:

Regional Development Strategy 2035;
Strategic Planning Policy Statement September 2015;

Dungannon and South Tyrone Area Plan 2010;
 Plan Policy SETT 1 – Settlement Limits of the DSTAP.
 Planning Policy Statement 3 Access, Movement and Access,
 Planning Policy Statement 7 (Addendum) Residential Extensions and Alterations
 DCAN 11 Access for people with disabilities;
 DCAN 15 Vehicular Access Standards.

Other points of note

The application was initially advertised in the local press on w/c 30.10.2017 (publication date 02.11.2017). Six (6) neighbouring properties were notified 14 notified on 02 Nov 2017, in accordance with the Development Management Practice Note 14 (April 2015)

The applicant's agent has submitted a Planning Statement received on 19 October 2017, which sets out the context to this application. The applicant operates a beauty salon from No.16 Coalisland located within the town centre known as 'Sharon's Beauty Salon' which has been operating for approximately 15 years (2002), but has over 22 years of experience in the specialised beauty work.

The applicant rents the current building from a local landlord in 5 year increments, with the lease period ending in April 2017. The landlord has informed the applicant that they will not be renewing a further five year contract unless the applicant agrees to a rent increase. The lease was due to end in April 2017, it's my understanding the applicant is still operating from No.16 under the trade name 'Sharon's Beauty Salon' up to the end of March 2018.

The Planning Statement sets out works carried out by the applicant over a long period of time to No.16, the property within the town centre. Whilst I no reason to doubt that these works (replacing doors, security measures, damp and other defects) were carried by the applicant I am not persuaded that the works are considered in themselves a material consideration in this application but rather a civil matter between the applicant and the landlord.

Policy assessment

Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)
 In terms of the Strategic Planning Policy Statement (SPPS), Paragraph 6.270 states that the aim of the SPPS is to support and sustain 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. Paragraph 6.271 requires the adoption of a sequential approach to the identification of retail and main town centre uses in LDPs and when decision-taking.

The SPPS places an emphases on securing a town centre first approach for the location of future retail (Regional Strategic Objectives 6.271, 101, & Regional Strategic Policy 6.273 & 6.275.

Paragraph 6.271 states;

"The regional strategic objectives for town centres and retailing are to:

☐ *secure a town centre's first approach for the location of future retailing and other main town centre uses;*

☐ *adopt a sequential approach to the identification of retail and main town centre uses in Local Development Plans (LDPs) and when decision-taking;*

☐ ensure LDPs and decisions are informed by robust and up to date evidence in relation to need and capacity;

☐ protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;

☐ promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and

☐ maintain and improve accessibility to and within the town centre.

A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

1. Primary retail core;
2. Town centres;
3. Edge of centre; and
4. Out of centre locations, only where sites are accessible by a choice of good public transport modes.

I note from the LDP (DSTAP) there is no Primary Retail core designation for Coalisland town centre. Business development proposal should therefore be located in the first instance in this case within the town centre. The agent has indicated that the business has operated within the town centre for a number of years. The basis of this application for relocation, relates to issues between applicant and landlord. The agent has a letter from an estate agents stating, "There are no available units or buildings suitable to your needs in Coalisland." However, discussions with the Regeneration Department of MUDC, I was informed there are units available within Coalisland town centre. I therefore do not consider there to be sufficient evidence to justify a business premises outside the town centre.

Furthermore, the distance between the existing operation at No. 16 and the proposed site is approximately 750m which is well over the recommended default threshold distance of 300m.

The agent makes reference to PPS 4 Policy PED 1 Economic Development in Settlements Class Use particularly Class B1 Business Use however it is my view the beauty salon falls within Class A1: Shops - where the sale, display or service is to visiting members of the public.

Again reference is made to Annex A – attached to back of PPS 4 – under the heading Home Working, which sets out general guidance A1 – A5. Paragraph A2 states,

"Homeworking does not necessarily require planning permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall character of the property's use as a single dwelling, for example, the use by a householder of a room as an office or the provision of a childminding service."

In an ideal situation working from home could be considered were it involves conversion of a room within the dwelling or a specific extension being built on to a dwelling. Considering the proposal is to erect a purpose building in the rear garden of the applicants property, I am of the view the proposal does not constitute homeworking and there is little scope that could advance this application under any of the guidance in Annex A.

Furthermore, I have assessed the proposal against Policy EXT 1 Residential Extensions and Alterations, which was referred to in the Planning Statement. Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met: (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area; (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents; (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. The guidance set out in Annex A will be taken into account when assessing proposals against the above criteria.

Paragraph 2.9 of the justification and amplification of Policy EXT 1, goes on to state that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. In paragraph 2.10 stipulates that planning permission for conversion of an outbuilding will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling.

I am not persuaded that an established business operating over a long period should be taken out of the town centre and re-located within an residential area as in this case, incorporating a prefabricated building unattached to the host building which has no contextual design qualities with the dwelling at No. 2 Chestnut Hill. In addition the function proposed an independent business cannot be regarded as supplementary to the existing residential property.

Therefore, I consider the proposed development to be in conflict with The Dungannon and South Tyrone Area Plan (2010), Policy EXT 1 and does not constitute development ancillary to a residential property in accordance with Addendum.

No objections were received during the processing of this application.

Statutory consultees:

TNI were consulted and responded with no objections to the proposal
Environmental Health were consulted and responded with no objections

Neighbour Notification Checked

Yes

List of neighbours attached to the back of this report

Summary of Recommendation:

Refuse

Refusal Reasons

The proposal represents an introduction of a retailing use in a residential area while in conflict which should be located in a town centre in line with requirements of paragraph 6.279 - 278 of Strategic Planning Policy Statement for Northern Ireland.

The proposal is contrary to Policy EXT 1 of the addendum to PPS 7 – Residential Extensions and Alterations in that, the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area

Signature(s)

Date:

ANNEX	
Date Valid	19th October 2017
Date First Advertised	2nd November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 3 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 4 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 5 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 9 Chestnut Hill Coalisland Tyrone The Owner/Occupier, Primate Dixon Memorial Primary School 4 School Lane Coalisland	
Date of Last Neighbour Notification	2nd November 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/1443/F Proposal: Proposed erection of prefabricated building in rear garden of 2 Chestnut Hill, Coalisland to allow home working for established beauty business Address: 2 Chestnut Hill, Coalisland, Decision: Decision Date: Ref ID: M/1983/0295 Proposal: TEMPORARY CLASSROOM Address: PRIMATE DIXON MEMORIAL GIRLS' SCHOOL, COALISLAND Decision: Decision Date: Ref ID: M/1995/0535 Proposal: Site for Housing Development Address: SITE OF OLD PRIMARY SCHOOL 49 BRACKAVILLE ROAD COALISLAND	

Decision:
Decision Date:

Ref ID: M/1999/0719/F
Proposal: Erection of housing development (36 no dwellings)
Address: Lands at Old Primary School Brackaville Road Coalisland
Decision:
Decision Date: 16.10.2000

Ref ID: M/1998/0212
Proposal: Erection of 48 No. Dwellings
Address: LANDS AT OLD PRIMARY SCHOOL BRACKAVILLE ROAD COALISLAND
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02
Type: Existing Plans
Status: Submitted

Drawing No. 03
Type: Existing plans & Elevations
Status: Submitted

Drawing No. 04
Type: Proposed Plan, Section & Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2016/0540/F	
Proposal: Proposed replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation	Location: 89 Tirkane Road Maghera
Applicant Name and Address: Declan McKenna 143 Tirkane Road Maghera BT46 5NH	Agent name and Address: D.M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Summary of Issues: recommendation to approve contrary to HED.	
Summary of Consultee Responses: HED object to the proposals. No objections from any other body.	
Characteristics of the Site and Area: <p>The proposal site is located on the roadside of Tirkane Road, Maghera. On site there is a single storey Listed dwelling that has been abandoned for some time, the building was previously two dwellings before its abandonment and the Council recognise it as such. Currently the structure has four remaining walls, window openings, door openings and a tin roof intact. The site is very overgrown at present. There are no immediate neighbours to this proposal site.</p>	



Description of Proposal

Full application for 'Proposed replacement dwelling plus retention and renovation of existing building at 89 Tirkane Road, Maghera'.

A related Listed Building Consent applicant has been received under LA09/2016/0593/LBC.

Deferred Consideration:

Following the deferral of the application at Planning Committee in Oct 2016 an office meeting was held on the 3rd May 2017, the minutes of which are detailed below:

Present:

Dr Boomer

M.Bowman

Cllr McPeake

Ian MILNE MLA

D Kearney (agent)

Dr Boomer commented at the outset that given the poor state of the subject dwelling that it was hoped we could all agree on a design solution to this proposal, whilst being mindful of the concern which NIEA had expressed so far.

After some discussion around how to develop this further the following design parameters were agreed:

- To retain as much of the character and design of the original dwelling
- To consider a glazed link to an annex as a design approach
- To achieve a 'sense of place' to the site in terms of how the 2 units are positioned / informal / shared surface approach
- Aim for a group of buildings impression as opposed to 2 distinct curtilages.

A staged approach to any future planning applications was suggested by Dr Boomer in order to see the restoration realised, this was agreed by all.

It was agreed that amended plans would be submitted for consideration.

Following the meeting amended plans were submitted as agreed – these show a more 'shared relationship' between the 2 units and a more sympathetic design approach. Importantly it is felt that the new 2nd unit will not overly dominant the host dwelling or detract significantly from its setting. The plans to restore the existing dwelling to one house are well considered and in my view respect the form and character of the old dwelling. Whilst an extension is proposed it is located in a set back position at the NW gable to the old dwelling and will therefore not detract from any front on views of the dwelling. Whilst the extension is over 2 stories, given the limited curtilage, set back and small single storey link the overall concept in my view works and maintains the feel and setting of the listed building as it currently exists.

The agent has argued that the independent second unit of accommodation is necessary as 'enabling' development to fund the restoration project of the listed building itself. I appreciate this and in any case the existing listed building already comprises 2 units. The consequences of not permitting the proposed scheme may be that the listed building continues to deteriorate.

NIEA (HED) have commented as follows on the amended proposal:

HED Historic Buildings has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice; The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

Considerations

The application LA09/2016/0540/F for a 'Proposed replacement dwelling plus retention, renovation and extension of the existing listed building to provide single unit of accommodation' affects No. 89 Tirkane Road, Maghera, a Grade B2 listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. Historic Environment Division: Historic Buildings (HED:HB) has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice: The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

Explanatory note

No. 89 Tirkane Road, Maghera consists of a pair of single storey, each of three bays, direct entry houses with remains of thatch under corrugated iron roofing. The layouts are unchanged and the roof structure is intact. The building dates from 1840-1859 and is one of only 176 listed thatch buildings remaining in Northern Ireland.

Extension to listed building

The application proposes the extension and alteration of the listed building and a new build dwelling in the immediate setting. HED:HB welcomes and encourages the sympathetic reuse of the vacant listed building but advises any proposed extension to the listed building should be in keeping with its scale, form, massing, alignment and materials. Extensions to linear vernacular buildings have been achieved successfully as linear blocks, of matching plan depth and ridge height, with a lobby linking the two structures. Material specifications and fenestration treatment should also be carefully considered to compliment the essential character of the listed building. Any scheme of extension to this building should also be accompanied with detailed plans for the conservation of the listed building particularly the preservation of plan form, existing roof timbers and reinstatement of the thatch roof to preserve its special interest.

Proposed new dwelling

Development within the setting of the listed building also requires careful consideration in terms of scale, height, form, massing, alignment and material finishes. Any proposals for a new dwelling on the application site should be considered as a holistic design, demonstrating clearly how the new build sympathetically integrates into the setting.

Landscaping proposals should clearly denote boundary treatments, use of dense native hedges, low walls, gates and gate pillars and surface finishes. Proposals should be detailed and of a sufficient standard to fully demonstrate the impact of the development on the setting of the listed building. It is recommended that the agent considers the relevant chapters in our guidance document '*Consultation Guide: A guide to consulting HED on development management applications*' <https://www.communities-ni.gov.uk/publications/guide-consultinghed-development-management-applications>

I have considered the SPPS in relation to this proposal. It states at Par 6.12/13 that development involving works to / extension of a listed building may be permitted **particularly where this will secure the ongoing viability and upkeep of the building** (my emphasis). This is of course further qualified by the recognition that such development respects the essential character and architectural or historic interest of the building and its setting. PPS6 BH8 and 11 are considered important to the assessment of this proposal, BH8 states the following:

Extension or Alteration of a Listed Building

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

BH11 of PPS6 demands that the following are considered:

Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

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

In considering the amended scheme as presented to the Council I am satisfied that the design approach is not in conflict with the above and that to safeguard the survival of the listed building that approval should be forthcoming.

There have been no third party objections to the application.

Based on this report members may resolve for this application to be presented with an opinion to approve, with conditions, to the Department for Infrastructure as required by Section 89 of the Planning Act (NI) 2015. If the application is not called in, under Section 88 of the Act, the Planning Manager is therefore instructed to issue this application / associated consent.

Conditions.

1. Commencement of development within 5 years
2. Phasing condition (foundation / roof / fixing) to ensure the listed building is completed prior to the occupation of the enabling 2nd dwelling.
3. Access to comply with DFI requirements
4. Any additional planting to be provided during the first available planting season

Signature(s): M.Bowman

Date 24th Jan 2018.



DEFERRED CONSIDERATION REPORT

Case Officer: Melvin Bowman	
Application ID: LA09/2016/0593/LBC	
Proposal: Proposed replacement dwelling plus retention, renovation and extension of existing listed building to provide single unit of accommodation	Location: 89 Tirkane Road Maghera
Applicant Name and Address: Declan McKenna 143 Tirkane Road Maghera BT46 5NH	Agent name and Address: D.M Kearney Design 2a Coleraine Road Maghera BT46 5BN
Summary of Issues: recommendation to approve contrary to HED.	
Summary of Consultee Responses: HED object to the proposals. No objections from any other body.	
Characteristics of the Site and Area: The proposal site is located on the roadside of Tirkane Road, Maghera. On site there is a single storey Listed dwelling that has been abandoned for some time, the building was previously two dwellings before its abandonment and the Council recognise it as such. Currently the structure has four remaining walls, window openings, door openings and a tin roof intact. The site is very overgrown at present. There are no immediate neighbours to this proposal site.	

**Description of Proposal**

Listed Building Consent for 'Proposed replacement dwelling plus retention and renovation of existing building at 89 Tirkane Road, Maghera'.

Deferred Consideration:

Following the deferral of the application at Planning Committee in Oct 2016 an office meeting was held on the 3rd May 2017, the minutes of which are detailed below:

Present:
Dr Boomer
M.Bowman
Cllr McPeake
Ian MILNE MLA
D Kearney (agent)

Dr Boomer commented at the outset that given the poor state of the subject dwelling that it was hoped we could all agree on a design solution to this proposal, whilst being mindful of the concern which NIEA had expressed so far.

After some discussion around how to develop this further the following design parameters were agreed:

- To retain as much of the character and design of the original dwelling
- To consider a glazed link to an annex as a design approach
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A staged approach to any future planning applications was suggested by Dr Boomer in order to see the restoration realised, this was agreed by all.

It was agreed that amended plans would be submitted for consideration.

Following the meeting amended plans were submitted as agreed – these show a more 'shared relationship' between the 2 units and a more sympathetic design approach. Importantly it is felt that the new 2nd unit will not overly dominant the host dwelling or detract significantly from its setting. The plans to restore the existing dwelling to one house are well considered and in my view respect the form and character of the old dwelling. Whilst an extension is proposed it is located in a set back position at the NW gable to the old dwelling and will therefore not detract from any front on views of the dwelling. Whilst the extension is over 2 stories, given the limited curtilage, set back and small single storey link the overall concept in my view works and maintains the feel and setting of the listed building as it currently exists.

The agent has argued that the independent second unit of accommodation is necessary as 'enabling' development to fund the restoration project of the listed building itself. I appreciate this and in any case the existing listed building already comprises 2 units. The consequences of not permitting the proposed scheme may be that the listed building continues to deteriorate.

NIEA (HED) have commented as follows on the amended proposal:

HED Historic Buildings has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice; The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

Considerations

The application LA09/2016/0540/F for a 'Proposed replacement dwelling plus retention, renovation and extension of the existing listed building to provide single unit of accommodation' affects No. 89 Tirkane Road, Maghera, a Grade B2 listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. Historic Environment Division: Historic Buildings (HED:HB) has considered the revised drawings 03 & 04 (stamp dated 21.08.17) and gives the following advice:

The proposal has an adverse impact on the listed building and in its current form fails to satisfy the policy requirements of BH8 and BH11 of PPS6 and relating paragraphs in the SPPS.

Explanatory note

No. 89 Tirkane Road, Maghera consists of a pair of single storey, each of three bays, direct entry houses with remains of thatch under corrugated iron roofing. The layouts are unchanged and the roof structure is intact. The building dates from 1840-1859 and is one of only 176 listed thatch buildings remaining in Northern Ireland.

Extension to listed building

The application proposes the extension and alteration of the listed building and a new build dwelling in the immediate setting. HED:HB welcomes and encourages the sympathetic reuse of the vacant listed building but advises any proposed extension to the listed building should be in keeping with its scale, form, massing, alignment and materials. Extensions to linear vernacular buildings have been achieved successfully as linear blocks, of matching plan depth and ridge height, with a lobby linking the two structures. Material specifications and fenestration treatment should also be carefully considered to compliment the essential character of the listed building. Any scheme of extension to this building should also be accompanied with detailed plans for the conservation of the listed building particularly the preservation of plan form, existing roof timbers and reinstatement of the thatch roof to preserve its special interest.

Proposed new dwelling

Development within the setting of the listed building also requires careful consideration in terms of scale, height, form, massing, alignment and material finishes. Any proposals for a new dwelling on the application site should be considered as a holistic design, demonstrating clearly how the new build sympathetically integrates into the setting.

Landscaping proposals should clearly denote boundary treatments, use of dense native hedges, low walls, gates and gate pillars and surface finishes. Proposals should be detailed and of a sufficient standard to fully demonstrate the impact of the development on the setting of the listed building. It is recommended that the agent considers the relevant chapters in our guidance document *'Consultation Guide: A guide to consulting HED on development management applications'* <https://www.communities-ni.gov.uk/publications/guide-consultinghed-development-management-applications>

I have considered the SPPS in relation to this proposal. It states at Par 6.12/13 that development involving works to / extension of a listed building may be permitted **particularly where this will secure the ongoing viability and upkeep of the building** (my emphasis). This is of course further qualified by the recognition that such development respects the essential character and architectural or historic interest of the building and its setting. PPS6 BH8 and 11 are considered important to the assessment of this proposal, BH8 states the following:

Extension or Alteration of a Listed Building

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

BH11 of PPS6 demands that the following are considered:

Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

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

In considering the amended scheme as presented to the Council I am satisfied that the design approach is not in conflict with the above and that to safeguard the survival of the listed building that approval should be forthcoming.

There have been no third party objections to the application.

Based on this report members may resolve for this application to be presented with an opinion to approve, with conditions, to the Department for Infrastructure as required by Section 89 of the Planning Act (NI) 2015. If the application is not called in, under Section 88 of the Act, the Planning Manager is therefore instructed to issue this application / associated consent.

Conditions.

1. Commencement of development within 5 years
2. Phasing condition (foundation / roof / fixing) to ensure the listed building is completed prior to the occupation of the enabling 2nd dwelling.
3. Access to comply with DFI requirements
4. Any additional planting to be provided during the first available planting season

Signature(s): M.Bowman

Date 24th Jan 2018.



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2017/0810/F	Target Date:
Proposal: New Dwelling	Location: Coltrim Lane Moneymore (approx. 220m from Junction with Cookstown Road)
Applicant Name and Address: Mr M Hamilton 50 Cookstown Road Moneymore	Agent name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
Summary of Issues: Refusal recommended - Contrary to CTY 1 and 7 of PPS 21.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore – Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track. Relevant planning history I/2008/0347/RM – New dwelling and garage. Permission Granted 15/05/2009 I/2004/0201/O – New dwelling. Permission Granted 23/05/2005 Representations	

There was one neighbour notification letter sent out however no representations were received on this application.

Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application (the previous approval has expired), previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

Deferred Consideration:

Relevant Planning Policy
Strategic Planning Policy Statement
Cookstown Area Plan 2010
Planning Policy Statement 3
Planning Policy Statement 21

This application was previously presented before the Planning Committee in October 2017 with a recommendation to refuse. It was agreed by the Committee to defer the application for a meeting with the Planning Manager and this took place on 12 October 2017. Following the meeting further information was submitted in support of the application by the agent which I will now consider as part of this report.

At the office meeting it was made clear by Dr Boomer that in order to satisfy Policy CTY 7 of PPS21 which addresses "Dwellings for Non-Agricultural Business Enterprises" states that *"planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work"*.

In my opinion the key facts in the supporting statement submitted by Manor Architects are as follows:

- Mr Hamilton has been working for J & K Coaches for c.2 years
- J & K Coaches have become more concerned about security and therefore the application site would be **advantageous** for supervision
- It is vital that Mr Hamilton is available on-call to maintain essential servicing
- The applicant lives some 300m from the house but there is no clear line of vision which would allow for supervision to occur.
- The previous approval was for the purposes of supervision and security but due to financial difficulties it was never implemented.
- The directors of J & K Coaches have written a letter stating that Mr Hamilton has been closely linked with the company in terms of the servicing of all vehicles, routine maintenance and emergency call outs. They have had cause for concern in relation to the security of the bus park, especially during late hours. They accept Mr Hamilton lives close by but he does not have a visual link to the bus park and therefore **this proposal would be ideal in providing casual supervision**
- Mr Hamilton has written to confirm he will reside at the new dwelling should it be approved.

In response to the key points I would comment as follows;

- Having visited the site it is clear at the entrance to the site there are signs giving warning there are security cameras in operation at all times;
- Although it is argued that Mr Hamilton must be available on call to maintain essential servicing, this is possible from his current dwelling, which I have measured to be c. 250m away
- Whilst there may be some intrusion to a clear line of vision from the applicant's current dwelling to the bus park the applicant and agent have failed to demonstrate why constant supervision is needed. It is neither reasonable nor feasible to believe that the applicant will be expected to provide constant supervision both day and night. There is an office on site for the day time hours and there are signs erected notifying the public of ongoing surveillance.
- The letter from the directors fails to demonstrate the need for a dwelling is essential, rather it would be ideal to have casual supervision for the bus park. No issue has been raised that Mr Hamilton has been prohibited from being on call for servicing the vehicles at the dwelling he currently resides in. Dr Boomer at the office meeting had requested a letter from the owners of the coach company to support Mr Hamilton's case but he also wanted the owners to acknowledge no other dwellings would be permitted should this application be approved as a dwelling associated with the business. The owners did not do this.
- Mr Hamilton made it clear at the office meeting that his house is too big for his family, he currently owns the karting track which is causing him stress and he wishes to have a smaller dwelling house with less hassle. This seems to be the real reason why a new dwelling house is being sought, rather than it being an essential need for the coach business, the directors of which have not demonstrated nor argued that it is essential.

The justification and amplification of CTY 7 states that applicants must provide sufficient information to show that there is a site specific need which makes it essential for one of the firm's employees to live at the site of their work, as against a general desire for a dwelling in association with the business. It is my opinion the applicant has failed to do so. The applicant does not work solely for J & K Coaches at present, he also operates the go-karting track beside his dwelling house.

It is my opinion that all parties concerned have failed to demonstrate the essential need for a dwelling in connection with the business as is the policy test of CTY 7 and I would recommend a refusal of the application.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY 1 and CTY 7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Signature(s):

Date





Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2017/1079/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage (proposal based on policy CTY 2a) New dwelling in an existing cluster	Location: Approx 20mts North East of no 40 Coole Road Aughamullan Dungannon
Applicant Name and Address: Mr Lee Canavan 5 Annaghmore Road Annaghmore Coalisland BT71 4QZ	Agent name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Whether the proposal can be considered as a cluster.	
Summary of Consultee Responses:	
Characteristics of the Site and Area: The site in question is located approx. 20m north east of No. 40 Coole Road, Aughamullan, Dungannon and is some 4km east of Coalisland, with Lough Neagh 2km to the east as depicted by the Dungannon and South Tyrone Area Plan 2010. The site is not within any development settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area can be characterised as open countryside with dispersed rural dwellings and farms. The site is sits 128 metres NE of Cole Crossroads. The site is rectangular in plot size measuring approximately 0.31 of a hectare and comprises a portion of land on the south west side of the Coole Road. It is situated on the western side of a cross roads (Coole road). The site's topography is generally flat in nature and lies level with the Coole Road and is bounded on North and east boundaries by mature vegetation mostly indigenous species. An existing access with a gate - adjacent to a concrete laneway flanked with post and wire fencing lies on the western and southern boundaries onto Coole Road.	

Three dwellings (Nos 40, 40a, 42 Coole Road) lie to the east of the site. Nos 46, 48, 50 Cooler Road extends NE from the crossroads with an outline planning approval for an infill site between Nos 42 and 46. There is no build development on the opposite side of Coole Road.

Description of Proposal

The applicant is seeking outline planning approval for a dwelling approx. 20mts north east of no 40 Coole Road, Aughamullan - Dungannon

Deferred Consideration:

Members will be aware this application was at the Committee Meeting on 8th January 2018 and was deferred to further consider Policy CTY2a of Planning Policy Statement 21, in particular if there was development on 2 sides.

Section 23 of the Planning Act (NI) 2011 is not helpful in considering this application as it says at Section 23 (1) 'In this Act, subject to subsection (2) to (6), "development" means the carrying out of building, engineering, mining or other operation in, on, over, or under land, or the making of any material change in the use of any buildings or other land'. It is quite clear, in my mind, this relates to the activity of development and should not be used to as a definition of what development is, particularly in terms of consideration of planning policy.

The Planning Appeals Commission have considered what is development when assessing Policy CTY2a in its decision 2014/A0148. That decision is comparable with the proposal before the Committee as in that appeal the applicant put forward his case that a laneway and entrance features along the side of the application site constituted development. The Commissioner considered this in her decision and stated "Policy CTY2a pertains to a dwelling in an existing cluster of development, I consider that the policy when read as a whole clearly relates to the clustering of buildings as outlined in the first criterion and does not encompass all types of development. I conclude that the laneway and entrance features bounding the appeal site to the south east would not visually constitute development under Policy CTY2a'.

Members are advised that the Planning Committee must take account of the principles of Wednesbury Unreasonableness and make reasonable decisions on planning applications that are brought before it for determination. In considering this case, members should be aware of the aims of PPS21 which is to manage development in the countryside in a manner consistent with the strategic objectives of the Regional Development Strategy and strike a balance between the need to protect the countryside from unnecessary or inappropriate development while supporting rural communities. The proposed development fails to meet 3 criteria in CTY2a as

- there is no focal point and it is not located at a crossroads,
- the site does not have development on 2 sides. Planning permission has been granted for a dwelling to the rear of the site but there is no development on the field, indeed the details of where the house will be sited has not yet been determined. The laneway that runs along the side of the site is not considered as development for the purposes of this policy and the dwelling that it serves does not have a boundary with the proposed site.
- the proposal will result in the creation of ribbon development as it cannot be absorbed into the cluster and would create ribbon development along this side of Coole Road.

It is clear in my mind that the policies in PPS21 are about preventing inappropriate development and I consider the proposed development will result in ribbon development, which it is recognised in CTY8 as an inappropriate form of development.

Members will remember the agent provided a number of PAC Decisions that were being put forward in support of the proposal with the request to speak, these have been considered and are clearly distinguishable from the application site:

2016/A0095 – Newry, Mourne and Down application LA07/2016/0556/O, site at Moyad Road Kilkeel, this is off a lane and within a cluster of development

2012/A00120, no such appeal, however 2012/A0120, P/2011/0611/O is for the same site as 2016/A0095 and this was dismissed at appeal

2010/A0202 – Site at Curryfree Road, Creevedonnell, Newbuildings, has development on 2 sides and the commissioner clearly set out reasons why it was acceptable taking account of its suburban appearance, visual association with adjoining dwellings and appearance of a domestic curtilage

LA08/2015/0056/F – Derryclone Road, Armagh, has development on 3 sides and is sited between 11 and 11a

LA07/2015/0135 – Drumcro Road kilkeel, off private lane, development on 2 sides and would be accepted as infill given the numbers

In view of these further considerations, it is my opinion that the proposal fails the tests for development within a cluster and that planning permissions should be refused.

Conditions/Reasons for Refusal:

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 the Coole Road.

Signature(s):

Date

Members will be aware this application was at the Committee Meeting on 8th January 2018 and was deferred to further consider Policy CTY2a of Planning Policy Statement 21, in particular if there was development on 2 sides.

Section 23 of the Planning Act (NI) 2011 is not helpful in considering this application as it says at Section 23 (1) 'In this Act, subject to subsection (2) to (6), "development" means the carrying out of building, engineering, mining or other operation in, on, over, or under land, or the making of any material change in the use of any buildings or other land'. It is quite clear, in my mind, this relates to the activity of development and should not be used to as a definition of what development is, particularly in terms of consideration of planning policy.

The Planning Appeals Commission have considered what is development when assessing Policy CTY2a in its decision 2014/A0148. That decision is comparable with the proposal before the Committee as in that appeal the applicant put forward his case that a laneway and entrance features along the side of the application site constituted development. The Commissioner considered this in

her decision and stated "Policy CTY2a pertains to a dwelling in an existing cluster of development, I consider that the policy when read as a whole clearly relates to the clustering of buildings as outlined in the first criterion and does not encompass all types of development. I conclude that the laneway and entrance features bounding the appeal site to the south east would not visually constitute development under Policy CTY2a'.

Members are advised that the Planning Committee must take account of the principles of Wednesbury Unreasonableness and make reasonable decisions on planning applications that are brought before it for determination. In considering this case, members should be aware of the aims of PPS21 which is to manage development in the countryside in a manner consistent with the strategic objectives of the Regional Development Strategy and strike a balance between the need to protect the countryside from unnecessary or inappropriate development while supporting rural communities. The proposed development fails to meet 3 criteria in CTY2a as

- there is no focal point and it is not located at a crossroads,
- the site does not have development on 2 sides. Planning permission has been granted for a dwelling to the rear of the site but there is no development on the field, indeed the details of where the house will be sited has not yet been determined. The laneway that runs along the side of the site is not considered as development for the purposes of this policy and the dwelling that it serves does not have a boundary with the proposed site.
- the proposal will result in the creation of ribbon development as it cannot be absorbed into the cluster and would create ribbon development along this side of Coole Road.

It is clear in my mind that the policies in PPS21 are about preventing inappropriate development and I consider the proposed development will result in ribbon development, which it is recognised in CTY8 as an inappropriate form of development.

Members will remember the agent provided a number of PAC Decisions that were being put forward in support of the proposal with the request to speak, these have been considered and are clearly distinguishable from the application site:

2016/A0095 – Newry, Mourne and Down application LA07/2016/0556/O, site at Moyad Road Kilkeel, this is off a lane and within a cluster of development

2012/A00120, no such appeal, however 2012/A0120, P/2011/0611/O is for the same site as 2016/A0095 and this was dismissed at appeal

2010/A0202 – Site at Curryfree Road, Creevedonnell, Newbuildings, has development on 2 sides and the commissioner clearly set out reasons why it was acceptable taking account of its suburban appearance, visual association with adjoining dwellings and appearance of a domestic curtilage

LA08/2015/0056/F – Derryclone Road, Armagh, has development on 3 sides and is sited between 11 and 11a

LA07/2015/0135 – Drumcro Road Kilkeel, off private lane, development on 2 sides and would be accepted as infill given the numbers

In view of these further considerations, it is my opinion that the proposal fails the tests for development within a cluster and that planning permissions should be refused.

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Monday 8 January 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shields

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Ms McAllister, Senior Planning Officer
Ms McKearney, Senior Planning Officer
Ms McNally, Council Solicitor
Ms Grogan, Committee Services Officer

Others in Attendance

Applicant Speakers

LA09/2016/0110/O Chris Cassidy – CMI Planners
LA09/2016/0114/O Chris Cassidy – CMI Planners
LA09/2016/1122/F Chris Cassidy – CMI Planners
LA09/2017/0477/F Ryan Dougan – Vision Design Arcts
LA09/2017/0528/O Sheila Curtin – 2 Plan NI
LA09/2017/0628/O Chris Cassidy – CMI Planners
LA09/2017/0864/O Don Sonner – Architect
LA09/2017/0998/F Mary McKenna – Objector
LA09/2017/1032/O Eamonn Cushnahan – Blackbird Arcts
LA09/2017/1079/O Chris Cassidy – CMI Planners
LA09/2017/1205/O Robert Leonard – Agent
LA09/2017/1276/O Chris Cassidy – CMI Planners
LA09/2017/1380/O Joe Diamond – Diamond Architecture
LA09/2016/0848/O Chris Cassidy – CMI Planners

The meeting commenced at 7 pm

P001/18 Apologies

None

P002/18 Declarations of Interest

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

Councillors Mullen declared an interest in applications LA09/2017/0998/F and LA09/2017/1032/O.

Councillor Kearney declared an interest in application LA09/2017/0148/F.

P003/18 Chair's Business

The Chair advised Members that the Protocol for the Operation of the Planning Committee and revisions to the scheme of delegation were to come back to the next meeting and advised that this would be useful for the Committee and Officers.

The Planning Manager advised members that recent statistics had indicated that Mid Ulster District Council – Planning Department were performing very well and were the 2nd or 3rd highest performing authority in Northern Ireland, with the highest approval rates, meeting of targets and major objectives all being achieved.

The Planning Manager however, did raise concern regarding staffing difficulties and advised that there were a lot of Officers being moved around and maternity leave cover not being replaced. He said that once young staff were trained up, other Authorities grab them. He said that at the last meeting he had advised that 2 teams had been restructured for Dungannon and Magherafelt areas and now looking at implementing a 3rd team to ease the workload.

Matters for Decision

P004/18 Planning Applications for Determination

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

The Planning Manager advised that his team had an opportunity to speak to Agents before the meeting tonight and it was agreed that the following applications would be removed from the list tonight.

- Item 4.1 – LA09/2016/0110/0 – Site Meeting with Planning Officer
- Item 4.2 – LA09/2016/0114/O – Deferred for an Office Meeting
- Item 4.4 – LA09/2016/1122/F – Deferred for an Office Meeting
- Item 4.5 – LA09/2016/1526/O – Withdrawn
- Item 4.10- LA09/2017/0864/O – Deferred for an Office Meeting
- Item 4.12- LA09/2017/0998/F – Deferred for further investigation
- Item 4.13- LA09/2017/1032/O – Deferred for an Office Meeting
- Item 4.17- LA09/2017/1205/O – Deferred for an Office Meeting
- Item 4.18- LA09/2017/1276/O – Deferred for SPTO to visit the site

Councillor Cuthbertson enquired if the applicants would be happy with the decision taken by the Planning Manager.

The Planning Manager advised that if anyone had any objections in the gallery, then they could stand up and object to his decision.

Proposed by Councillor McPeake
Seconded by Councillor McKinney and

Resolved: That it be recommended to the Council to deal with the remaining applications as listed.

LA09/2016/0110/O Infill dwelling and garage 30m NW of 125 Gulladuff Road, Bellaghy for Odhran O'Neill

Ms Doyle (SPO) presented a report on planning application LA09/2016/0110/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2016/0110/O be deferred for an site meeting with Planning Officer

LA09/2016/0114/O Infill dwelling 20m E of 6 Peace Haven Crescent, Rocktown, Bellaghy for Brendan O'Neill

Ms McAllister (SPO) presented a report on planning application LA09/2016/0114/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2016/0114/O be deferred for an office meeting.

LA09/2016/1042/F 5 dwellings (amended site layout and amended house type from M/2007/0631/F) at lands to the rear of 61 Killymeal Road, Dungannon for DB Contracts Ltd

Members considered report on planning application LA09/2016/1042/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Gildernew

Resolved: That planning application LA09/2016/1042/F be approved subject to conditions as per the officer's report.

LA09/2016/1122/F Replacement dwelling 40m NE of 48 Waterfoot Road, Magherafelt for Henry J Walls

The Head of Development Plan presented a report on planning application LA09/2016/1122/F advising that it was recommended for refusal.

Resolved: That planning application LA09/2016/1122/F be deferred for an office meeting.

LA09/2016/1526/O Site for dwelling and domestic garage 20m E of 118 Bancran Road, Draperstown for O Bradley

The Chair, advised that planning application LA09/2016/1526/O had now been withdrawn.

LA09/2017/0148/F Social Housing Development of 7 dwellings and associated access road, parking, siteworks, retaining walls and

**landscaping at lands immediately adjacent to and E of 1 – 10
Line Court, Main Road, Moygashel for AH Developments**

Members considered report on planning application LA09/2017/0148/F which was recommended for approval.

The Planning Manager referred to the circulated addendum and advised that he was making members aware that a consultation had been issued to Shared Environmental Services to complete a Habitats Risk Assessment. He said if there were any issues that this would be brought back.

Proposed by Councillor Reid
Seconded by Councillor Gildernew

Resolved: That planning application LA09/2017/0148/F be approved subject to conditions as per the officer's report.

LA09/2017/0477/F Extension to existing cancer care facility comprising additional treatment rooms, consulting room, offices, ancillary accommodation and associated site works at 163 Lough Fea Road, Cookstown for Charis Cancer Care

Members considered report on planning application LA09/2017/0477/F which was recommended for approval.

Proposed by Councillor J Shiels
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/0477/F be approved subject to conditions as per the officer's report.

LA09/2017/0528/O Site for dwelling and detached double garage adjacent to 41 Drumsamney Road, Desertmartin for Mr A Moore

Ms Doyle (SPO) presented a report on planning application LA09/2017/0528/O advising that it was recommended for refusal.

The Chair advised that a request to speak had been received and invited Ms Curtin to address the committee.

Ms Curtin advised the committee that the application site was to be considered under Policy CTY-10 – Dwellings on Farms 'as an alternative site elsewhere on the farm' and that it was acknowledged that there were two groups of buildings on the holdings, both of which were considered unsuitable due to health and safety reasons.

The reasons for unsuitability of lands immediately adjacent to the farm cluster at 29 Dromore Road, were previously discussed at the meeting in October and the arguments relate to Planning Policy Statement 15 and the precautionary principle with regards to flooding and development on areas susceptible to flooding. She said that they would be content in their knowledge, including the landowners concerns regarding the water table

level at this location and previous structural difficulties encountered on immediately adjacent lands, should not be ignored. The precautionary principle grounded within PPS15 should not be ignored and demonstrable that health and safety reasons are present to enable an alternative siting under CTY10.

With regards to the group of buildings accessed via the private laneway adjacent to No. 41 Drumsamney Road, where a survey was carried out on the laneway and it showed that due to the ownership constraints, it would not be possible to make the improvements to the laneway to bring it up to the required standards of accessibility for emergency vehicles, in particular wider vehicles such as fire engines. There are a number of blind corners and this cannot be altered to provide passing bays for future residents.

In summary, the existing laneway which provides access to a group of farm buildings does not have the capacity to be improved to a standard necessary due to ownership and topography constraints and as such demonstrate health and safety reasons are present to enable an alternative siting under CTY10. There is the ongoing difficulty for applicants who have to seek finance to construct a property accessed via a shared laneway and unlikely to have finance approved in such circumstances.

The Planning Manager said that he would have an issue with the statement of buildings on the farm, when there is only one building. He said that if the alternative site was agreed that the laneway could be considered. He enquired if the Uncle which owns the land had any children and what was the relationship between the Uncle and the Nephew.

Ms Curtin advised that the applicant was present in the meeting tonight and that the Uncle had younger sons. He said that the applicant had been a huge help to the Uncle around the farm and although he had full-time employment, he worked unsocialable hours part-time on the farm and was always there when needed. She said that the other house belongs to the Uncle's mother (applicant's grandparents) and that none of the immediate family live there because of the flooding.

The Planning Manager said that he would be interested to know the history behind of this and would suggest that a private conversation take place during a deferred office meeting.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/0582/O be deferred for an office meeting.

LA09/2017/0628/O Dwelling and garage 60m W of 26 Ballydermot Road, Bellaghy for Declan Diamond

Ms Doyle (SPO) presented a report on planning application LA09/2017/0628/O advising that it was recommended for refusal.

The Chair advised that a request to speak had been received and invited Ms Curtin to address the committee.

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

Mr Cassidy referred to the planning issues, which were raised for refusal; CT13 – Integration and Design of Buildings in the Countryside; CTY14 – Rural Character; PPS 3 – Access, Movement and Parking.

He said that the proposal was contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and did not merit being considered as an exceptional case in that it had been demonstrated that the proposed new building was visually linked or sited to cluster with an established group of buildings on the farm. Part C of the Policy allows for a dwelling on the farm to be sited away from the main group if there were either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group(s).

He stated that the applicant had already put a cattle crush and holding pen at this location and plans had been formalised for a new shed to be built. These plans are ready for submission and the applicant was willing to take a condition on any approval for his house that the shed would be built prior to occupying the dwelling. A copy of the plans were attached for members' consideration. This proposed shed along with the already established cattle crush and holding pen demonstrates verifiable plans to expand the farm business.

To the rear of the applicants home (the existing farm group) was discounted as a location for any new house because the mortgage brokers had advised that the land to the rear of No. 48a Deerpark Road was legally attached to the mortgage for the dwelling at 48a Deerpark Road and cannot be used for a new site.

Additionally a topographical survey had confirmed third party lands were required for sight lines accessing the existing laneway serving the land behind the applicant's home. The land that is required was not within the ownership of Mr Diamond and he is unlikely to gain control of it. The applicant cannot provide a safe access onto the public road at this location using the existing lane.

Mr Cassidy advised that the third party objector, Mr McCartney had asked that should a dwelling be approved on this site, its location should be approximately 100m from his dwelling, which the applicant is happy.

He advised that all neighbours were notified and that this wasn't an application under cluster and that DARD had confirmed that this was an active and established farm holding.

The Planning Manager said that he was confused as he was under the impression that Mr Diamond had already built himself a dwelling.

Mr Cassidy advised that this site was for his brother and his family, and that the brother's young child had recently started school in Bellaghy.

The Planning Manager said that he had looked at the last application for a farm building, which it turned out that it wasn't and that a cattle crush didn't constitute as a building on a farm and felt that this could be a bit premature.

In response to Mr Cassidy's remark about planning permission was ready to go, the Planning Manager stated that no application had been made.

Mr Cassidy said that prior to the new dwelling a new shed would be built.

The Planning Manager said that things could be taken on board and some could not, like whether it was for sale or not, but equally it would not be material to take on board for a farm building or there could be the perception that this was being made up as it goes along. He said that you could not rely on the advice of Mortgage Advisors and that it was not the purpose of the planning system to package things. He said that you could choose to consider the material circumstances and whichever committee it goes to, but that there could be a dispute regarding the location and all the facts, which are correct at the time. He said that as a Planning Manager that this was a case that he would not be happy to make a decision on and may be better if it was presented to the Planning Appeals Commission to justify why the case had not been fully met.

Councillor McPeake stated that it was his understanding that the previous application was revoked because wrong information was given and, as this was a new application it should be looked at again on its own merit. He felt that the applicant should be given a chance as he has met the 6 year criteria and had an opportunity for an alternative site on the farm. He advised that an objector had objected last time but this time they were happy for the site to be located 100m away from his dwelling and that no negative integration is evident and meets the criteria of rural character.

The Planning Manager said that there are still issues, which he would be concerned about, as the 6 year rule has not been confirmed by the Department of Agriculture for the applicant but for only the Diamond Farm holders. He said that he would also be concerned about whether the field on the other side of the road has been in his ownership for 6 years as we can't make assumptions on a set of invoices being submitted, but could be still in the ownership of the Diamond Family.

The Planning Manager said that given the current position that he would be content to meet Mr Diamond and discuss options.

Councillor Bateson referred to issues around relocation and enquired why they were revoked and asked if this was being considered the same.

The Planning Manager said that a planning application would not be refused because a previous one had been revoked, but there was a need for a building on a farm to be taken seriously as challenges could arise from neighbours and would suggest deferring the application for an office meeting.

Proposed by Councillor McAleer
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/0628/O be deferred for an office meeting.

LA09/2017/0864/O Dwelling and basement garage to rear of 14-16 Morgan Drive, Cookstown for Ms Anne Mulligan

Ms McAllister (SPO) presented a report on planning application LA09/2017/0864/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2017/0864/O be deferred for an office meeting.

LA09/2017/0936/F 2 additional broiler poultry sheds (to contain in total 74000 broilers) with 4 feed bins, 2 gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new coved silage pit, covered yard area and general farm storage building at lands approx. 300m NW and 100m SW of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd

Members considered report on planning application LA09/2017/0936/F which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0936/F be approved subject to conditions as per the officer's report.

LA09/2017/0998/F Top dressing of existing laneway, widening of sight splays at road entrance, widening of chicane, piping approx. 20m of open sheugh at land fronting onto Keerin Road approx. 625m West of 125 Broughderg Road, Omagh for John O'Neill

Resolved: That planning application LA09/2017/0998/F be deferred for further investigation and submission of further details.

LA09/2017/1032/O Single dwelling to the rear of 137 Lisaclare Road, Killeen, Stewartstown for Mrs Cora Donnellan

Mr Marrion (SPO) presented a report on planning application LA09/2017/1032/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2017/1032/O be deferred for an office meeting.

LA09/2017/1079/O Site for dwelling and domestic garage approximately 20m NE of 40 Coole Road, Aughamullan, Dungannon for Mr Lee Canavan

Mr Marrion (SPO) presented a report on planning application LA09/2017/0864/O advising that it was recommended for refusal.

Councillor McKinney left the meeting at 7.40 pm and returned at 7.47 pm

The Chair advised that a request to speak had been received from Mr Chris Cassidy and he asked him to address the committee.

Mr Cassidy stated that the Case Officer's report stated *"the application site was not within any development settlement limits as defined in the Dungannon & South Tyrone Area Plan 2010. The surrounding area can be characterised as open countryside side with dispersed rural dwellings and farms. The site sits 220 metres NE of Coole Crossroads"* He said that he would dispute this as the site was situated 128m from the crossroads. He said that the Case Officer continues *"Whilst I concede that the site is within a cluster and can be associated with a local focal point (crossroads), nonetheless the application site fails to meet one of the criteria of Policy CTY2a, in that the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster. The site is bounded on one side by development (No. 40). Whilst acknowledging there is outline permission granted for a farm dwelling to the NE and rear of the site, cannot be considered as development"*.

He said that the site has a strong visual linkage with adjacent plots and would consolidate the cluster with no consideration to No. 38a to the north of the site given by Council. This site, along with the two "live" approvals which adjoin the application site provide enclosure. A dwelling here would not intrude into the surrounding countryside as there was development around the site ensuring any development would not significantly alter the character of the area. The departments approach to clustering is also at odds with other Councils and the Planning Appeals Commission who in appeals 2016/A0095, 2012/A00120, 2010/A0202 along with Council references LA08/2015/0056/F and LA07/2015/0135 which found that not meeting the policy in its entirety was not fatal but rather recognised that the overall thrust of this policy was to consolidate development.

Mr Cassidy said that in this case given the nature of the cluster it was considered that no demonstrateable harm would be caused and would respectfully request this application be reconsidered.

The Planning Manager stated that at the moment there was outline planning permission behind the site and if built directly behind it would be alright. If a dwelling was put at this site, then this will begin to sprawl out and may continue to do so and consideration needs to be given to outline planning permission as the planning appeals had been very clear on their stance on outbuildings.

Councillor Kearney enquired if the approved site had the same status as the other one.

The Planning Manager said that it hadn't but that he couldn't say exactly what the difference was as it still had to be treated as a building, as there was a need to consider each one on its own merit as it arises. He said that it was the same as the last application as a lot of things were being argued when there was no planning permission, although this did not mean that the situation could not change within the next year.

Councillor Bateson said that a valid point had been raised regarding a cluster, if a cluster was not entirely there in planning terms it could be pushing it a bit far.

The Planning Manager suggested that the applicant further consider this application. He said that Planning Appeals take buildings block on block and this policy says that if a farm

was on at least two sites it can be classed as a cluster. He said that it could be a building, farm, quarry or even an engineering structure, so in this instance, there is a laneway to one side and a line of three properties and permission behind and in his view, this does not satisfy the criteria.

Councillor Gildernew proposed that after seeing the information that the site should be considered for approval.

The Planning Manager said that after consideration it could be seen differently, as there could be an assumption, which he may have got wrong, as a laneway to a house was classed as a development and it would be reasonable to argue that the natural end was the laneway and could be justified on these grounds.

Councillor Reid referred to the cluster and broken line, and stated that there could be an argument to overturn this if others want to build around the dotted line and could result in a hamlet or a settlement emerging.

The Planning Manager asked that the committee consider this application carefully as we are an authority which gets judicial reviews etc. and arguments and may be worth while for the application to be deferred.

Councillor Cuthbertson enquired why a laneway was classed as a development and an infill site facing the road was not.

The Planning Manager advised that infill used the work building.

Councillor Gildernew withdrew his original proposal.

Proposed by Councillor J Shiels
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0864/O be deferred until further investigations were carried out.

LA09/2017/1132/F Use of lower ground floor of house as childminding/daycare facility for 8 at 9B Woodlawn Park, Dungannon for Little Eco Steps Ltd

Members considered report on planning application LA09/2017/1132/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0998/F be approved subject to conditions as per the officer's report.

LA09/2017/1179/RM Dwelling and garage 25m NW of Killycon Road, Portglenone for Seamus McAllister

Members considered report on planning application LA09/2017/1179/RM which was recommended for approval.

Proposed by Councillor J Shiels
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/1179/RM be approved subject to conditions as per the officer's report.

LA09/2017/1205/O Site for farm dwelling and double domestic garage at approx. 250m No of 10 Lecumpher Road, Moneymore for Jonathon and Jayne Smyth

Ms Doyle (SPO) presented a report on planning application LA09/2017/1205/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2017/1205/O be deferred for an office meeting.

LA09/2017/1276/O Dwelling and domestic garage approx. 35m SE of 2d Drumard Lane, Draperstown for Mick and Carmel McKee

Ms McAllister (SPO) presented a report on planning application LA09/2017/1276/O advising that it was recommended for refusal.

Resolved: That planning application LA09/2017/1276/O to be deferred for the team lead to visit the site.

LA09/2017/1280/F Cattle shed with underground slurry tank at land approx. 100m SW of 7 Castletown Road, Aughnacloy for Mr David Loane

Members considered report on planning application LA09/2017/180/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/1280/F be approved subject to conditions as per the officer's report.

LA09/2017/1380/O Site for infill dwelling and garage 25m SE of 37 Derrygarve Park, Castledawson for Paddy Diamond

Members considered report on planning application LA09/2017/1380/O which was recommended for approval.

Proposed by Councillor Kearney
Seconded by Councillor McEldowney

Resolved: That planning application LA09/2017/1380/O be approved subject to conditions as per the officer's report.

LA09/2017/1423/F Retention of 2 dwellings at 73 Killyliss Road, Dungannon for Gary McCann

Mr Marrion (SPO) presented a report on planning application LA09/2017/1423/F advising that it was recommended for refusal.

The Planning Manager advised it was suggested when it may have been a farm case however when looked at the policy tests for a farm case had not been met. He advised the applicant also had a second permission for a dwelling but building control records showed that it was also the intention to build two houses at that site. He advised the applicant also had a second permission for a dwelling but building control records showed that it was also the intention to build two houses at that site. He advised that the application should be refused and the matter referred to the Planning Appeals Commission if the applicant wished to contest.

Councillor Clarke said that there was mess made of the Planning Policy, and still working on the original one from 1972 or 1973 and there would be a lot less problems with enforcement cases and everything that we do if this would rightified. He said that the Council approve sheds, houses, factories and roadways and then there is an enforcement and planning permission on them. He continued to state that as a region, there was a need to have this regularised as this would sort the matter out as we are continually running to catch our tail and if something wasn't looked at, then how can it be stopped.

The Planning Manager stated that some people are under the illusion that if planning permission is not granted, then they should continue to build and wait for the enforcement notice to be issued. He said that Mid Ulster Council tries to help planning to be sustainable and help people and applicants to the best to their abilities. He raised concern about a person building when they should not and when challenged to put it right, they refuse, then there is no other alternative to proceed with legal action and once that is in force, a criminal conviction would be held on file. He said that the message to everyone would be to abide by the policy and to liaise with Planning Officers before going down the route of building.

Councillor J Shiels enquired if any work had been done to the previous application as this could be a substitute and result in three buildings.

Mr Marrion (SPO) advised that the dwelling built was on the blue print and then two separate buildings were built, the other site had foundations in, with one house there and one beside it.

Councillor Reid said as far as he was concerned a lot of people were not following protocol, resulting in a cost factor and would be of the opinion that the law had been broken by building two houses. He said although it goes against his grain he would have no option but to recommend refusal and support the Officer recommendation as it fails to meet the policy criteria.

The Planning Manager agreed that it does not meet the planning policy, but that the Planning Appeals Commission could be off a different view.

Councillor Glasgow suggested letting the Planning Appeals Commission deal with the application as it looks to him as if it was not an active farm and just clutching at something to get the application approved.

Proposed by Councillor Reid
Seconded by Councillor Glasgow

Resolved: That planning application LA09/2017/1423/F to refuse the application.

**LA09/2016/0848/O Dwelling and garage at 24m N of 93 Fivemile Straight,
Maghera for Colm Lynn**

Ms McAllister (SPO) presented a report on planning application LA09/2016/0848/O/DEF advising that it was recommended for refusal.

The Chair advised that a request to speak had been received from Mr Chris Cassidy and asked him to address the committee.

Mr Cassidy advised that this application had been presented to committee before and would ask members to consider it again for approval. He said that the division still exists although there was already nine dwellings in the cluster, with two recently approved. The policy does not stipulate how far was acceptable as 220m from the crossroads, but that a focal point can be sourced as there was a post office there. He stated that the applicant's children attends the local school and they wished to live there as a family. He urged the committee to reconsider this application as he felt that the exact location was accurate.

The Chair advised that a request to speak had been received from Councillor B McGuigan and asked him to address the committee.

Councillor B McGuigan said that he was speaking in support of the application and would ask members to consider the application again. He said that there was a focal point demonstrated as the crossroads was at the edge of the cluster and fitted well in with the visual linkage to the crossroads. He said that he knew the area well and could confirm that linkage existed at the crossroads side of the site and a small stream, which was prone to flooding. He stated that there was the potential for four or five more sites and although he does not think this would happen, but would be looking at each application on its own merit. He said that the field at the other side of the road was all that the applicant owned and all that he wanted was a family home as his children go to the local school.

The Planning Manager said that he was lost to where the site was located and by looking at this there was a site on the two sides of the road, a house on the northern side tucked behind a river and an area marked site south of the road next to another house. .

Mr Cassidy stated that the river give a natural line to the development.

The Planning Manager suggested deferring the application until one of the Senior Officers further investigate the issue.

Councillor Cuthbertson stated that if this application had already been brought before committee, had an office meeting and no positive outcome achieved, then he would be recommending that the application be refused.

Councillor Reid said that he would agree with the Planning Manager and felt that the focal Point i.e. shop or post office, does this mean if we pass this application on that merit, do we have to pass all others.

The Planning Manager stated that he was confused as to what was going to be decided, as we need the right plan to be submitted to access it on its own individual merit.

In response to Councillor Reid's query, the Planning Manager advised that this type of application had not arisen before.

Councillor Clarke said he thought a post office could be a focal point and advised that this could be reopened again.

Councillor Bell left the meeting at 8.35 pm.

Councillor Kearney advised that there was a school at the opposite side.

The Planning Manager stated that further looking at the map there is a little bit of a cluster evident.

Councillor Cuthbertson said that in his opinion it looked too messy and that it should be refused and threw out as an invalid application.

The Planning Manager said that from the application was submitted that it should have been evident where the site was going to be and this was not the case.

Councillor Reid said that realistically no old school was going to reopen again and that post office counters may not want a base there again and wouldn't be happy with it, but if there was confirmation that this was legal and not a similar one like this in the future, that he would be happy to agree if the Planning Manager took responsibility for it. He suggested deferring the application until its property revised.

Councillor's Reid's proposal was put to the vote to defer the application until it is properly re-advertised.

For	12
Against	3

Councillor Cuthbertson's proposal was put to the vote to refuse the application

For	3
Against	12

Proposed by Councillor Reid
Seconded by Councillor Bateson

Resolved: That planning application LA09/2016/0848/O/DEF be deferred until this application is properly advertised.

LA09/2016/0997/F Relocation of existing approved storage shed (LA09/2015/0115) and extension of site curtilage for the storage of plant machinery and building materials at 50m E of 47 Ballymoyle Road, Coagh for Martin Loughran

Ms McAllister (SPO) planning application LA09/2016/0997/F/DEF which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved: That planning application LA09/2016/0997/F/DEF be approved subject to conditions as per the officer's report.

LA09/2016/1640/F Agricultural shed 90m S of 54 Gortlenaghan Road, Dungannon for Martin McCool

Members considered report on planning application LA09/2016/1640/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Mullen and

Resolved: That planning application LA09/2017/1380/O be approved subject to conditions as per the officer's report.

LA09/2017/0629/O Off-site replacement dwelling on lands 70m West of 47 DEF Bellshill Road, Castledawson for George McMillin

Members considered report on planning application LA09/2017/0629/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/0629/O be approved subject to conditions as per the officer's report.

P005/18 Response to DfI Consultation on Lough Neagh Application

The Head of Development Management drew attention to the previously circulated report to provide members with an overview and a draft reply to the consultation from the Department for Infrastructure (DFI) on a consultation on the further environmental information in respect of planning application LA03/2017/0310/F for Extraction, Transportation and working of sand gravel from Lough Neagh. Sand and gravel to be

extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material. The consultation was issued to the Council on 20th November 2017 and seeks a response within 4 no. weeks of the consultation date.

Proposed by Councillor McPeake
Seconded by Councillor Robinson and

Resolved: That it be recommended that a response be issued to DFI to state that the Planning Department had no comment to make on this consultation since the application was being decided by DFI and that responsibility for checking the probity of the Further Environmental Information rests with them.

Matters for Information

P006/18 Minutes of Planning Committee held on Tuesday 5 December 2017

Members noted minutes of Planning Committee held on Tuesday 5 December 2017.

Local Government Act (NI) 2014 – Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor Clarke and

Resolved: In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P007/18 to P014/18.

Matters for Decision

- P007/18 Receive response to Regional Spatial and Economic Strategy for the Northern and Western Region
- P008/18 Receive report on case for temporary listing
- P009/18 Receive enforcement information
- P010/18 Receive update on enforcement case

Matters for Information

- P011/18 Confidential Minutes of Planning Committee held on Tuesday 5 December 2017
- P012/18 Enforcement Case Liveload
- P013/18 Enforcement Cases Opened
- P014/18 Enforcement Cases Closed

P015/18 Duration of Meeting

The meeting was called for 7 pm and ended at 9.35 pm.

Chair _____

Date _____

