



05 December 2017

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, 05 December 2017 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 7 - 184

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2016/0419/F	Retention of extension to existing workshop unit at 135m NE of 11 Derryvale Park, Derry Road, Coalisland, for Pat O'Neill.	APPROVE
4.2.	LA09/2016/1015/F	Reorganisation of general industrial site including retention and extension of the existing metal fabrication shed; construction of 2 sheds for spraying and storage of metal, acoustic walls, landscaping and associated works at lands at 51 and 55 Knockanroe Road, Cookstown, for Reid Engineering	REFUSE

		Ltd.	
4.3.	LA09/2017/0102/F	Building for ancillary storage use at 127 Ballynakilly Road, Coalisland, for Eurosprings Ltd.	APPROVE
4.4.	LA09/2017/0498/F	Extension to garage to provide commercial machinery store at 100m NE of 29 Fergarron Road, Cookstown, for Granville Carson	REFUSE
4.5.	LA09/2017/0801/F	First floor extension to side of dwelling at 24 Ashveigh, Benburb, for Mr Chris Coleman	APPROVE
4.6.	LA09/2017/0809/F	Infill site between 280 and 282a Hillhead Road, Knockloughrim, for Loughdoyle Construction Ltd.	APPROVE
4.7.	LA09/2017/0844/F	Stable to house pony at 44 Moyagoney Road, Portglenone, for Mr and Mrs Madden	REFUSE
4.8.	LA09/2017/0891/F	Extension to existing multi-storey car parking facility to provide 212 additional car parking spaces over 2 additional levels to include associated alterations/extension to existing lobbies/elevators at Meadowlane Shopping Centre, Moneymore Road, Magherafelt, for Castlefarm Properties Ltd.	APPROVE
4.9.	LA09/2017/0899/F	Cattle handling and cattle isolation facilities and hard-standing areas for a hobby farm at lands to the front and NE of 102 and 104 Ballygawley Road and S of 101 Ballygawley Road, Glendalush, for Bernard McAleer	REFUSE
4.10.	LA09/2017/0945/O	Dwelling on infill site replacing existing stables at land between 23 and 25 Annaghmore Road, Coalisland, for Mr Declan O'Neill	REFUSE
4.11.	LA09/2017/1018/F	Erection of a drive through restaurant (change of siting from planning permission H/2014/0358); alterations to car park of Forbes retail store (approved under H/2014/0354/F); new access road to Lidl and Forbes sites from Castledawson Road; landscaping and associated site works at former Forbes Furniture retail building at Station Road Industrial Estate	APPROVE

		and lands to the immediate South of it bounded by Station Road Industrial Estate, Magherafelt, for Patsy Forbes	
4.12.	LA09/2017/1035/O	Infill site for dwellings and garages at 90m SE of 2 Scribe Road, Bellaghy, for Mr David Mulholland	REFUSE
4.13.	LA09/2017/1062/F	New entrance to dwelling at 33 Gulladuff Road, Maghera, for D Crossett	REFUSE
4.14.	LA09/2017/1112/O	Dwelling and garage approx. 60m WSW of 5 Cloane Lane, Draperstown, for Danny Grant	REFUSE
4.15.	LA09/2017/1176/F	Alterations and extension to dwelling at 44 Mullaghboy Glen, Magherafelt, for Thomas and Siobhan Hampsey	APPROVE
4.16.	LA09/2017/1240/F	Single storey extension to rear of dwelling, car port structure and covered walkway linked to existing garage; new split level summer house and associated stores; conversion of existing garage to home gym, at Forthill Cottage, 98 Old Eglisk Road, Dungannon, for Mr and Mrs Dobson.	APPROVE
4.17.	LA09/2017/1249/F	Change of house type and detached garage as previously approved under M/2005/0066/F, at Site 1 at land immediately W of 21 Fintona Road, Clogher, for Lynden Keys	APPROVE
4.18.	LA09/2017/1345/F	Change of use from beauty/hair salon to education and training facility at 118-120 Main Street, Maghera, for Charlene Wilson	APPROVE
4.19.	LA09/2017/1439/F	Replace existing ball stop with new 4m high ball stop fencing to goal end, Drumgose Road, Benburb, for Benburb & District Community Association	APPROVE

5. Receive Deferred Applications

185 - 212

	Planning Reference	Proposal	Recommendation
5.1.	H/2014/0399/F	Pig fattening shed with feed bin	REFUSE

		(to contain 900 pork pigs) at land off Cahore Road, approx. 100m E of 11A Tonaght Road, Draperstown, for Michael McErlean	
5.2.	H/2015/0068/F	Change of use from basement car parking to supermarket to include new mall and amended service yard at existing Meadowlane Shopping Centre, Moneymore Road, Magherafelt, for Castlefarm Properties	APPROVE
5.3.	LA09/2016/0797/F	Retrospective change of use to car sales yard (including front garden changing to hardstanding car display area) and tyre/alloy wheels sales at 53 and 53a Ballyronan Road, Magherafelt, for Top Gear NI	APPROVE
5.4.	LA09/2016/1684/O	Expansion of existing care home facility to provide 4 individual care units and a new dwelling and garage at lands immediately SW of 19 Rocktown Lane, Knockloughrim, for Mr C Maynes	APPROVE
5.5.	LA09/2017/0074/O	Dwelling at site adjacent to 61a Brough Road, Castledawson, for Mary Scullion	APPROVE
5.6.	LA09/2017/0422/O	Site for dwelling and garage 150m NW of 107 Bancran Road, Draperstown, for Stephen Donnelly	APPROVE

6. Receive Invitation from Dalradian Gold Ltd 213 - 216

Matters for Information

7 Minutes of Planning Committee held on Tuesday 7 November 2017 217 - 240

8 A consultation request has been received from DfI on a Planning Application for the extraction, transportation and working of sand and gravel from Lough Neagh (LA09/2017/0310/F) as the Department has received 'Further Environmental Information - Supplementary Information for Shadow HRA including Air Quality Report.'

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

9. Receive report on Scheme of Delegation
10. Receive TPO Report
11. Receive Enforcement Report

Matters for Information

12. Confidential Minutes of Special Planning Committee held on Tuesday 17 October 2017
13. Confidential Minutes of Special Planning Committee held on Thursday 2 November 2017
14. Confidential Minutes of Planning Committee held on Tuesday 7 November 2017
15. Enforcement Case Liveload
16. Enforcement Cases Opened
17. Enforcement Cases Closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0419/F	Target Date:
Proposal: Retention of extension to existing workshop unit	Location: 135m NE of 11 Derryvale Park Derry Road Coalisland BT71 4NT
Referral Route: Proposal does not fully comply with FLD 3 of PPS15, however approval is recommended.	
Recommendation: APPROVE	
Applicant Name and Address: Pat O'Neill 43 Summerisland Road Clonmain Arnagh	Agent Name and Address: CMI Planners Unit C5 80-82 Rainey Street Magherafelt BT45 5AJ
Executive Summary: Whilst the proposal does not fully comply with FLD 4 of PPS15, the issue was discussed between the case officer and the Planning Manager and it was agreed that any remedy to rectify this issue was disproportionate given the principle of development is acceptable under policy PED3 of PPS4 and any solution would require the demolition of the existing structure. Approval is recommended subject to conditions.	
Signature(s):	

Case Officer Report		
Site Location Plan		
See drawing 01.		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	
Non Statutory	NIEA	Consulted in Error
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	14	
Number of Support Petitions and signatures	No Petitions Received	

Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>The site is an irregular shaped plot located just outside the development limits of Coalisland, is roadside frontage with access from Derry Road. On site there is an existing factory unit and access, with a newly constructed extension to the rear which is the subject to this planning application. At the time of my initial site visit (25.04.2016) the shed extension was not constructed but there was earth clearance and drainage works to the rear in preparation for same.</p> <p>The site is surrounded by a large galvanised palisade security fence and entrance gates. Recent landscaping has been carried out on the roadside verge between the fence and the public road.</p> <p>There is an adjacent industrial unit to the west of the site with associated yard and parking area. Derryvale Park is located to the SW (approx. 120m) of the site and is defined by terraced, detached and semi-detached properties. Land to the north, east and south is used mostly for agricultural purposes and is rural in character.</p>	
<p>Description of Proposal</p> <p>This is a full planning application for the retention of extension to existing workshop unit and additional rear yard/space</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Area Plan Dungannon and South Tyrone Area Plan 2010: the site is located in the open countryside and policies PPS21 Sustainable development in the countryside and Strategic Planning Policy Statement (SPPS) apply.</p> <p>Planning History Previous permission has been granted on this site for industrial development; M/2011/0618/F- change of use of existing building approved for equestrian use and currently being used for agricultural to a light engineering unit. Permission was refused by DOE on 15.05.2012, but this decision was overturned by the Planning Appeals Commission on 7.03.2013 and permission was approved on the basis of a farm diversification scheme, with planning conditions including time limit, B2 use class, shed to be operated in conjunction with farm business, no outdoor storage of materials, fence to be put in place within 3 months of decision, landscaping, and, sight splays. This permission encompasses the northern portion of this application site (LA09/2016/0419/F) and additional land to the SW.</p> <p>M/2013/0181/F- new access to serve approved use for light engineering, granted 15.10.2013.</p> <p>M/2013/0578/F- proposed industrial/light engineering shed to be built on site of approved equestrian shed to include relocation of roadside industrial fencing, permission granted 11.12.2014. Conditions include use class B2, parking requirements, no external storage of materials, sight splays, and, landscaping.</p> <p>There are various enforcement cases being pursued on this site in terms of unauthorised development, non-compliance with planning conditions, sight splays and fencing, some are resolved and some ongoing.</p>	

Consideration

Initially permission was granted on this site for a farm diversification scheme under M/2011/0618/F, for a light industrial unit to be used in conjunction with DARD business identification number 612089. This permission was granted under the policy provisions of CTY11 of PPS21 by the Planning Appeals Commission. The shed is located in the eastern corner of the site, and hardstand and parking was also granted.

M/2013/0578/F then granted approval, on the same site as M/2011/0618/F, for a second industrial unit on the site, located SW of the building that was granted under the 2011. The 2013 application was approved under the policy provisions of CTY11 of PPS21 also, however a condition tying the development to farm Business ID 612089 was not added to the decision notice. It is clear in the 2013 assessment that weight was given to the 2011 permission in terms of a farm diversification project. The same vehicular position was approved under both proposals.

It is apparent that permission has been granted on the northern part of this site under the 2011 and 2013 applications as part of a farm diversification consideration. These sites have now been sub-divided and operate as 2 separate businesses, an issue which is a matter for enforcement should they wish to pursue. The second access was granted on 15.10.2013 under M/2013/0181/F.

It may be considered that this proposal represents the expansion of established economic development in the countryside. PPS4 Planning and Economic Development applies in this instance.

Policy PED 2- Economic Development in the Countryside sets out the circumstances where proposals for economic development use/business use are considered to be acceptable in the countryside. An economic use has been established on this site under M/2011/0618/F, albeit a farm diversification scheme. This proposal involves the extension of an existing established unit, and curtilage extension. In my view the proposal can be considered under PED3- Expansion of an Established Economic Development Use in the Countryside.

PED3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character and appearance of the local area and there is no major increase in the site area of the enterprise.

As this proposal has been built without the benefit of planning permission, it is assessed as having not been built. It is our view the proposal is not a major increase in the site area, given that the proposed extension is to the rear of the existing building and will not have a detrimental impact on the character of this rural area, given what has been granted on this site.

The proposal involves the extension of an existing building, and respects the scale, design and materials of the existing building. The original building on site is not of historical or architectural interest. PED 3 is met.

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

Under this policy account should be taken of factors such as accessibility of all members of the community, connectivity with the transportation system, availability of adequate infrastructure, potential impacts on the natural and built environment, compatibility with nearby land uses including residential and visual amenity, flood risk, boundary treatments and crime deterrent. The proposal will not have a detrimental impact on the built environment.

Environmental Impacts - NIEA and Shared Environmental Services have been consulted on this proposal and are content with this proposal subject to informatives. NIEA also provide a planning condition for the requirement of a Construction Method Statement to ensure that no damage will occur to the water environment.

Accessibility to the site; Objectors raise concerns about inadequacy for loading and turning onto the Derry Road, Highway safety, traffic generation, road access. Transport NI were consulted and following the submission of amended drawings are content subject to conditions. I therefore see no reason to refuse on the grounds of road safety.

The site is not subject to flooding. However culverting has been carried out and Rivers Agency have been consulted - this is discussed later in this report.

The impacts of the proposal on visual amenity and rural character have been considered above and are found to be acceptable. Environmental Health recommend no objection on the basis that the proposal is for Light Industrial use which would indicate no loss of amenity to neighbouring receptors. This can be controlled through planning condition should permission be granted.

In terms of overlooking or overshadowing of residential development, the proposal is of a size, scale and distance from residential property, with no first floor occupied rooms with windows, for there to be any overlooking or overshadowing concerns of residential amenity. A number of planning objections have been received stating that there will be loss of light/overshadowing, overlooking/loss of privacy. For the reasons above, I do not consider this to be the case and any impacts will not be so severe as to justify refusing the proposal in terms of detrimental impact on residential amenity.

Objectors also raise concern about hazardous material, smells, and noise and disturbance. No evidence was provided and Environmental Health do not share these concerns. The site is surrounded by security fencing which will deter crime. Landscaping is also existing and will be conditioned for retention should permission be granted.

Initially, due to hardstand area being over 1000 square metres, Rivers Agency required a Drainage Assessment. Since that, the applicant has reduced the area of hardstand to less than 1000m² therefore DA not required.

PPS15 Planning and flood risk.

Rivers Agency were consulted and have confirmed an undesignated watercourse which runs along the southern boundary of the site has been diverted and culverted. This is compounded by photographic and ortho map evidence which shows the line of the drain. It is apparent from site visit that 10m of water course has been covered to facilitate development.

Policy FLD4 - Artificial Modification of watercourses of PPS15 states that culverting or canalisation operations of a watercourse will only be allowed in exceptional circumstances which are;

-Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;

-Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

The agent has been given several opportunities to provide engineering reasons as to why the watercourse needed to be culverted and that there were no reasonable alternatives. On 15th March 2017 a meeting was held with the agent (Brendan Monaghan and Chris Cassidy) and Planning Authority (Paul McClean and Melvin Bowman). The agent agreed to look at these

policy requirements in more detail and provide some engineering reasons why the culvert was necessary. On 12th April 2017 the agent forwarded an engineers report stating that the culvert was required because site levels were raised and a retaining structure was impractical.

NIEA Natural Environment Division state that policy FLD4 of PPS15 has a presumption against culverting because of its effects on flood risk and biodiversity and will only permit the culverting or canalisation of a watercourse in exceptional circumstances.

Shared Environmental Services have recommended a planning condition should permission be granted seeking a Construction Method Statement (CMS) prior to commencement of construction, including all culverts and methods of construction.

The issue was discussed between the case officer and the Planning Manager and it was agreed that any remedy to rectify this issue was disproportionate given the principle of development is acceptable under policy PED3 of PPS4 and any solution would require the demolition of the existing structure.

Other Considerations

A number of third party planning objections have been received on this proposal with most concerns being addressed above. Concern has been raised about the removal of trees and impact on nature conservation. Additional tree planting may provide compensation for existing tree loss.

There are abandoned mines in the area. Geological Survey NI were consulted and have no objections to the proposal subject to planning informative.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions.

Conditions

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

Reason: This is a retrospective application.

2. Sight plays to be in place within 3 months from date of permission and permanently retained thereafter;

The vehicular access, including visibility plays of 4.5m x 90m in both directions, shall be provided in accordance with Drawing No. 02 revision 04 bearing the date stamp 22nd Sept 2017, within 3 months from date of permission and permanently retained thereafter.

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

The area within the visibility plays shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway within 3 months from date of permission and permanently 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.

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

REASON: To ensure waiting vehicles do not encroach onto the carriageway.

All hard surfaced areas shall be constructed and permanently marked in accordance with the approved Drawing No. 02 revision 04 bearing the date stamp 22nd Sept 2017 within 3 months from date of permission and permanently retained to provide for parking and servicing within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

- 3. Industrial Permitted Development removed;
- 4. Class B2 use attached;
- 5. Landscaping to be carried out within the first planting season from date of permission in accordance with 02 rev4.
- 6: No outdoor storage of materials.

Signature(s)

Date:

ANNEX	
Date Valid	24th March 2016
Date First Advertised	7th April 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) Eileen Loughran 1 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Cathal Scullion 3 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Eileen Loughran 4 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Paul Loughran 4 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Stephen Armstrong 5 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH The Owner/Occupier, 6 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Brian Toner 7 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Brian Toner 7, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Brian Toner 7, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Brian Toner 7, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH Brian Toner 7, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH The Owner/Occupier, 8 Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH The Owner/Occupier, 80 Derryvale Road, Coalisland, Tyrone, Northern Ireland, BT71 4DY P Morgan 82 Derryvale Road, Newmills, Dungannon Tyrone, Northern Ireland, BT71 4DY	
Date of Last Neighbour Notification	13th January 2017
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2016/0631/F

Proposal: Remove or vary condition No.3 of Planning Approval M/2013/0578/F

Address: Lands approx. 113m North East of 8 Derryvale Road, Coalisland,

Decision: PG

Decision Date: 08.09.2016

Ref ID: LA09/2017/0100/F

Proposal: Proposed new access to service lands to rear

Address: 100m N/East of no 8 Derryvale Park, Derry Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2016/0603/F

Proposal: Retention of existing mobile office unit and WC facilities associated with adjacent warehouse and provision of additional parking/lorry turning area

Address: 72m NE of 11 Derryvale Park, Derry Road, Coalisland,

Decision: PG

Decision Date: 10.10.2016

Ref ID: LA09/2016/0419/F

Proposal: Retention of extension to existing workshop unit and additional rear yard/space

Address: 135m NE of 11 Derryvale Park, Derry Road, Coalisland, BT71 4NT,

Decision:

Decision Date:

Ref ID: LA09/2016/1307/F

Proposal: Lake Torrent Motor Sport Centre of Excellence. Motor Sport Use/Commercial, Medical Centre, Mission Hall, Pit Garages, Offices, Shower Block, Coffee Shop and Crèche

Address: Clay Pits, Dungannon Road, Coalisland,

Decision: DREIA

Decision Date:

Ref ID: M/2013/0578/F

Proposal: Proposed industrial/light engineering shed to be built on site of approved equestrian shed to include relocation of roadside industrial fencing

Address: Lands approx 113m north east of No 8 Derryvale Road, Coalisland,

Decision: PG

Decision Date: 12.12.2014

Ref ID: M/2000/0189

Proposal: Proposed Housing Development

Address: Adjacent to Derryvale Park Coalisland

Decision:

Decision Date:

Ref ID: M/2011/0618/F

Proposal: Change of use of existing building approved for equestrian use and currently being used for agricultural to a light engineering unit

Address: 100m NE of 8 Derryvale Park, Coalisland,

Decision:

Decision Date: 18.05.2012

Ref ID: M/2010/0586/F

Proposal: Retention of Palisade Fencing and Gates at site 100 Metres North East of 8 Derryvale Park, Newmills, Dungannon Co Tyrone

Address: Site 100 Metres North East of 8 Derryvale Park, New Mills, Dungannon, Co Tyrone.

Decision:

Decision Date: 04.01.2011

Ref ID: M/2002/1063/O

Proposal: Site for Dwelling

Address: Site adjacent to Derryvale Park, Derryvale Road, Coalisland

Decision:

Decision Date: 09.08.2006

Ref ID: M/2008/0757/F

Proposal: Equestrian facilities incorporating indoor arena, stables, feed store, tack room, managers office, paddocks and parking areas (previously permitted under outline permission ref M/2006/1910/O)

Address: 100m north east of 8 Derryvale Park, Coalisland

Decision:

Decision Date: 15.12.2008

Ref ID: M/2006/1910/O

Proposal: Equestrian facility incorporating outdoor sand area, stables, manager's office, tack room, feed store and ancillary parking

Address: 100 metres North East of 8 Derryvale Park, Coalisland

Decision:

Decision Date: 20.12.2007

Ref ID: M/1976/0046

Proposal: 33 KV O/H LINES

Address: DRUMREAGH ETRA, DERRY AND BRACKAVILLE, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2015/0145/PAN
 Proposal: Sporting Centre of Excellence
 Address: Lands at Dungannon Road Coalisland,
 Decision: PANACC
 Decision Date:

Ref ID: M/2012/0416/F
 Proposal: Proposed alterations to existing unauthorised fencing and gates
 Address: 100m North of 8 Derryvale Park, Derryvale, Newmills, Coalisland,
 Decision: PG
 Decision Date: 22.11.2012

Ref ID: M/2013/0181/F
 Proposal: New access to serve approved use for light engineering
 Address: 160m NE of 8 Derryvale Road, Newmills, Dungannon,
 Decision: PG
 Decision Date: 16.10.2013

Summary of Consultee Responses

Discussed above.

Drawing Numbers and Title

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/1015/F	Target Date:
Proposal: Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works.	Location: Reid Engineering Site lands at 51 and 55 Knockanroe Road Cookstown
Referral Route: recommendation to refuse permission / local objections received.	
Recommendation: Refusal.	
Applicant Name and Address: Reid Engineering Ltd 55 Knockanroe Road Cookstown BT71 5LX	Agent Name and Address: Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: major expansion of an existing established industrial site in the open countryside contrary to PPS4.	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	Substantive Response Received
Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	Content
Statutory	NIEA	Advice

Representations:

Letters of Support	1
Letters of Objection	22
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues – major expansion of existing rural enterprise contrary to PPS4.

Characteristics of the Site and Area

The site is located at no.55 Knockanroe Road, Ardrea, Cookstown. Currently contained within the site is an established engineering works trading as Reid Engineering. The site is located on the Eastern side of the Knockanroe Road and now accessed via an established laneway to the SE of no.55 Knockanroe Road and via a new HGV access point further along the frontage. The upper access is now restricted to use for office staff with all commercial and heavy traffic required to use the new access point..

Recent 3m tall concrete boundary walls required for sound mitigation purposes are in place along the boundary between the two accesses and the yard of Engineering works. A further wall has been put in place along the rear of No 53 Knockanroe Road which is subject to a current application (LA09/2017/1426) to retain it at its current constructed height. The more recently approved HGV/Commercial vehicle access to the SW of the site is now largely in place.

Within the application site is an industrial building located between and slightly to the rear of nos 55 and 53 Knockanroe Road. The shed is finished in a concrete block to lower walls with grey metal sheet cladding to upper portion and roof. The building was recently approved by the Council under application I/2014/0246/F to retain it 'as built' at its present dimensions of approx. 20m x 20m and 8m in height subject to conditions requiring its physical alteration. To the North of the site adjacent to the main entrance is a one and a half storey office building finished in smooth render with flat black slates to the roof. There is a concrete yard immediately to the North and East of the shed. Immediately to the West of the shed is a detached dwelling, garage and garden (no.55 Knockanroe Rd).

Description of Proposal

Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works.

Planning Assessment of Policy and Other Material Considerations

SPPS

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 4 Planning and Economic Development

PPS 21 Sustainable Development in the Countryside

Cookstown Area Plan 2010

DCAN 15 Vehicular Access Standards and all other relevant policy

Planning history

I/2010/0091/LDE – Storage and fabrication of structural steel and associated items – approved 16th March 2010.

I/2013/0110/F-Proposed retention of offices for Engineering Works- Approved

I/2010/0253/F-Proposed replacement engineering workshop/store and ancillary accommodation- Approved

I/2013/0357/F-Proposed Steel and Timber store- W/D.

2014/E0018 – Enforcement appeal dismissed.

I/2014/0074/F- Proposed alteration of existing access and laneway - approved 21 June 2017.

I/2014/0246/F- Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard- approved – approved June 2017.

The Planning history is key to understanding the development of the site over the last number of years. The CLUD in 2010 and the 2010 permission were key material considerations in the Councils view to approve the more recent 2014 application and new access application which it should be made clear were subject to strict planning conditions requiring works to be carried out within 60 days of the permission to reduce noise and other potential nuisance to surrounding properties to provide access improvements. At the time of writing this report I am advised that Enforcement are investigating 5 cases against alleged non-compliance with these conditions.

A Pre-application discussion took place on the proposed masterplan under I/09/2015/0528/PAD. In the written response to Ross Planning it was affirmed that the guiding test would be the Area Plan, the SPPS and PPS4. It was stated that the proposed masterplan concept, if this could provide a betterment to neighbouring amenity, could be in principle supported by the Council however that any final decision on this would rest with the members of the Planning Committee. Ross Planning were also reminded of the PAC decision against Reid Engineering.

SPPS

The SPPS outlines that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment. A regional strategic objective is to sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale. At Par 6.88 the SPPS does however

acknowledge that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlement limits must be restricted. At Par. 6.91 the SPPS reminds us that all applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development

PPS4

Following on from the above, PPS4 policy is the central consideration to this proposal. Policy PED2 permits proposals for economic development in the countryside in accordance with Policy PED3 (the expansion of an established economic development use) which is the policy most relevant to this application. There is no dispute by any party that the economic development use being undertaken within the application site is established.

In terms of Policy PED3 of PPS4 the expansion of an established economic development use in the countryside will be permitted were the proposal meets the following criteria;

-The scale and nature of the proposal does not harm the rural character or appearance of the local area.

This remains a rural area and I am reminded of the view that the PAC took in determining an enforcement appeal in 2015 against the alleged Unauthorised material change of use of land for the purposes of industrial processes Class (B3) and storage (Class B4) appeal ref 2014/E0018.

In his decision the Commissioner states the following:

“The commercial buildings and storage at Reid Engineering can be glimpsed from the public road on passing the site, and from the laneway to the northeast of No.55, which carries commercial and residential traffic. The nature of the industrial use is perceptible with considerable noise being generated by cutting, grinding, and movement of steel around the site. There is clear evidence that odours and fumes are detectable by neighbours. Whilst agricultural enterprises can generate noise, it would generally be dissimilar to the type of noise emanating from the subject business. It is clear that what had started as a relatively small scale enterprise had grown to the extent that there was pressure to physically expand into the appeal site. I must consider whether this extension of the industrial use onto the appeal site is harmful to the character of the countryside”

The Commissioner also felt that,

“Rural character is not just a visual matter. In fact, PED3 refers to the "character OR appearance" of the local area. The general area around the appeal site is characterised by agricultural land and buildings with several dwellings. To my mind it is overtly rural, rather than commercial or industrial. Whilst the engineering use at No.55 Knockanroe Road is now lawfully established in the area, I consider that the nature of the business is not one that is usually associated with being located in the countryside. I consider it to be an incongruity in terms of rural character, and the unauthorised use of the appeal site has increased the extent of this, resulting in additional harm”

The Commissioner’s conclusion was that “ the existing industrial use of the appeal site, by dint of its nature, is harmful to, and undermines, rural character. This could not be mitigated by any planting scheme”

I share the Commissioners impression of the area around the site being overtly rural and, whilst the Council were mindful of this decision by the PAC in its recent approval of the retention application under I/2014/0246, I am content that I can distinguish that decision from this proposal simply in light of the substantial amount of new building proposed and the extension of the site in a NE direction and the potential for this proposal to have a significant visual impact on the character an appearance of the locality and lead to a more intensive use of the site to the potential detriment of neighbouring amenity.

Visual approaches to the site from the SW along Knockanroe, given the additional extensions proposed to the existing building, will be significant and in my view more harmful than the existing building. The opposite approach is somewhat interrupted by changing topography but the presence of the spray shed and steel preparation will be notable despite some degree of existing vegetation to this boundary of the site. The sheds proposed are of some 8m in height with an additional 3m added to allow for 3 fairly imposing flues representing substantial buildings occupying a large footprint.

Dufless road skirts around the west of the site and whilst being at a distance away from Reid Engineering is an area from which to measure public interest. There are a number of dwellings on this road and there are clear views across to the existing site. Indeed from here the site appears prominent in the landscape occupying a drumlin top location. The additional spray shed and steel preparation buildings would have the potential to be visually prominent from this road.

There is no major increase in the site area of the enterprise.

The Councils recent approval of the HGV access has to an extent defined the NE edge of the site but only as a means of access. The workable yard area and the additional footprint of all new buildings must be factored into this assessment and I believe it is correct to do so the result being that the totality of all aspects of this masterplan application point towards a major increase in the area of the enterprise.

New buildings will be approved where these are in proportion to existing buildings and will integrate as part of the overall development.

Reid Engineering has presented a proposal for new buildings as opposed to the re-use or extension of existing buildings on the site (with the exception of the extensions to the existing shed) I have already raised concerns about the scale, location and massing of all aspects of the proposal above.

This proposal has the effect of introducing the following additional buildings and ancillary uses to the site:

1. 2 extensions to the building recently approved under I/2014/0246/F – these comprise of 320 sq.m of additional fabrication and 180 sq.m of storage floorspace for steel ready for painting.
2. the replacement and location of the existing dwelling at No 51 to allow the erection of a spray shed of approx. 360sq.m and a further shed for steel preparation and cutting of approx. 360sq.m. A Roofed over external roller area of some 40sq.m is also proposed in this area. A covered circulation area measuring some 60 sq.m is proposed between these 2 buildings.
3. the yard area is increased to allow access to these new buildings

In light of the above, and being mindful of the requirements of Policy PED 3, I am of the opinion that taken as a whole this proposal represents a major expansion of Reid Engineering. That being the case, and without prejudice the agent was asked to prepare a submission to the Council showing how this **major** expansion of the enterprise meets the exception test in PED 3 of PPS4.

The agent was reminded that this requires an analysis of re-location options and why this isn't possible and to address the point that third parties had indicated to the Council that Mr Reid may have recently purchased lands at Kilcronagh business park / Cookstown) AND how the proposal would make a significant contribution to the local economy as well as how the proposal will not undermine rural character.

Policy PED3 goes on to state that a proposal for a major expansion of an existing industrial enterprise that would also meet the above policy requirements will only be permitted in exceptional circumstances where it is demonstrated that:

- 1. Relocation of the enterprise is not possible for particular operational or employment reasons.**
- 2. The proposal would make a significant contribution to the local economy**
- 3. The development would not undermine rural character.**

In response to a specific request by the Council to show how such a major expansion as this complies with this aspect of Policy PED 3 Ross Planning provided the following response to the Council on the 30th Nov 2016.

I will begin by setting out some key contextual matters which we have already discussed in depth during the processing of the various applications:

- ☐ *This is an established fabrication site.*
- ☐ *Objections from local residents have led us to collectively reconsider the entire site operations and the existing accommodation.*
- ☐ *The basic aims of the reorganisation proposal are to:*
 - o take HGV's off the shared lane;*
 - o improve the appearance of the site by enclosing it and creating new landscaping;*
 - o move all noisy and smelly operational activities indoors; and*
 - o move operations a greater distance away from the third party neighbours.*
- ☐ *The proposal represents an increase in the site area of 0.4 acres due to the fact that industrial sheds will be located with the curtilage of the existing dwelling (no.51). So, we are not extending into the open countryside, we are building upon a residential site.*
- ☐ *It is not intended to expand/intensify the operational output of the premises, it is only proposed to reorganise the operations.*

Planning Policy Issue – PED3

PED3 includes a separate criteria for major expansion and requires applicants to demonstrate consistency with this criteria. You will note that paragraph 6.87 of the SPPS is substantially less prescriptive than PPS4 and it adopts a different tone by recognising the occasional need for new economic buildings on established economic sites in the countryside and stating that integration is the primary issue. Nevertheless, the proposal is consistent with the PED3 criteria as demonstrated below:

Relocation of the enterprise is not possible for particular operational or employment reasons.

In operational terms the only reasonably efficient and sustainable method for Reid Engineering to undertake its fabrication processes is to concentrate all activities on a single site. The large size of the steel beams means that a relatively large site is required to accept HGV's, to manoeuvre materials, to store the product, and to undertake the fabrication processes. Historically many of the necessary activities were undertaken outside. As you are aware, this is inefficient and the neighbours have reported problems. During the processing of the various planning applications we have resolved that the best practicable environmental option for Reid Engineering to continue on the site is to improve the entire site by creating new covered spaces. The cost of this reorganisation of the site is estimated at £325K. Reid Engineering has already embraced this concept because it would significantly enhance the efficiency of the business. As you are aware, for this reason Alan Reid has purchased the dwelling at no.51 Knocknaroe Road.

It is reasonable to assume that it is technically feasible to find an industrial site in the Cookstown urban area that would physically accommodate Reid Engineering, but there are clear operational reasons that make such an option unworkable.

The established site is vital to the existing operations because the applicant business has invested heavily in the existing site and it represents the only commercial land asset owned and used by the business. The current investment in the Knocknaroe Road site represents some £600K. However if Reid Engineering was to seek to sell the property, it would achieve a comparatively low value of approximately £100K due to its location and the history of complaints from neighbours. Such a sale is also impractical in terms of Mr Reid's mother who lives on the site.

Purchasing a similarly sized & appointed site would cost approximately £1.5M. Setting aside the additional costs of moving and the reduced security available at such a site, the net loss to the business would be £575K. This loss would not be recoverable and it represents the entire Net worth of this family business. In simple operational terms, the business cannot afford to suffer such a loss. Such action would seriously jeopardise the company and the employment it provides.

In response I would make the following observations:

The agent argues that the established business and buildings at No.55 represent a considerable financial investment and I do not dispute this. In this regard I would agree with the observations by the Commissioner at the last appeal who stated the following:

"It was submitted that the sale of the site would not realise this level of investment. I was advised that it would be very costly for the business to relocate to a new site elsewhere, probably in a settlement. Whilst there was some debate between the parties as to the availability of other land, I was not persuaded that there is no possibility of relocation of the business. I was not presented with any argument that additional premises could not be acquired elsewhere, to be used in conjunction with the land at No.55. From the evidence provided by the appellant, it is clear that the business serves the agricultural community all over Northern Ireland and Great Britain and I am not convinced that there are site-specific reasons why it could only be located at No.55 Knockanroe Road. I do not accept that farmers would not be willing to visit the business' premises if they were located in a settlement. The roads within most settlements would be capable of accommodating agricultural vehicles. I was advised that the business employs 18-19 full time staff, 3 or 4 of whom normally work at No.55, and there is no evidence that the latter employees could not travel to work at another location"

I do acknowledge that the business is now identified as employing **35** people, the majority of whom live in the local rural community but the ability to travel to work is no less possible in my view I should also be noted that these figures are not reflected on the submitted P1 form.

The proposal would make a significant contribution to the local economy

This matter must be considered in terms of the two possible outcomes:

1. *The sustenance of this successful rural business; or*
2. *Business jeopardised by a forced relocation.*

The business creates sustainable employment for some 35 people; the majority who live in the local rural community. There is no doubt that this represents a significant contribution to the local economy. The proposal itself will create new investment in the site and will provide employment during the build-out.

It is clear that the investment is necessary and the masterplan proposal is the best way to achieve the desired improvements. In this context, the sustenance of the business and its intrinsic employment represents a significant contribution to the local economy, this contribution is proven and is sustainable. Clearly the proposal is the only viable option to sustain the Reid Engineering business, thereby the proposal will make significant contribution to the local economy and this planning criterion is therefore properly adhered with.

In response I would make the following points:

The submitted P1 does not indicate any direct increase in employment as a result of this proposal.

This fact was recognised at the previous planning appeal where the Commissioner stated,

“The evidence before me suggests that the use of the appeal site is intended to facilitate the operation of the business, rather than permitting a greater input into the local economy. I am mindful that the business managed to operate, without the use of the appeal site, for some time. Whilst I accept that the business contributes to the local economy, the issue is whether the use of the appeal site, in connection with the business, would make a significant contribution to same. I have not been persuaded that this is the case”

The development would not undermine rural character.

A fundamental element of the scheme rationale is to enhance the appearance of the site by providing significant new landscaping. The proposed acoustic walls and indoor spaces will also significantly enhance the environment for the site neighbours. The new sheds will be visible in the locality, but due to the fact that they are of a similar character and appearance as modern farm sheds they will integrate successfully in this rural area. For these reasons, the development will not undermine rural character and the proposal is consistent with this criterion.

In response I would state that I have already concluded that the industrial use of the site undermines rural character. It must therefore follow that the agent has failed to demonstrate that the circumstances cited in the three bullet points in policy PED3 are met.

Ross Planning also addressed the 2 following matters relating how any approval of this scheme could be delivered and the status of the alleged availability of lands for Reid Engineering at Kilcronagh in Cookstown.

Phasing of the Development

It is proposed that the reorganisation of the site will be advanced as follows:

- 1. Make good the access arrangements as required by Transport NI and install all additional interior cladding to existing shed for acoustic purposes.*
- 2. Close off the existing accesses to HGV's.*
- 3. Create all the acoustic barriers (except barrier associated with saw).*
- 4. Undertake all new planting.*
- 5. Develop new shed on site of existing dwelling, including acoustic barrier to saw. NB: Reid Eng is content that the construction of this shed shall not be commenced until the access arrangements have been rationalised and the acoustics walls have been completed. Furthermore, Reid Eng is content that shed shall not become operational until such time as all the landscaping is planted.*
- 6. Move saw.*
- 7. Create spray booth. NB: Reid Eng is content that all spraying activities must be conducted within the spray booth, and spraying activities on the site will only be undertaken when the new spray booth and extraction system is entirely operational.*
- 8. Temporarily relocate all operational activities out of existing shed and into new shed.*
- 9. Extend existing shed.*
- 10. Move fabrication processes back into extended shed.*
- 11. Tidy site and bring into normal operation.*

Please note the existing dwelling will be demolished immediately upon the relevant planning consent being obtained (LA09/2016/1010/F). Members should note that no decision has been made on that application although it would appear in principle acceptable in Policy Terms (my emphasis)

Lands at Kilcronagh

I am aware that Alan Reid is part of a consortium which is negotiating to purchase land in Kilcronagh Industrial Estate. The objective is for a new business start-up, which will have no tangible relationship with, or similarities to, the present type of business carried on by Reid Engineering. I understand that Mr Reid's involvement in this new project relates to his experience of being a construction expert & capable of undertaking the required site build-out, however he is not the principal partner in the proposed new business. At this stage negotiations are ongoing and unsubstantiated rumours abound. I am assured that any rumour that contradicts the above is untrue.

The matters relating to Kilcronagh demonstrate that industrial land is available and demonstrates that Mr Reid is fully aware of the costs involved to purchase and develop such land, as discussed above. Otherwise, it is of no consequence in that consideration of this application because the land, if purchased, is for an entirely separate and unrelated business venture.

In terms of **Policy PED9** of PPS4 which provides general criteria for Economic Development proposals will be required to meet the all of the following criteria;

- (a) it is compatible with surrounding land uses;** for the reasons set out above I am of the view that this criteria is not met.
- (b) it does not harm the amenities of nearby residents;** a basis for the Councils earlier decision on the retention of the as built shed under I/2014/0246 was about

achieving a better solution for residents than the then uncontrolled operations already taking place within the site. To a large extent that has been achieved with the granting of a tightly controlled permission. It is regrettable that the Council have had to respond and take appropriate action on a number of alleged breaches of that permission since it was granted. EHO have been consulted on noise reports for the site over a number of applications. Whilst EHO are concerned about further intensification of the site, which is entirely a legitimate concern given the additional floorspace in this application, suitable noise mitigation measures are proposed by the applicant and are agreeable to EHO subject to further conditions **in** relation noise levels / hours of operation / physical alterations to buildings / provision of acoustic walls. Many of these were also conditions on the I/2014/0246 approval and have been provided subject to any ongoing enforcement cases being resolved.

(c) it does not adversely affect features of the natural or built heritage; there are no issues of concern in relation to this matter.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding

No risks identified.

(e) it does not create a noise nuisance;

I have fully addressed this aspect earlier under part (b) (amenity) I have provided an assessment of local objections of which noise is central further below.

(f) it is capable of dealing satisfactorily with any emission or effluent;

No objections from EHO on these grounds

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

A recent planning approval I/2014/0074/F for a new access has been granted and is in place. . This additional access has provided for an ability to restrict vehicular movements using the long established existing access to non-goods vehicles only. The layout plan has been amended to show the provision of a 3m high block wall across part of the front yard area to provide a physical impediment to larger delivery /HGV movements. A planning condition has ensured its provision and the use of this access point. Recently approved plans also shows the permanent closing up of what I would refer to as the 'middle' access presently being used to serve the site and to park vehicles on. Again a planning condition has been attached to ensure that this is carried out and remains closed. There are clearly identified access arrangements, parking and manoeuvring areas on the site plan to the satisfaction of TNI.

TNI have considered this application and having been informed of the applications intention to use only the access adjacent to No 55 for non HGV traffic have offered no objections. I understand that there is some splay provision to this access point which may not fully achieve the 2.4 x 70m in both directions. However, on the matter of the requirement to improve this access I repeat my earlier view that the CLUD on the site included this unaltered access for an unfettered use of the yard area and an albeit smaller shed.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

I have addressed this above.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

This rural location already has poor access to public transport. One must also consider that the business is established at this location by virtue of the CLUD and previous permissions.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

The building design is in keeping with existing buildings within the site. Additional landscaping proposals are shown on plans.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
Plans submitted show proposed buffer planting between the site and its SE boundary with neighbouring dwellings. Acoustic walls enclose open yard areas and additional planting areas are proposed to the rear of No 53.

(l) is designed to deter crime and promote personal safety; and

Existing yard access and means of enclosure already long established and not altered by this proposal.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The degree of planting proposed will not in my view mitigate against the degree of visual impact which will result from the proposed development.

Consideration of Objections.

It is recorded that 22 objections have been received to the proposal and 1 letter of support.

The support comes in the form of a letter from Lester Acoustics who state the fact that the proposal is about providing an acoustic improvement on the current scenario and a critique of some of the conclusions reached by Grainger Acoustics.

Objections originate principally from occupants of properties at Nos 53, 57 and 57b Knockanroe Road. I have summarised the key issues raised as follows:

1. that this is a significant expansion contrary to Policy
2. that the degree of promised betterment cannot be delivered by the proposal
3. that any proposed mitigation measures will also have a detrimental impact on neighbouring amenity.
4. That the business should be relocated
5. The proposal will have a significant visual impact
6. That suggested conditions by EHO
7. Increased traffic to the site
8. Inadequate sight lines
9. Unsuitable road network to and from the site
10. Light pollution / overshadowing/ loss of privacy
11. Potential storage of hazardous substances

In considering the above concerns I have already commented upon the potential of this proposal to harm rural amenity and cause a visual impact.

DFI Roads – the recent approval of the I/2014/0246 application has seen the restriction of the upper access to staff with all commercial traffic directed to the new lower access point. I am not of the view that any road safety matters will arise if the application were to be approved. I do however recognise the limitations of the road infrastructure in and around this area of Ardtrea.

EHO have commented on the proposal and take the view that this application seeks to move forward and produce a masterplan that will allow the continued operation of the engineering works at this location and which will provide a greater protection of amenity to nearby residents from noise and nuisance. I see many of these improvements as having already been delivered and conditioned on the recent 2014 approval however. EHO have previously investigated complaints in relation to light pollution and would have a control mechanism over any potential future complaints should these arise in relation to fumes from paint spraying.

The impact of mitigation proposals have already been considered to a large degree in the 2014 decision. Whilst the applicant has complied with some of these requirements the Council are still determining whether compliance has taken place in accordance with the specific requirements of that permission questioning whether the promise of betterment to neighbouring properties has been fully delivered. There is a very real possibility that further buildings, should they be approved in the positions shown on the footprint of the subject replacement dwelling, will increase a sense of being 'hemmed in' particularly by No 53 to the detriment of its.

I broadly agree that the proposal fails to meet Policy PED3 / 9 and this will be clarified more fully in the attached reasons for refusal as set out below.

Neighbour Notification Checked

Yes

Summary of Recommendation: that a refusal of permission is recommended for the following reasons:

Reasons for Refusal:

1. The proposal is contrary to the SPPS and PPS4, Policy PED3 in that the scale and nature of the proposed development would if permitted harm the character and appearance of the local area.
2. The proposal is contrary to the SPPS and PPS4, Policy PED3 in that the proposed development represents a major expansion of the existing enterprise for which no overwhelming exceptional circumstances have been presented to justify this expansion.
3. The proposal is contrary to Policy PED9 of PPS4 as it would, if approved, fail to meet the following criteria, (a) it is compatible with surrounding land uses, (b) it does not harm the amenities of nearby residents, (e) its increased intensification has the potential to create noise nuisance, (m) that the proposal, regardless of measures to assist its integration, will not achieve an adequate degree of integration.

Signature(s) M.Bowman

Date: 21/11/2017

ANNEX	
Date Valid	22nd July 2016
Date First Advertised	3rd August 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) Carla Fowley .email Address The Owner/Occupier, 48 Knockanroe Road,Glebe (Artrea),Dungannon,Tyrone,BT71 5LX, Raymond Sloan 50 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Raymond Sloan 50 Knockanroe Road, Stewartstown,Dungannon, Tyrone, Northern Ireland, BT71 5LX The Owner/Occupier, 50 Knockanroe Road,Glebe (Artrea),Dungannon,Tyrone,BT71 5LX, Raymond Sloan 50, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX The Owner/Occupier, 53 Knockanroe Road Tievenagh (Main Portion) Dungannon G Fowley 53 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Gerard and Carla Fowley 53 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX G Fowley 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX G Fowley 53, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX The Owner/Occupier, 55 Knockanroe Road,Tievenagh (Main Portion),Dungannon,Tyrone,BT71 5LX, The Owner/Occupier, 57 Knockanroe Road Tievenagh (Main Portion) Dungannon Julie Reid 57 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Julie Reid 57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX The Owner/Occupier, 57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Julie Reid 57, Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Julie Reid 57/59 Knockanroe Road,Stewartstown,Dungannon,BT71 5LX D Reilly and J Reid 59 Knockanroe Road, Dungannon, Tyrone, Northern Ireland, BT71 5LX Julie Reid and Carla Fowley Email	

The Owner/Occupier, Email Address Carla Fowley Email Address Carla Fowley Email Address Carla Fowley Email Address Carla Foley Julie Reid Email Address Carla Foley Julie Reid Email Address Carla Fowley Email Address Martin Lester CEng HonFloA Lester Acoustics LLP,31 Holburn Hall,Lisburn,Co. Down,BT27 5AU	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
Ref ID: LA09/2016/1010/F Proposal: Proposed replacement and repositioning of existing dwelling and garage Address: 51 Knockanroe Road, Cookstown, Decision: Decision Date:	
Ref ID: LA09/2016/1015/F Proposal: Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works Address: Reid Engineering Site, lands at 51 and 55 Knockanroe Road, Cookstown, Decision: Decision Date:	
Ref ID: I/1992/0244 Proposal: 11 KV Rural Spur Address: KNOCKANROE ROAD TIEVENAGH COOKSTOWN Decision: Decision Date:	
Ref ID: I/2010/0091/LDE	

Proposal: Storage and fabrication of structural steel and associated items
Address: 55 Knockinroe Road, Cookstown, BT80 8RX
Decision:
Decision Date:

Ref ID: I/2000/0297/O
Proposal: Replacement Dwelling
Address: 59 Knockanroe Road, Tievenagh, Cookstown
Decision:
Decision Date: 28.07.2000

Ref ID: I/2003/0601/RM
Proposal: Replacement Dwelling
Address: 59 Knockinroe Road Tievenagh Cookstown
Decision:
Decision Date: 17.09.2003

Ref ID: I/2005/0707/O
Proposal: Proposed site for dwelling and garage (domestic)
Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown
Decision:
Decision Date: 01.02.2006

Ref ID: I/2008/0061/F
Proposal: Site for dwelling-amendment to condition No.7 in relation to Outline planning permission ref no: I/2005/0707/O to increase ridge height to 6 metres.
Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown
Decision:
Decision Date: 16.04.2008

Ref ID: I/2009/0017/RM
Proposal: Proposed dwelling and garage
Address: 100m North West of 59 Knockinroe Road, Cookstown
Decision:
Decision Date: 18.08.2009

Ref ID: I/2004/0597/O
Proposal: Proposed Dwelling
Address: 90m South East of 53 Knockanroe Road, Cookstown
Decision:
Decision Date: 15.09.2004

Ref ID: I/2005/0301/O

Proposal: Proposed dwelling

Address: 90m SE of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 09.05.2005

Ref ID: I/2005/0634/O

Proposal: Proposed dwelling

Address: 90m SE of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 16.06.2005

Ref ID: I/2004/0913/O

Proposal: proposed dwelling

Address: 90m S.E. of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 25.01.2005

Ref ID: I/2006/0661/RM

Proposal: Dwelling & garage

Address: 150metres (approx) NW of 59 Knockinroe Road, Cookstown

Decision:

Decision Date: 19.12.2006

Ref ID: I/2003/0807/O

Proposal: Dwelling and Garage

Address: 150 metres (approx) north west of 59 Knockinroe Road, Cookstown. BT80 8SR

Decision:

Decision Date: 13.11.2003

Ref ID: I/2008/0420/RM

Proposal: Single storey dwelling and garage

Address: 90m south east of 53 Knockanroe Road, Ardtrea

Decision:

Decision Date: 21.10.2008

Ref ID: I/2003/0814/O

Proposal: Proposed dwelling

Address: Lands 70m East of 48 Knockanroe Road Ardtrea Cookstown

Decision:

Decision Date: 29.03.2004

Ref ID: I/2004/0831/O

Proposal: Site for dwelling & garage

Address: 150 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 14.04.2005

Ref ID: I/2004/0999/RM

Proposal: Dwelling & garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 30.12.2004

Ref ID: I/2010/0447/F

Proposal: Alterations to previous approval ref: I/2008/0420RM including relocation of access

Address: 90m South East of 53 Knockanroe Road, Ardtrea, Stewartstown

Decision:

Decision Date: 10.12.2010

Ref ID: I/2013/0357/F

Proposal: Steel and timber store for Engineering works (Amended Plans and Supporting Statement)

Address: To the rear of 57 Knockinroe Road, Dungannon,

Decision: AGREE

Decision Date: 08.12.2014

Ref ID: I/2014/0246/F

Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard (Revised acoustic report with mitigation measures, drawings No. 03 rev3 and 04)

Address: 55, Knockanroe Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2002/0703/O

Proposal: Dwelling and Garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 16.05.2003

Ref ID: I/2005/0705/F

Proposal: Extension to dwelling with disabled adaptations.

Address: 51 Knockinroe Road, Cookstown

Decision:

Decision Date: 26.09.2005

Ref ID: I/1994/0158
Proposal: Site for Dwelling
Address: OPPOSITE 41 KNOCKADOO ROAD MONEYMORE
Decision:
Decision Date:

Ref ID: I/1998/0529
Proposal: Proposed dwelling & garage
Address: ADJACENT TO 53 KNOCKINROE ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1992/0403
Proposal: Bungalow
Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2002/0680/F
Proposal: Proposed dwelling and garage
Address: Adjacent to 55 Knockanroe Road, Stewartstown
Decision:
Decision Date: 30.12.2002

Ref ID: I/1990/0016
Proposal: Dwelling and Garage
Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1999/0058
Proposal: Dwelling and Garage
Address: 50M SOUTH EAST OF 55 KNOCKANORE ROAD TIEVENAGH
COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2010/0253/F
Proposal: Proposed extension and alterations to existing engineering workshop/store & ancillary accommodation
Address: 55 Knockinroe Road, Cookstown, BT80 8RX
Decision:
Decision Date: 30.11.2010

Ref ID: I/2013/0110/F

Proposal: Proposed retention of offices for engineering works

Address: 55, Knockanroe Road, Stewartstown,

Decision: PG

Decision Date: 05.07.2013

Ref ID: I/1993/0185

Proposal: Domestic Garage

Address: 55 KNOCKANROE ROAD, TIEVENAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1991/0300

Proposal: Improvements to Dwelling

Address: 55 KNOCKANROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2014/0074/F

Proposal: Proposed alteration of existing access and laneway

Address: To the rear of 51 Knockinroe Road Stewartstown Dungannon BT71 5LX,

Decision:

Decision Date:

Ref ID: LA09/2015/0528/PAD

Proposal: New shed and ancillary works

Address: Adjacent to 50 Knockanroe Road, Stewartstown,

Decision:

Decision Date:

Ref ID: I/2001/0426/O

Proposal: Proposed One and a Half Storey Residential Dwelling

Address: Site Opposite 48 Knockanroe Road, Ardtrea, Stewartown

Decision:

Decision Date: 10.01.2002

Ref ID: I/2000/0194/O

Proposal: Storey and half house and domestic garage.

Address: 30 metres East of 48 Knockanroe Road, Cookstown.

Decision:

Decision Date: 26.05.2000

Ref ID: I/1993/0212

Proposal: 11KV Rural Spur
Address: KNOCKAROE ROAD TIEVENAGH COOKSTOWN
Decision:
Decision Date:

Ref ID: LA09/2015/0013/F
Proposal: Extension and alterations to existing dwelling
Address: 51 Knockanroe Road, Stewartstown, Dungannon, BT71 5LX,
Decision: PG
Decision Date: 09.07.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 5 th December 2017	Item Number:
Application ID: LA09/2017/0102/F	Target Date:
Proposal: Erection of building for ancillary storage use	Location: 127 Ballynakilly Road Coalisland
Referral Route: The agent's wife is a council employee.	
Recommendation: APPROVE	
Applicant Name and Address: Eurosprings Ltd 127 Ballynakilly Road Coalisland BT71 6HE	Agent Name and Address: O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH
Executive Summary: I consider the proposal satisfies policy requirements and recommend approval with conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The application site is located at 127 Ballynakilly Road, some 2Km south-east of Coalisland. It is a flat parcel of land with a frontage to the A45 Road between Coalisland and Tamnamore. The land is occupied by Eurosprings, a coil manufacturing business which extends over 0.7 Hectares. The red line application site measures 0.4 Ha and is located adjacent to the existing business and south east of a Lake. Views into the site are available along the Ballynakilly Road on approach in both directions. There are 3 no. large scale buildings which exist on site. They have a long linear and rectangular form and are finished in brickwork to their base and grey cladding to the upper walls and roof. Access to the site is directly off the Ballynakilly Road. On-site there is concrete hardstanding and parking to serve the existing building.

The surrounding area is largely characterised by agricultural land, dispersed settlement and farm holdings, as well as the industrial development that is Eurosprings.

Planning History

LA09/2015/0283/F: Proposed extension to spares department - 127 Ballynakilly Road, Coalisland, BT71 6HE - PERMISSION GRANTED - 06.11.2015

M/2014/0194/F - Proposed extension to yard with office workshop for spares department for existing business - Adjoining site to 127 Ballynakilly Road, Coalisland - PERMISSION GRANTED - 29.09.2014

M/2013/0349/F - Proposed store to rear of 127 Ballynakilly Road. Store to be used for stock (wire coiled) due to engineering demand - 127 Ballynakilly Road, Coalisland BT71 6HE - PERMISSION GRANTED - 16.10.2013

M/2011/0042/F - Proposed rear extension for additional work floor space to previously approved plans - 127 Ballynakilly Road, Coalisland - PERMISSION GRANTED - 23.02.2011

M/2010/0643/F – Change of use to create office floorspace & change to front elevation (additional windows) to approved plans - 127 Ballynakelly Rd, Dungannon – PERMISSION GRANTED – 26.10.2010

M/2007/0847/F - Proposed demolition of existing factory, construction of a new factory to include carparking and alterations to existing entrance - Opposite 126 Ballynakilly Road, Dungannon - PERMISSION HAS BEEN GRANTED - 16.12.2008

M/1980/0042 - EXTENSION TO EXISTING JOINERY WORKSHOP - BALLYNAKELLY, COALISLAND - PERMISSION GRANTED - 18.03.1980

Description of Proposal

Erection of building for ancillary storage use

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan
- PPS3: Access, Movement and Parking
- PPS 4: Planning and Economic Development
- PPS15: Planning and Flood Risk
- PPS21:Sustainable Development in the Countryside.

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 retained 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.

The Dungannon and South Tyrone Area Plan 2010 identifies the site outside any settlement limits, in an area of open countryside. The proposal is to expand the curtilage of the existing site to the north-west and provide a storage building with a footprint of 45m x 15m and ridge height of 6m.

The policy context for the development includes Planning Policy Statement 1 - General Principles (PPS1), Planning Policy Statement 21 – Sustainable development in the Countryside (PPS 21), and Planning Policy Statement 4 – Planning and Economic Development (PPS 4). Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. The policy provides a list of acceptable non-residential development, which includes industry and business uses in accordance with PPS4. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Policy PED 2 of PPS 4 refers to economic development in the countryside. It states that proposals for such development will be permitted in 4 instances, the first of which is the expansion of an established economic development use under policy PED 3. Policy PED 2 indicates that, with the exception of the instances cited, all other proposals for economic development in the countryside will only be permitted in exceptional circumstances. Policy PED 9 of PPS4 is titled 'General Criteria for Economic Development'. It lists 13 criteria that are required to be met by all proposals for economic development uses.

The first paragraph of the headnote to Policy PED3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

It is evident that the economic development use is established through numerous aforementioned planning permissions. It is therefore necessary to establish if the scale and nature of the proposal, if permitted will harm the rural character or appearance of the local area and if it constitutes major increase in the site area.

Most recently permission was granted on 6th November 2015 for an extension to the existing spares department under LA09/2015/0283/F. That development is constructed and forms part of the existing economic development site. The site now measures approximately 0.7Ha. The red line application site measures 0.4Ha and will increase the overall area from 0.7 to approximately 1.1Ha. In terms of floorspace, the proposal totals 675 sqm. The existing floorspace of buildings on site total is provided as 1500sqm. I therefore do not consider the proposal to be a major expansion of the business which presently exists on site.

PED 3 states that,

“Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.”

PED 3 facilitates new buildings where it has been demonstrated that this is not possible to reuse or extend existing buildings on site and new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

The proposal is a new storage building. Previous planning permissions allowed the provision of numerous extensions including a rear extension to provide additional work floorspace, a store to the rear to be used for stock, and extension to the yard with office workshop for spares department and an extension to the existing spares department. Supporting information notes that all floor space within the site is fully utilised. The need for the provision of additional storage is based upon a consistent pattern of growth in both turn over and corresponding stock orders. Additional storage will allow the company to increase their stock and continue to grow.

The proposed storage building however is independent and not an extension to the existing building/s on-site. The agent notes that an extension to the north west of the existing store department was considered, however it was “imperative to have an area of open space separating the proposed building from the existing one, for purposes of circulation, movement and maintenance as well as for fire protection”

The continue noting that the internal valley create by an extension would prove impracticable and water would have become trapped. I disagree with this reasoning and contest that water run-off could be adequately addressed through proper architectural detailing. Reasons pertaining to fire safety are also cited, and it is claimed that an extension incur additional costs to fireproof the existing building. I do not consider this sufficient to justify the provision of a separate building.

In relation to circulation, movement and maintenance, the agent explains that the building is designed, not necessarily to facilitate HGV vehicles reversing into the shed to load and unload, but to pull alongside the shed and side-load (e.g. into a curtain sider). This allows the applicant the opportunity to maximise commercial floors pace within the building (through avoiding the need to provide space for HGV's to physically enter the shed). This will allow lorries to utilise the space to the southeast for circulation. A drawing received on email of 26/10/17, illustrates the intended circulation rout on site, with provision of a one-way system around the site. I am content that the reuse or extension of the existing building is not suitable for the proposal and a new separate building is required.

While the proposal is essentially an independent unit, it is positioned within the larger site of Eurosrpings. The proposal is similar in size and scale of that which exists. It has a rectangular plan, with blockwork to its base and grey insulated panels to the walls and roof. The design and materials used respects existing development on site. The proposal is set within an existing economic development site and will not in my view appear incongruent or adversely impact the character of the area.

In considering PED 9 - General Criteria for Economic development, in my view the proposal is compatible with existing use. The proposal is sufficiently separated from neighbouring residents so as not to impact on residential amenity. Existing vegetation along the north and south western boundaries will help screens view of the development. I acknowledge this is located outside the red line, however it is within the blue line which indicates it is under ownership. I therefore recommend existing vegetation along the north western and south western boundaries to the blue line is retained by condition to prevent unacceptable adverse visual impact. I also recommend new indigenous planting to the red line site boundaries, both north west and south implemented by condition.

The proposal is not located within a floodplain. In relation to noise, the proposal is for a storage building and it is not anticipated that this will generate unacceptable noise. In order to safeguard against any potential adverse impact from noise, I recommend a condition is included within any permission granted which limits the use of the building to storage which is ancillary to the existing business.

Environmental Health were consulted and responded stating:

"This department has examined this application. It is noted that the proposed is to be located in an area where there is a mixed use of industrial/residential. Given the fact that there are existing residential properties in the vicinity of the proposed this department is of the view that there is the potential for adverse environmental health impact on residential amenity. It is however considered that it should be possible to avoid such impact if any planning permission for the industrial unit were to be restricted to storage only.

The following conditions are recommended:

Conditions

- The use of the building shall be restricted to storage only.
- There shall be no site activities including deliveries outside the hours of:
08:00 – 20:00 Monday to Friday
08:00 – 13:00 Saturday
And no activities on a Sunday."

The proposal under consideration relates solely to a storage building. The other buildings within the site operate with no restrictions on site activities stipulated in previous planning permissions. Environmental Health were consulted in the most recent permission LA09/2015/0283/F for the extension to the spares department and returned a response with no objection. In that case there was an expected increase of 10 extra vehicles attending daily. Whilst acknowledging there is potential for internal traffic movements, the proposal under consideration anticipates an expected increase of 2 additional vehicles attending the premises daily. I do not consider it justifiable to impose a time restriction on site activities given the proposal is limited to storage with few anticipated vehicles attending, and given the business operates at present with no restrictions.

I agree that the use should be limited to storage as previously discussed.

Adequate parking provision to serve the proposal is provided within the curtilage of the site and an existing access is in place. TNI were consulted and are content subject to conditions.

River Agency were consulted with a Drainage Assessment and responded stating;

"DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions.

However, the Drainage assessment indicates that surface water from the site is discharging at Greenfield run off rate to a privately owned storm water drain. Therefore the Drainage Assessment lacks relevant correspondence from DfI Rivers/NIW for consent to discharge storm water at the termination point of this privately owned storm water drain which your policy demands in D18 bullet point 2.

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

The schedule 6 consent was subsequently received and submitted to this office. I am therefore content the requirements have been met.

In conclusion I recommend permission is granted subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation: Approve with conditions.

Conditions

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

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

2. All landscaping comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the construction of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

3. All existing hedgerows and trees located within the blue line outlined on drawing 01rev1 bearing the date stamp 30th August 2017 shall be retained. No trees or vegetation shall be removed without prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

4. The vehicular access, including visibility splays of (4.5m * 120.0m) in both directions and any forward sight distance shall be provided in accordance with Drawing No 02rev1 bearing the date stamp 30 Aug 2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02rev1 bearing date stamp 30th AUGUST 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

6. The premises hereby approved shall be used only for ancillary storage to the existing business on site and for no other purpose in Use Class B4 of the Schedule to The Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class and in the interest of neighbouring amenity.

Informatives

1. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Regional Development for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transport NI Section Engineer whose address is Main Street, Moygashel, Dungannon.

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

Provision shall be made to the satisfaction of Transport NI, to ensure that surface water does not flow from the site onto the public road.

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

Signature(s)

Date:

ANNEX	
Date Valid	25th January 2017
Date First Advertised	9th February 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 121 Ballynakilly Road, Ballynakilly, Coalisland, Tyrone, BT71 6HE The Owner/Occupier, 126 Ballynakilly Road, Ballynakilly, Coalisland, Tyrone, BT71 6HE_	
Date of Last Neighbour Notification	2nd November 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0102/F Proposal: Erection of building for ancillary storage use Address: 127 Ballynakilly Road, Coalisland, Decision: Decision Date: Ref ID: LA09/2015/0283/F Proposal: Proposed extension to spares department Address: 127 Ballynakilly Road, Coalisland, BT71 6HE, Decision: PG Decision Date: 06.11.2015 Ref ID: M/2011/0198/F Proposal: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1. Address: Tamnamore Grid Substation Drumkee Road Dungannon and townlands of Drumkee, Drumnaspil, Cavan, Coash, Lederg and Keenaghan, Decision: Decision Date: 08.12.2011 Ref ID: M/2003/0010/F Proposal: Retention of boundary fence at 111 Ballynakilly Road, Coalisland Address: 111 Ballynakilly Road, Coalisland Decision: Decision Date: 11.11.2003 Ref ID: M/1979/0490 Proposal: FARM BUNGALOW Address: BALLYNAKILLY, COALISLAND	

Decision:

Decision Date:

Ref ID: M/1979/049001

Proposal: ERECTION OF FARM BUNGALOW

Address: BALLYNAKELLY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1980/0603

Proposal: 11 KV O/H LINE

Address: BALLYNAKILLY, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

As detailed above.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Existing Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0498/F	Target Date:
Proposal: Extension to existing domestic garage to provide a new commercial machinery store	Location: 100m N.E.of 29 Fegarran Road Cookstown
Referral Route: Refusal recommended – Contrary To PPS21 & PPS 4	
Recommendation:Refusal	
Applicant Name and Address: Granville Carson 29 Fegarran Road Cookstown	Agent Name and Address: J Lamont 82 Windsor Crescent Cookstown BT80 8EZ
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	1
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

Proposal contrary to PPS21 & PPS 4

Characteristics of the Site and Area

The proposal site is located on Feegarron Road, Cookstown to the rear of No. 29. There is currently a small shed to the rear of the proposed within a concrete yard, this is accessed via an existing laneway east of No. 29 Feegarron Road while the dwelling No 29 is accessed via a separate entrance NW of the shed access. The site is elevated above the level of the road and is flanked to the rear and sides by agricultural land. There are no immediate neighbours. The proposed third access is to be taken along the edge of the neighbouring agricultural field and the curtilage of the existing shed and yard to be extended into the neighbouring agricultural field.

Description of Proposal

Full application for 'Extension to existing domestic garage to provide a new commercial machinery store'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3- Access, Movement and Parking

Planning Policy Statement 4 - Planning and Economic Development

PED 2 - Economic development in the countryside

PED 6 - Small rural projects

PED 9 - General Criteria for Economic development

Consultees: - Transportni were asked to comment and responded on 16.05.2017 with no objections subject to conditions.

Environmental Health were asked to comment and responded on 30.06.2017 with no objections subject to advice.

NI Water were asked to comment and responded on 02.05.2017 with no objections subject to advice.

Neighbours: - Owners/Occupiers of Nos. 27 _ 27a Feegarron Road were notified of this proposal on 28.04.2017 - no representations have been received to date.

In line with legislation this proposal was advertised in the local press during April 2017, no objections/representations have been received to date.

In line with PPS4 proposals for economic development in the countryside will only be permitted in exceptional circumstances. Having considered the information submitted it is not my opinion that this particular case has been demonstrated to be an exceptional circumstance.

According to PED 6 a small rural industrial enterprise on land outside a village or smaller rural settlement will be permitted where it is demonstrated that ALL of the following criteria are met:
a) there is no suitable site within the settlement; - no explanation has been given as to why this site has been chosen over one that is sited within a settlement.

b) the proposal would benefit the local economy or contribute to community regeneration; - no evidence has been given as to the benefit from this proposal to the local community, however a letter of support has been submitted from Cllr Mark Glasgow dated 17th July 2017 whereby he states that there is no available site within a nearby settlement and supports the size of the proposed shed. In addition he states that the proposal would benefit the local economy and/or contribute to community regeneration as the applicant has and continues to employ local school leavers. Cllr Glasgow also states that the proposal would not cause urban sprawl and the proposed building is in keeping with its surroundings without being overly dominant.

c) the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

Having considered the supporting statement and the proposal it would be my professional opinion that no justifiable explanation has been given as to why this particular proposed store could not be relocated to a nearby settlement and as such fails to meet this criteria.

In addition it has not been demonstrated how this proposed store would benefit the local economy or contribute to community regeneration as to allow an exception and as such the proposal also fails on this criteria.

Finally with regards point c this proposal is not clearly associated with the settlement and as the criteria for PED 6 states that ALL points a, b _ c should be adhered the proposal fails to comply with PED 6 and I would advise the committee to issue a refusal.

In addition according to PED 9 a proposal for economic development use, in addition to the other policy provisions will be required to meet ALL of the following criteria:

a) it is compatible with surrounding land uses; - the size of the building and design is in keeping with the rural location however the proposed storage use is not one that is acceptable in this rural location.

b) it does not harm the amenities of nearby residents; - there are no immediate neighbours to the proposal site and no objections have been received following neighbour notification or advertisement.

c) it does not adversely affect features of the natural or built heritage; - there are no neighbouring natural or built heritage sites which could be potentially affected by the approval of this proposal.

d) it is not located in an area of flood risk and will not cause or exacerbate flooding; - following a GIS database search no flood risk has been identified.

e) it does not create a noise nuisance; - as the proposed building would only be used for the storage of machinery it is unlikely that there would be any noise nuisance caused.

f) it is capable of dealing satisfactorily with any emission or effluent; - as the proposed building would only be used for the storage of machinery it is unlikely that there would be any noise nuisance caused.

g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; - Transportni were asked to comment and responded on 16.05.2017 with no objections to the proposal subject to conditions.

h) adequate access arrangements, parking and manoeuvring areas are provided; Transportni were asked to comment and responded on 16.05.2017 with no objections to the proposal subject to conditions.

i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; - this point has not be addressed in the submitted material.

j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; - all existing trees and hedgerows within the site and on the boundary are shown to be permanently retained intact, with no lopping, felling or removal without prior approval from the Planning Authority.

k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; - no outside storage has been indicated, all existing trees and hedgerows within the site and on the boundary are shown to be permanently retained intact, with no lopping, felling or removal without prior approval from the Planning Authority.

l) is designed to deter crime and promote personal safety; and - no evidence of this has been shown in the submitted material.

m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. - the proposed building although larger than the existing shed on site does have the design and finishes of an agricultural building. The site is elevated above the road level and the proposed shed would appear dominant behind the dwelling however I do not feel to an unacceptable level. The proposal does also propose an additional access point, currently there are two access points into the dwelling and existing shed and yard and these are not shown to be closed off but rather for there to be 3 access points, this in itself I would suggest is not appropriate in this rural location. Upon inspection on site on 06.09.2017 it was evident that the third proposed access has already been implemented.

In addition to the aforementioned policies 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. Under PPS21 it states that planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposal in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with policy CTY 4;
- tourism development in accordance with PPS 4;
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS8;
- renewable energy projects in accordance with PPS18;
- a necessary community facility to serve the local rural population.

This particular proposal fails to meet any of these requirements and so fails to meet CTY 1 of PPS21.

A new building proposed in the countryside also needs to be accessed under CTY 13 - Integration and Design of Buildings in the countryside. This policy 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.

A new building will be unacceptable where:

- a) it is a prominent feature in the landscape; or - the proposal site is elevated above the road level of Feegarran Road and sited to the rear of a single storey detached dwelling however I do not feel the proposed building would be unduly prominent.
- b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or - the site is surrounded by agricultural land, the site is bounded by existing vegetation.
- c) it relies primarily on the use of new landscaping for integration; or
- d) ancillary works do not integrate with their surroundings; or - a new additional access has been proposed this is carved out of the neighbouring agricultural field and the proposed building is to extend out of the existing curtilage into the field.
- e) the design of the building is inappropriate for the site and its locality; or - the design of the building is agricultural in design.
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or - the proposal site is elevated above the road level however would have an agricultural appearance in the rural landscape.
- g) in the case of a proposed dwelling on a farm (see Policy CTY 10) - no evidence has been submitted with regards a farming activity on the site.

Finally the proposal needs to be considered against the criteria of CTY 14 - Rural Character whereby it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be considered unacceptable where:

- a) it is unduly prominent in the landscape - it is my consideration that the proposed building will not be unduly prominent in this rural landscape.
- b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or - this proposal would not cause a build-up of development
- c) it does not respect the traditional pattern of settlement exhibited in that area; or - the proposal would adhere to this criteria
- d) it creates or adds to a ribbon of development; or - ribbon development would not be created should an approval be granted.
- e) the impact of ancillary works(with the exception of necessary visibility splays) would damage rural character. - the proposed new additional access would have an unacceptable access in the rural landscape.

Having considered all of the above I feel the committee should consider this proposal as a refusal as it is contrary to PPS4 - PED 2, PED 6 _ PED 9 and contrary to PPS21 - CTY 13 _ 14

Following discussions with senior management it was felt that additional information should be sought from the agent. A letter was issued to the agent dated 28.09.2017 advising that as the application stands we would be recommending it for refusal however advised that the proposal may be acceptable under CTY 11 of PPS21 - Farm diversification if the applicant has a recognised and established farm. The applicant was advised to consider these points and submit advice as to how they wish to proceed.

A letter from Cllr Mark Glasgow was received on 19.10.2017 in support of the applicant. Within this letter he states that the proposal could not be catered for within a settlement as it would be too far for the applicant to travel with machinery and units within a settlement would not be suitable for the storage of machinery. Cllr Glasgow also states that the proposal should be accepted as it will provide revenue for the local economy. He commented that the applicant has been employing local school leavers at the site for some time and will continue to do so should an approval be granted. Cllr Glasgow is of the opinion that the proposal will not have an adverse impact on the local character and will be associated with the settlement, he feels that local businesses like this should be encouraged.

Having considered Cllr Glasgow's letter of support my previous recommendation of refusal would still apply as this additional information has not provided any information in my opinion to counter the issues raised.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to the Department's Planning Policy Statement 4, PED 2, in that the proposal does not represent any of the exceptions to economic development in the countryside and it has not been demonstrated that no suitable site exists within a settlement, nor has it been demonstrated how the proposal would benefit the local economy or contribute to community regeneration or how the proposed development is clearly associated with the settlement.
4. The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development Policy PED 9 in that the proposal would not be compatible with surrounding land uses and the proposed additional access would be detrimental to the visual amenity of the area.

Signature(s)

Date:

ANNEX	
Date Valid	6th April 2017
Date First Advertised	20th April 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Feegarron Road Unagh Cookstown The Owner/Occupier, 27a Feegarron Road, Cookstown Mark Glasgow Email	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0498/F Proposal: Extension to existing domestic garage to provide a new commercial machinery store Address: 100m N.E. of 29 Fegarran Road, Cookstown, Decision: Decision Date: Ref ID: I/2003/0770/F Proposal: Proposed shed & New access Address: Rear of 29 Feegarron Road Cookstown Decision: Decision Date: 15.11.2003 Ref ID: I/2003/0488/F Proposal: Proposed detached garage Address: Rear of 29 Feegarron Road, Cookstown Decision: Decision Date: 12.09.2003 Ref ID: I/1979/0557 Proposal: RETIREMENT FARM DWELLING HOUSE Address: FEGARRON ROAD, UNAGH, COOKSTOWN	

Decision:
Decision Date:

Ref ID: I/1979/055701
Proposal: PROPOSED RETIREMENT FARM DWELLING
Address: FEGARRON ROAD, UNAGH, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2003/0226/F
Proposal: Proposed detached garage
Address: Rear of 29 Feegarron Road, Cookstown
Decision:
Decision Date: 09.06.2003

Drawing Numbers and Title

Drawing No. 05
Type: Existing Elevations
Status: Submitted

Drawing No. 03
Type: Proposed Elevations
Status: Submitted

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

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: December 2017	Item Number:
Application ID: LA09/2017/0801/F	Target Date: 20/9/17
Proposal: Erection of first floor extension to side of dwelling	Location: 24 Ashveigh Benburb
Referral Route: Agents wife is on a career break from Mid Ulster Council.	
Recommendation:	Approval
Applicant Name and Address: Mr Chris Coleman 24 Ashveigh Benburb	Agent Name and Address: O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH
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

None.

Characteristics of the Site and Area

The site is located at 24 Ashveagh, Benburb. On site is a two storey detached dwelling located within a housing development. The site is bounded by wooden fencing with some hedging to the north of the site. The immediate area surrounding the property is predominantly residential.

Description of Proposal

Planning permission is sought for the erection of a first floor extension to side of dwelling.

Planning Assessment of Policy and Other Material Considerations

Representations

There have been no objections/comments received in relation to this proposal. Planning History

There is no relevant planning history associated with this site.

Policy Context

The following policy and legislation was considered in the assessment of this application:

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- Addendum to Planning Policy Statement 7: Residential Alterations and Extensions

Dungannon and South Tyrone Area Plan 2010

The site is located within Benburb Settlement Limit. It has no other zonings or designations within the Plan.

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement (SPPS) outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Addendum to Planning Policy Statement 7: Residential Alterations and Extensions

Policy EXT1 within the addendum to PPS7 is the relevant policy to be considered in assessing this proposal.

Planning permission will be granted for an extension or alteration to a residential property where it meets the following criteria:

(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;

The proposal is for a first floor side extension to provide an additional bedroom and walk in wardrobe above the existing living room and utility. The proposed extension increases the existing ridge height from approx. 4.6m to approx. 7m. The proposed extension is subordinate to the existing dwelling and the materials proposed are to match existing and therefore are considered acceptable. It is considered that the proposal is sympathetic with the built form and appearance of the existing property and would 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;

There is one window proposed as part of the extension however privacy or overlooking concerns are not considered to be an issue as the proposed window will make use of similar views enjoyed at present. Due to the size and the scale of the proposal, it is not considered that there would be any amenity issues for neighbouring residents in terms of loss of light, overshadowing or dominance.

(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;

The proposal will create a first floor extension above the existing living room and utility and will not result in the unacceptable loss of, or damage to trees or other landscape features which contribute significantly to local environmental quality. The proposal complies with this part of the policy.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.
It is considered that there is sufficient sized private amenity space within the property. The parking within the site curtilage would not be affected by this proposal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is considered to comply with the criteria set out in Policy EXT 1 – Residential Extensions and Alterations of Addendum to Planning Policy Statement 7 (PPS7): Residential Extensions and Alterations because it would not detract from the character or appearance of the property or the surrounding area, it would not unduly affect the privacy or amenity of neighbours and it would retain adequate amenity space.

Conditions/Reasons for Refusal:

Conditions

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

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

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 June 2017
Date First Advertised	29th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 26 Ashveagh Benburb Tyrone The Owner/Occupier, 7 Ashveagh Benburb Tyrone	
Date of Last Neighbour Notification	3rd July 2017
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0801/F Proposal: Erection of first floor extension to side of dwelling Address: 24 Ashveigh, Benburb, Decision: Decision Date: Ref ID: M/1999/0266 Proposal: Proposed 8 No semi - detached dwellings and site road Address: Adjacent to Lisduff Lane, Benburb, Dungannon Decision: Decision Date: 21.12.1999 Ref ID: M/1998/0626 Proposal: Proposed Housing Development (8 Houses Semi-detached dwellings and Site Road Address: ADJACENT TO LISDUFF LANE BENBURB DUNGANNON Decision: Decision Date: Ref ID: M/2000/0967/F Proposal: 2 no semi-detached dwellings and 1 no detached dwelling Address: Adjacent to Lisduff Lane Benburb Decision: Decision Date: 27.07.2001	

Summary of Consultee Responses N/A
Drawing Numbers and Title
Drawing No. 01 Type: Proposed Plans Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



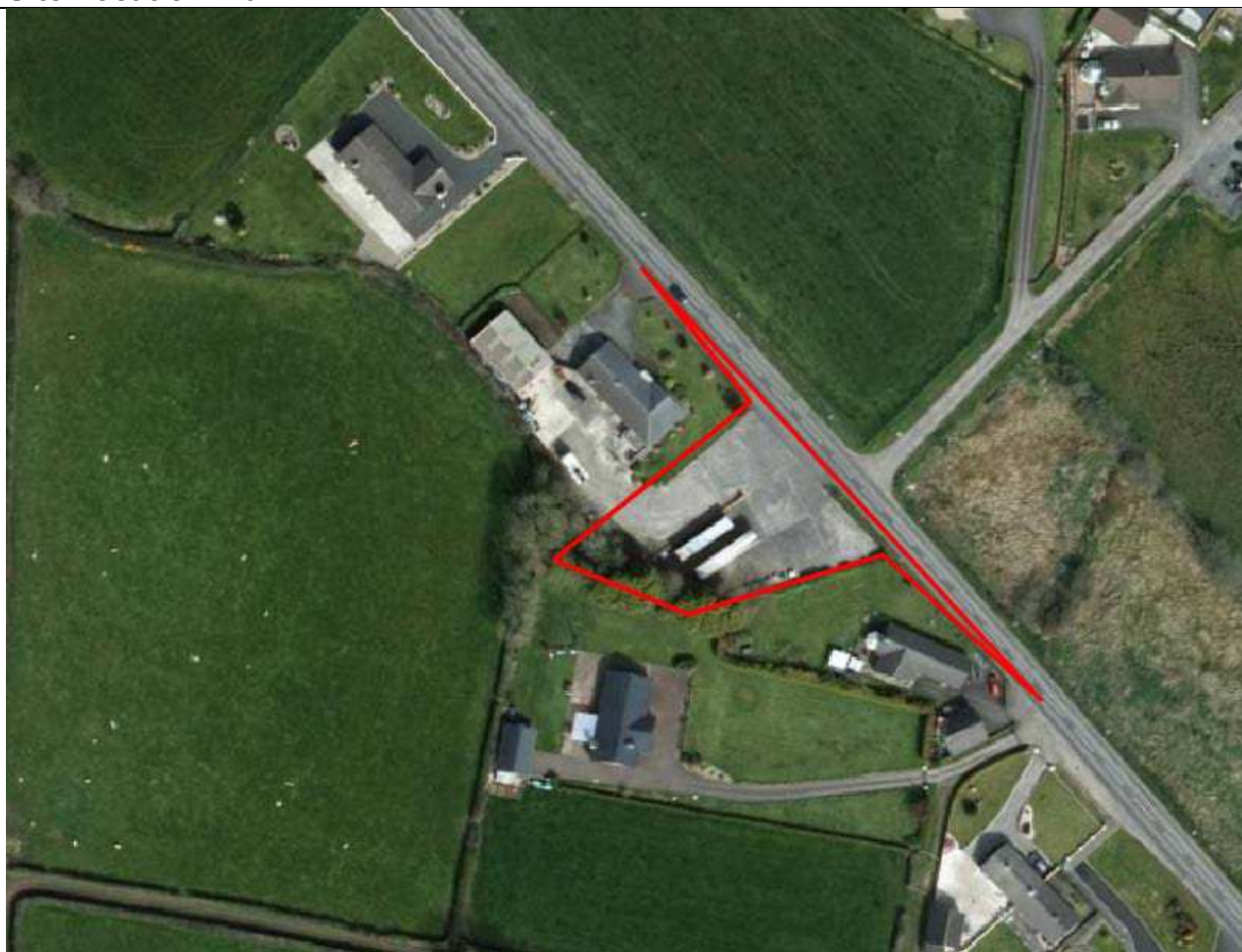
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Dec 2017	Item Number:
Application ID: LA09/2017/0809/F	Target Date: 27/09/2017
Proposal: Proposed infill dwelling and garage	Location: Infill site between no. 280 and 282a Hillhead Road Knockloughrim
Referral Route: Approval with an objection received.	
Recommendation:	Approval
Applicant Name and Address: Loughdoyle Construction Ltd 43 Ashbourne Castledawson BT45 8HP	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

There was one objection received in relation to the proposal. The details of the objection are discussed later in the report.

Characteristics of the Site and Area

The site is located between 280 and 282a Hillhead Road, Knockloughrim. At present, the site is an open yard which is bounded to the NW by a small wall, to the SW by mature vegetation and to the SE by hedging. The NE boundary of the site is defined by a small wooden fence. The land rises from the SE towards the site. The area is rural in nature and is characterised by agricultural fields and detached dwellings with their associated outbuildings.

Description of Proposal

Full planning permission is sought for an infill dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2015/0984/O – Proposed infill dwelling – 282A Hillhead Road, Knockloughrim, Castledawson – PERMISSION GRANTED – 15th December 2015.

Representations

There has been one objection received in relation to this application. The issues raised in this objection will be discussed at a later stage in this report.

Planning Assessment of Policy and Other Material

Considerations The main policy and material considerations are within:

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement and Parking

Magherafelt Area Plan 2015

The site is located outside any development limit, situated SE of Knockloughrim Settlement Limit. It has no other zonings or designations within the Plan.

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

There was an outline application approved for this site on 15th December 2015 and therefore the principle of development has already been established on this site. There were a number of conditions attached to the previous approval, including a ridge height restriction of 6m above existing ground level to ensure that the development would not appear prominent and would be satisfactorily integrated into the landscape. This application seeks to gain full planning permission with a ridge height of approx. 8m, a width of approx. 10.6m and a frontage of approx. 14.3m.

There were two objections received in relation to the proposal, both from the same objector. The objector raised issues stating that the proposed dwelling would be located on an elevated site

considered carefully their concerns, however given the direction in which the sun travels and the separation distance between the two properties, I am of the opinion that overshadowing would not be an issue. Privacy concerns were also raised. There are a number of windows on the ground floor which will face in the direction of the objectors property and one upper floor window to serve one of the bedrooms proposed. Given that there is approx. 26m between the two properties at the closest points, I am content that there is adequate distance to avoid privacy concerns. The existing and proposed vegetation which will create further screening between the properties will further avoid any issues surrounding privacy. Other concerns which the objector raised include the devaluing of their property which is not considered a material consideration for planning applications.

Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. The principle of development on this site has already been established at the outline stage and I am content that the gap site represents an infill opportunity and therefore qualifies under Policy CTY 8 of PPS 21. Policy CTY 13 – Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character of PPS 21 are relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed.

Policy CTY 13 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. Views of the proposed dwelling would be limited due to the existing and proposed hedging and trees located to the SE of the site and the drop in ground level from the proposed dwelling and No 282a and therefore it is not considered that it would appear as a prominent feature in the landscape. The site has established boundaries to the SE and the SW which will provide a suitable degree of enclosure for the proposal and will not be relying primarily on the use of new landscaping. There is new hedging and new trees proposed which will create further integration into this setting.

The design of the dwelling is considered to be appropriate for this site and its locality. The materials proposed include smooth render painted walls, natural stone for the front porch, natural blue/black slates for the roof, hardwood timber doors and upvc windows. Although most of the properties in this area are bungalows, given the step down in ground levels and the existing vegetation surrounding the site, I am content that the proposed dwelling would nestle comfortably into this site and would not appear unduly dominant. There are a number of large trees which would provide a suitable backdrop for the proposal.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Again it is not considered the proposed dwelling would appear unduly prominent in the landscape due to the natural boundaries of the site and the ground levels. As discussed, most of the surrounding properties are bungalows, however it is considered that the proposal of a dwelling with a ridge height of 8m would nestle comfortably into this particular site and it would not create or add to a ribbon of development.

Access, Movement and Parking

The proposal intends to alter an existing access to provide access onto Hillhead Road. Vehicles would be able to manoeuvre in and around the site with ease and it is considered there is adequate parking available within the site. Transport NI were consulted in relation to the application and have responded with no objection to the proposal subject to a number of conditions and informatives which they have set out in their response.

Transport NI, Environmental Health and NI Water were all consulted with regard to the proposal. None of the consultees raised any objection to the proposal subject to a number of conditions and informatives.

Neighbour Notification Checked	Yes/No
<p>Summary of Recommendation:</p> <p>It is my opinion that the proposal complies with the policy objectives of PPS 21 and PPS3 and therefore is recommended for approval.</p>	
<p>Conditions/Reasons for Refusal:</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>2. The vehicular access, including visibility splays of 2.4m x 120m in both directions, shall be in place, in accordance with Drawing No. 02b bearing the date stamp 18th September 2017, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. All landscaping comprised in the approved details of landscaping on stamped drawing No.02a date stamped 18th September 2017 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.</p> <p>Reason: To ensure the development integrates into the countryside.</p> <p>5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>	

6. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

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

7. The proposed stone work shall only be locally quarried natural basalt stone only.

Reason: In the interest of visual amenity and to maintain the rural character of the area.

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. Please refer to the general informatives provided by DfI Roads, Environmental Health and NI Water.

Signature(s)

Date:

ANNEX	
Date Valid	14th June 2017
Date First Advertised	29th June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) Adrian Turley 280 Hillhead Road Lemnaroy Creagh Adrian Turley 280, Hillhead Road, Creagh, Londonderry, Northern Ireland, BT45 8EF The Owner/Occupier, 280a Hillhead Road, Lemnaroy, Creagh, Londonderry, BT45 8EF The Owner/Occupier, 282 Hillhead Road, Lemnaroy, Creagh, Londonderry, BT45 8EF, The Owner/Occupier, 282A Hillhead Road Lemnaroy Creagh	
Date of Last Neighbour Notification	12th October 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/0809/F Proposal: Proposed infill dwelling and garage Address: Infill site between no. 280 and 282a Hillhead Road, Knockloughrim, Decision: Decision Date: Ref ID: LA09/2015/0984/O Proposal: Proposed infill dwelling Address: 282A Hillhead Road, Knockloughrim, Castledawson, Decision: PG Decision Date: 17.12.2015 Ref ID: H/1996/0045 Proposal: GARAGE AND STORE Address: 280 HILLHEAD ROAD CASTLEDAWSON Decision: Decision Date:	

Ref ID: H/1995/0549
Proposal: GARAGE AND STORE
Address: 282A HILLHEAD ROAD KNOCKLOUGHRIM
Decision:
Decision Date:

Ref ID: H/1994/0392
Proposal: GARAGE AND STORE
Address: 282A HILLHEAD ROAD KNOCKLOUGHRIM CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1993/0140
Proposal: VEHICULAR ACCESS
Address: 280 HILLHEAD ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1992/0682
Proposal: SITE OF DWELLING
Address: ADJ TO 284 HILLHEAD RD KNOCKLOUGHRIM
Decision:
Decision Date:

Ref ID: H/1992/0320
Proposal: ALTS AND ADDS TO BUNGALOW
Address: 280 HILLHEAD ROAD CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1987/0275
Proposal: BUNGALOW WITH GARAGE
Address: HILLHEAD ROAD KNOCKLOUGHRIM
Decision:
Decision Date:

Ref ID: H/1986/0073
Proposal: SITE OF BUNGALOW
Address: HILLHEAD ROAD, LEMNAROY, KNOCKLOUGHRIM, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1981/0266 Proposal: BUNGALOW Address: HILLHEAD ROAD, BROAGH, KNOCKLOUGHRIM Decision: Decision Date:
Summary of Consultee Responses No objection to the proposal.
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02b Type: Proposed Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0844/F	Target Date:
Proposal: Stable to house pony	Location: 44 Moyagoney Road Clady Portglenone
Referral Route: Refusal recommended – Contrary to CTY 8 of PPS 21.	
Recommendation:	REFUSE
Applicant Name and Address: Mr and Mrs Madden 44 Moyagoney Road Clady Portglenone BT44 8JG	Agent Name and Address:
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Refusal is recommended - Contrary to CTY 8 of PPS 21.

Characteristics of the Site and Area

The site is located at 44 Moyagoney Road, Portglenone and is located approximately 2.4km from Clady and is situated in the open countryside as defined by the Magherafelt Area Plan 2015. On the site sits a detached two dwelling with garage to the rear, the site extends into the front portion of the adjacent agricultural field. There is mature trees separating the dwelling and the agricultural field, with another line of mature along the south eastern boundary. During the site visit along the roadside was partly cleared but there is still some hedging still standing, the north eastern remains undefined as stated this is the front portion of the agricultural field. The agricultural field itself is defined by mature hedging and trees on all boundaries and there is an approved site within this field with construction works underway. The immediate area is defined by a mix of development between that of agricultural and residential land uses.

Relevant planning history

H/2010/0494/F – Proposed 1.5 storey infill dwelling and garage – Permission Granted 24.02.2011

Representations

There were three neighbour notifications sent out however no representations were received on this application.

Description of Proposal

This is a full application for a proposed stable to house pony.

Planning Assessment of Policy and Other Material Considerations

The proposal is for a proposed stable to house pony.

Magherafelt Area Plan 2015**Strategic Planning Policy Statement (SPPS)****PPS 21 – Sustainable Development in the Countryside****Addendum to PPS 7 – Residential extensions and alterations**

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Para 6.137 of the SPPS advises that residential extensions should be well designed.

The application fee is based on a residential development which is partly or entirely outside the curtilage of a dwelling house and located within the open countryside. Policy CTY 1 of PPS 21 sets out a range of developments which are in principle acceptable in the countryside. The proposal does not involve an extension to or alteration of the existing dwelling. However the preamble to the Addendum of PPS 7, 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 the addendum. A11 of Annex A refers to buildings within the residential curtilage, such as domestic garages and other associated buildings and the need for care to be taken with regards to siting and design. Paragraph A13 states 'in the countryside ancillary buildings should be designed as part of the overall layout to result in an integrated group of buildings.

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.

The proposed stable is a small in nature, therefore I am content that the stable is acceptable in terms of massing, design, scale and external materials with respect to the existing dwelling

insofar that it will not detract from the appearance and character of the area. With regards to residential amenity, there are concerns raised that this stable may have adverse impact on amenity as a result of noise and smell generated from the stable. It must be noted that no objections were received in connection with this application. Environmental health were consulted in relation to the concerns over the potential noise and smell and responded with no objection to the proposal. From this I am content on balance that this application will not have an adverse impact on residential amenity. As the proposal is for a small stable for a pony and it will only result in a small loss of agricultural land means I am content that this will not result in a loss of any features that contribute significantly to the local environmental quality. Finally as the parking arrangements are unaffected by the proposed extension therefore there will be sufficient space for the turning and parking of vehicles.

However as stated in A13 'in the countryside ancillary buildings should be designed as part of the overall layout to result in an integrated group of buildings', I am of the opinion that in its current location that this would not result in an integrated group of buildings. In fact, it has the potential to lead to further development through the policy of infill CTY 8 – Ribbon Development and is therefore unacceptable. The applicant was asked to move the stable to the other side of the field closer to the dwelling removing the possibility of an infill dwelling. However the applicant responded with a letter stating that the reasoning of locating the stable where it is that Mr Madden did not want the stable close to his home for environmental issues such as smell and noise from the horse. Also that the entrance to the field is also to the right of the site and by using this established entrance will prevent creating a new one. The applicant was contacted once more with the view for the need to move the stable to the other side as in the proposed position would adversely impact neighbouring dwellings with the concerns raised by Mr. Madden and it still has the potential to lead to additional development. The applicant responded and stated that this is the location in which they want the stable. Whilst I acknowledge the concerns raised by Mr. Madden however I hold the opinion that it is unfair to pose potential issues of noise and smell upon neighbouring dwellings rather than locating the stable closer to your own property. In addition to this I am not convinced that relocating the stable to the other side approx. 30m closer to the applicant's dwelling that it would significantly differ in terms of noise and smell wherein there is a line of trees between the dwelling and site to act as a buffer. With regards to the existing access referred to, as stated during the site that along the roadside has been opened up except for a small portion of hedging. From this the access to the other side has already been created and this boundary would be need to be redefined again. From this I am of the opinion that the stable should be located closer to the dwelling to better integrate with the other buildings and that the current location is unacceptable in terms of CTY 8.

Transport NI were also consulted and they responded to state they had no objections to the application.

On balance of the above I must recommend refusal for the application as it is contrary to CTY 8 of PPS 21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended and must go to committee.

Reasons for Refusal:

1. 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 a tendency towards ribbon development along the Moyagoney Road.

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

Date Valid	21st June 2017
Date First Advertised	6th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Naval Lane Tyanee Portglenone The Owner/Occupier, 40 Moyagoney Road Tyanee Portglenone The Owner/Occupier, 42 Moyagoney Road Tyanee Portglenone	
Date of Last Neighbour Notification	26th June 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0844/F Proposal: Stable to house pony Address: 44 Moyagoney Road, Clady, Portglenone, Decision: Decision Date: Ref ID: H/1992/0458 Proposal: BUNGALOW Address: NAVAL LANE PORTGLENONE Decision: Decision Date:	

Ref ID: H/1991/0398
Proposal: SITE OF DWELLING
Address: ADJ TO 8 NAVAL LANE PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1997/4026
Proposal: RENOVATIONS TO DWELLING (DISABLED)
Address: 2 NAVAL LANE PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1976/0188
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW
Address: 2 NAVAL LANE, TYANEE, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1992/0617
Proposal: SITE OF DWELLING
Address: R/O 44 MOYAGNEY RD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1997/0007
Proposal: TWO STOREY KITCHEN, UTILITY AREA WITH BEDROOM AND
BATHROOM FACILITIES
Address: 44 MOYAGONEY ROAD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1982/0026
Proposal: ALTERATIONS AND ADDITIONS TO HOUSE
Address: 44 MOYAGONEY ROAD, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1989/0393
Proposal: DOUBLE GARAGE AND STORE AND UTILITY ROOM
Address: 44 MOYAGONEY ROAD CLADY PORTGLENONE
Decision:
Decision Date:

Ref ID: H/2010/0494/F

Proposal: Proposed 1.5 Storey Infill Dwelling and Garage

Address: Adjacent to 42 Moyagoney Road, Portglenone, Co.Antrim,

Decision:

Decision Date: 24.02.2011

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5th December 2017	Item Number:
Application ID: LA09/2017/0891/F	Target Date:
Proposal: Proposed extension to existing multi-storey car parking facility to provide 212 additional car parking spaces over 2 additional levels to include associated alterations/extension to existing lobbies/elevators	Location: Meadowlane Shopping Centre Moneymore Road Magherafelt
Referral Route: This application is being presented to Committee as three objections have been received in respect of the proposed development and this application in association with planning application H/2015/0068/F (Deferred Item C2) are the subject of a Planning Agreement which is also to be discussed.	
Recommendation:	APPROVE
Applicant Name and Address: Castlefarm Properties Ltd 17/19 Dungannon Road Cookstown	Agent Name and Address: Clarman and Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

Three representations have been received in respect of this application and relate to the following issues:-

- Overshadowing;
- Detract from the appearance of the area;
- Increase in traffic and congestion;
- Road safety;
- No need for the additional car parking;
- Poor relationship with the main street and the rest of the town/existing residential area;
- Lack of privacy to the side/rear of no.15 Moneymore Road;
- Devaluation of property;
- Timing of the neighbour notification letters;
- Impacting on entrance to residential property directly opposite the site;

Description of Proposal

Proposed extension to existing multi-storey car parking facility to provide 212 additional car parking spaces over 2 additional levels to include associated alterations/extension to existing lobbies/elevators.

The existing level 5 and level 6 will be roofed over and new car parking created on levels 7-10.

Characteristics of the site and area

The site is located within Magherafelt town centre and within the Primary Retail Core as identified in the Magherafelt Area Plan 2015. This is the main shopping and retail services centre for the district and surrounding rural area. The surrounding area is a mixture of commercial, restaurants, hot-food outlets, offices, residential properties and public carparks and is accessed off one of the main thoroughfares through the town. There are also a number of secondary schools/colleges within easy walking distance of the site.

The centre has a capacity of 472 parking spaces on 7 levels. This includes disabled parking spaces and 22 spaces which are reserved for DARD staff on the ground floor level accessed directly off the Moneymore Road. The basement level has a capacity of 93 spaces which are proposed to be replaced by a new retail unit, hence the necessity to provide additional car parking spaces.

Planning Assessment of Policy and Other Material Considerations

The main policy consideration is the assessment of this proposal are:-

Magherafelt Area Plan 2015

The site is within the area designated as MT37 – Primary Retail Core within the Magherafelt Area Plan 2015. The proposal accords with the area plan, insofar as it is located within an existing shopping centre in the primary retail core of Magherafelt town centre, which states that development proposals within the primary retail core will be processed in accordance with prevailing regional planning policy.

Planning Policy Statement 3 – Access, Movement and Parking.

Policy AMP 10 Provision of Public and Private Car Parks advises that approval will be granted to such proposals provided :-

- they do not significantly contribute to increased congestion;
- the proposal will provide additional car parking for the Meadowlane Shopping Centre which has multi-level parking at present on 6 levels in addition to a basement level. However, it is proposed

to replace the basement level parking area with a new retail unit. Hence the need to provide replacement and additional parking areas. This will help to reduce inappropriate parking within the town centre and will help to reduce congestion;

- are not detrimental to environmental quality;

the proposal is not seen as causing any detriment to environmental quality and will provide appropriate parking in an organised fashion;

- they meet an identified need;

The proposal provides additional car parking facilities for the existing centre. TransportNI advised in their consultation response to the proposal to replace the basement parking area with a new retail unit that :-

TNI would recommend that council should consider what the parking standards required for the existing retail outlets is what should be provided and whether or not the car park is being fully utilised is not the point. We are currently in a fluid business environment and the standards are there to future proof the existing build. Regardless of the accuracy of the information in the TAF, a previous planning application (H/2004/0200/F) was approved with a significant extension to the shopping centre and was approved with a significant deficit in car parking which was contrary to standards set in the car parking guidelines. This current application (H/2004/0020/F), if approved, will further exacerbate the car parking deficit in relation to the parking necessary to support this current proposal. TNI would also recommend that the current and future needs for servicing the proposed development must be considered. As per the previous consultation comments dated 29 April 2015 it is still TransportNi opinion that this proposal, if permitted, will create a situation whereby the public car park with 241 spaces and adjacent to Meadowlane will be grossly oversubscribed and have an adverse effect on the surrounding businesses.

Therefore, this is now a decision to be made by Mid Ulster District Council as the control of public parking lies with them. How much of a further shortfall can be acceptable before there will be an impact on road safety and traffic progression in and around Magherafelt town centre. It is TNI's opinion that the maximum reduction in the parking standards has already been applied. Consequently, Transportni recommended refusal of that extension, which was ultimately approved.

Given the above scenario, clearly there is a deficiency in the parking provisions which have been provided in Meadowlane shopping centre compared to the published standards. Given TransportNI's concerns regarding the deficit in parking provision within Meadowlane Centre, in my opinion, whilst the TAF may indicate an underuse of the existing parking facilities, it would be prudent to ensure that there is additional parking provided, given that the previous proposal for the reconstruction of the basement car park to a retail unit will result in the loss of 90+ parking spaces. Therefore in my opinion, there is a clear need for the proposed additional parking levels.

- Within areas of defined parking restraint, the spaces are appropriately managed to deter long stay commuter parking;

The site is not within an area of where there is a defined parking restraint. However, these spaces can be defined and managed so as to deter long stay commuter parking. The car park also operates on a pay to stay basis which will be self-regulating in terms of lengthy stays.

- They are compatible with adjacent land uses;

The adjacent land uses includes the existing car park the shopping centre. The site is located within Magherafelt town centre, so is fully compatible with these uses.

Relevant Planning History

H/2015/0068/F - Proposed change of use from basement car parking to supermarket unit to include new mall and amended service yard at existing Meadow lane Shopping Centre. Currently under consideration.

- Issues raised in representations:-

Overshadowing;

The site sits to the north west of No.6 Moneymore Road, which is already extremely well screened by mature trees to the extent that it is hardly visible from the Moneymore Road. It is not accepted that the proposal will have any effect on this property in terms of overshadowing.

- Detract from the appearance of the area and poor relationship with the main street and the rest of the town/existing residential area;

The proposal is for an extension to the existing multi-storey car park with the primary retail core of Magherafelt with a maximum increase in height of around 6.2m at the south western side. In my opinion, although it will represent a significant increase in height at this town centre location it is not out of keeping with what one would expect at a shopping centre and therefore it does not detract from the overall appearance of the area.

- Increase in traffic and congestion; Road safety; No need for the additional car parking;

The three issues above have all been considered by TransportNI in their role as a statutory Consultee. TransportNI have advised in previous applications, such as the associated application H/2015/0068/F for the change of use from the underground car parking area to a retail unit, of the shortfall in parking at this facility. Given the potential loss of the underground parking, and the fact that the existing parking provision falls short of the parking standards, there is a clear justification for additional parking. TransportNI have not raised any issues regarding an unacceptable increase in traffic/congestion or road safety.

- Lack of privacy to the side/rear of no.15 Moneymore Road

No.15 is a typical two storey semi-detached dwelling with a linear rear yard and private amenity space. The rear of No.15 is separated from the site by a service road leading to the rear of the shopping centre. The multi storey car park is at least 13m from the side of No.15 which also has a high boundary wall extending along the common boundary. The boundary wall is at least 3.0m high with tall mature trees planted on the inside and which provide screening to the rear garden area. Whilst there will be some degree of overlooking of the rear of No.15, this is to be expected in such an urban site and is however from a carpark. As such there is not expected to be a significant loss of privacy to the rear of No.15.

- Devaluation of property;

No evidence has been provided to substantiate that there will be any devaluation of property as a result of the proposed development;

- Timing of the neighbour notification letters;

MUDC have an obligation to notify adjoining land owners in connection with any planning application received and the timing of sending neighbour notification letters is not dictated by holiday periods.

- Impacting on entrance to residential property directly opposite the site.

TransportNI have not raised any issue regarding the conflict of accesses which are either directly opposite or close to the site entrance.

Consideration

The proposal is designed to provide additional car parking to off-set the loss of existing parking spaces due to the proposed change of use from the basement car park to a new retail unit.

Agreement has been reached with the applicants that survey results of car parking utilisation rates will be used to demonstrate if the existing multi-storey car park is capable of accommodating the existing parking demand for the shopping centre. This can be dealt with by way of a planning agreement to accompany the decisions on both this application and H/2015/0068/F.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the inclusion of a satisfactory Planning Agreement.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approved subject to the concise nature of appropriate conditions to be agreed along with the Planning Agreement.

Signature(s)

Date:

ANNEX	
Date Valid	28th June 2017
Date First Advertised	20th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Moneymore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 12 Moneymore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 15 Moneymore Road Town Parks Of Magherafelt Magherafelt Nigel Spiers and Geraldine Spiers 15 Moneymore Road, Magherafelt, Londonderry, Northern Ireland, BT45 6AG The Owner/Occupier, 4 Moneymore Road, Magherafelt, BT45 6AD The Owner/Occupier, 6 Moneymore Road Town Parks Of Magherafelt Magherafelt Samuel Johnston 6 Moneymore Road, Magherafelt, Londonderry, Northern Ireland, BT45 6AD The Owner/Occupier, 6A Moneymore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 8 Moneymore Road Town Parks Of Magherafelt Magherafelt Liam and Mary McNally 8 Moneymore Road, Magherafelt, Londonderry, Northern Ireland, BT45 6AD	
Date of Last Neighbour Notification	21.07.2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2017/0891/F Proposal: Proposed extension to existing multi-storey car parking facility to provide 212 additional car parking spaces over 2 additional levels to include associated alterations/extension to existing lobbies/elevators Address: Meadowlane Shopping Centre, Moneymore Road, Magherafelt, Decision: Decision Date: Ref ID: H/2007/0496/F Proposal: Construction of new lift pit and shaft to serve mezzanine floor in Unit D (applied for under application H/2007/0253/F) and new external doors	

Address: Meadowlane Shopping Centre, Moneymore Road, Magherafelt

Decision:

Decision Date: 12.10.2007

Ref ID: H/1991/0250

Proposal: SIGN

Address: MAGHERAFELT SHOPPING CENTRE 1-13 MONEYMORE ROAD

MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2006/0873/F

Proposal: Installation of 8 no. AC units to rear of building

Address: New Look, Unit A, Meadow Lane Shopping Centre Extension, Magherafelt

Decision:

Decision Date: 28.12.2006

Ref ID: H/2006/0779/A

Proposal: Shop Front Fascia sign

Address: New Look, Unit A, Meadowlane shopping Centre extension, Magherafelt

Decision:

Decision Date: 16.01.2007

Ref ID: H/2010/0596/A

Proposal: 3 No. internally illuminated aluminium fascia signs

Address: New Look, Meadowlane Shopping Centre, Moneymore Road, Magherafelt.,

Decision:

Decision Date: 01.02.2011

Ref ID: H/2004/0200/F

Proposal: Extension to existing shopping centre and additional carparking with new access from adjacent DOE carpark.

Address: Meadowlane Shopping Centre, Moneymore Road, Magherafelt & Rainey Street carpark, Rainey Street.

Decision:

Decision Date: 16.03.2005

Ref ID: H/2006/1048/F

Proposal: Amendment To Previous Approval H/2004/0200/F To Facilitate Internal And External Alterations

Address: Meadowlane Shopping Centre, Moneymore, Magherafelt

Decision:

Decision Date: 22.02.2007

Ref ID: H/2006/0734/A

Proposal: Shopping centre name, totem pole and carpark entrance signage

Address: Meadowlane Shopping Centre, Moneymore Road, Magherafelt

Decision:

Decision Date: 24.11.2006

Ref ID: H/1976/0034

Proposal: RESURFACING OF EXISTING HARDSTANDING AREA FOR USE AS ROADWAY AND STORAGE

Address: MONEYMORE ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1991/0116

Proposal: BOUNDARY SCREEN WALLS TO SHOPPING DEVELOPMENT

Address: 1 MONEYMORE ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0586

Proposal: EXTENSION TO STORE AT EXISTING SHOPPING CENTRE

Address: 1 MONEYMORE ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2007/0711/A

Proposal: 3 No. External Shop Signs

Address: Dunnes Stores, Meadowlane Shopping Centre, Moneymore Road, Magherafelt

Decision:

Decision Date: 19.11.2007

Ref ID: H/1988/0390

Proposal: SITE OF SHOPPING DEVELOPMENT

Address: 1-9 MONEYMORE ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1976/0362

Proposal: SITE OF EXTENSIONS TO OFFICE BLOCK, SAWMILL AND BRICK PLANT

Address: MONEYMORE ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0163

Proposal: RETAIL SHOPPING DEVELOPMENT

Address: 1-13 MONEYMORE ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0297/A

Proposal: Projecting 'brand' sign for shopping centre tenant

Address: Medowlane shopping centre, Moneymore Road, Magherafelt

Decision:

Decision Date: 12.09.2008

Ref ID: H/2011/0094/F

Proposal: Change of use of unit 13 from retail to class A2 financial

Address: Meadowlane Shopping Centre Moneymore Road Magherafelt BT45 6PR,

Decision:

Decision Date: 31.03.2011

Ref ID: H/2010/0537/F

Proposal: Amalgamation Of units H1,H2 and J1 into one unit H and change of use from retail to offices

Address: Meadowlane Shopping Centre, Moneymore Road, Magherafelt.,

Decision:

Decision Date: 13.01.2011

Ref ID: H/1995/0247

Proposal: EXTENSION TO 3 UNITS TO FORM ICELAND UNIT

Address: MEADOW LANE SHOPPING CENTRE MONEYMORE ROAD

MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2008/0703/A

Proposal: Totem Sign.

Address: Meadowlane Shopping Centre, Moneymore Road, Magherafelt.

Decision:

Decision Date: 18.02.2009

Ref ID: H/2007/0923/F

Proposal: Retrospective application for the replacement of part of the perimeter wall with new railings

Address: Meadowlane Shopping Centre, Moneymore Road, Magherafelt

Decision:

Decision Date: 28.03.2008

Ref ID: H/1990/0598

Proposal: WALL MOUNTED SIGN

Address: MEADOW LANE SHOPPING DEVELOPMENT 1-13 MONEYMORE ROAD

MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2013/0227/A

Proposal: 3no illuminated fascia/box signs

Address: New Look, Unit A, Meadow Lane Shopping Centre, Moneymore Road, Magherafelt,

Decision: CG

Decision Date: 27.08.2013

Summary of Consultee Responses

TransportNI welcomed the additional parking and have no objections to the proposal.

Drawing Numbers and Title

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Existing Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Existing Plans
Status: Submitted

Drawing No. 06
Type: Existing Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/12/2017	Item Number:
Application ID: LA09/2017/0899/F	Target Date: 17/10/2017
Proposal: Cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing areas for a new hobby farm holding for raising rare cattle and sheep breeds	Location: Lands to the front of and NE of 102 and 104 Ballygawley Road and South of 101 Ballygawley Road Glenadush
Referral Route: Application is being presented to committee as seven letters of objection have been received and the application is being recommended for Refusal.	
Recommendation:	Refuse
Applicant Name and Address: Mr Bernard McAleer 7 Glenree Avenue Dungannon BT77 6XG	Agent Name and Address: Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: Members are advised that the proposal is contrary to prevailing planning policy and refusal is recommended. The applicant has failed to demonstrate that the farm holding has been established for 6 years or that the proposal will not have a detrimental impact, in terms of amenity, on the surrounding residential dwellings.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	Rivers Agency	Advice
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NIEA	No Objection

Representations:

Letters of Support	2
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Transport NI, Rivers Agency, NIEA (DAERA Planning Response Team), the Council's Environmental Health Department (EHD) and Department for Communities Historic Environment Division (HED) were consulted and have made comment on this application. Seven letters of objection and two letters of support have been received and the comments made have been considered below. All material considerations, including policy considerations, have been addressed within the determination of this application.

Characteristics of the Site and Area

The site is situated on the Ballygawley Road, Dungannon, Co. Tyrone. The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. The area surrounding the site is quite enclosed by landform and mature vegetation, however there is a greater degree of openness to the west of the application site where views open up across Eskragh Lough.

The application site is bound on each of its sides by vegetation and hedgerows. The site is currently accessed via an existing agricultural access which is situated to the north western corner of the site. The access is currently obtained via an existing laneway which serves the existing dwellings at numbers 104 and 106 Ballygawley Road. The field within which the application site is located makes up the entirety of this farm holding and members are advised that the lands within this farm holding do not host any farm buildings.

No's 104, 106, and 102 Ballygawley Road are residential dwellings in close proximity to the application site, to the west and south west respectively.

In terms of elevation the site area rises from the road at the north to the south of the site where the proposed farm building is sited.

Description of Proposal

The proposed application is for proposed cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard standing areas for a new hobby farm holding for raising rare cattle and sheep breeds. The applicant has highlighted that the purpose of the proposed building is to house and farm machinery/equipment, fodder, and to isolate cattle for testing by a vet. The applicant also notes that only breeding stock will be retained all year round and it is anticipated to be 2 no. rare breed cows. The breeding stock is to be housed in the shed over the winter months with the remainder sold off before winter.

The application relates to a 'hobby farm' which for the purposes of the application relates to a farm which the applicant will use to house rare breed cattle and sheep as a hobby in his retirement.

The proposal is sited to the south western corner of the application site and is measured at 12.6m in width and 21m in length. The maximum ridge height of the proposed shed is measured at 5.2m. The proposal includes the provision of external cattle pens and a cattle crush to the side of the shed in an area measured at 6m in width and 21m in length. Materials to be used on the proposed shed include a rendered masonry to lower walls, upper walls and roof cladding – goose wing grey, and goose wing grey rainwater goods.

Planning Assessment of Policy and Other Material Considerations

The following policy documents provide the primary policy context for the determination of this application;

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon & South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
4. PPS 6 – Planning, Archaeology and the Built Heritage.
5. PPS 15 – Planning and Flood Risk.
6. PPS 21 - Sustainable Development in the Countryside.

Planning History

M/2010/0554/O - Proposed 2 dwellings (detached), Adjacent to 102 Ballygawley Road, Eskragh, Dungannon, Co Tyrone. PERMISSION REFUSED - 10.11.2010.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, seven third party objections have been received from three separate parties - see consideration below. Two letters of support have also been received.

Assessment

The principal planning policies are provided by the SPPS, PPS 21, PPS 15, PPS 6 and PPS 3. The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21, PPS 15 and PPS 3 have been retained under transitional arrangements. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

PPS 21 sets out planning policies for development in the countryside whilst the policy provision within PPS 15 and PPS 3 deals with flood risk and access provision, respectively.

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is agricultural and forestry developments in accordance with Policy CTY 12.

CTY 12

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding and within the amplification text it clarifies that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. Policy CTY 10 stipulates that the farm business should be both active and established for a period of at least 6 years.

The applicant, within the supporting information submitted with the application, has conceded that the proposal is for a hobby farm and that the requisite DAERA farm business ID No. and maps have not yet been obtained. The supporting information outlines that the DAERA Business/Farm ID has not yet been applied for and that the application to DAERA will be submitted upon building the proposed cattle shed. The applicant has provided details of his father's farm business but again has conceded that the business ID expired some 25 years ago, and did not include the application lands.

Whilst visiting the site I observed a number of grazing sheep on the application lands and noted that the lands were in good agricultural condition.

On this basis on that above I can conclude that whilst the applicant may be an active farmer he has not been established for a period of at least 6 years. With this in mind I am not content that the agricultural holding is both active and established.

In support of adopting this approach to determining that the farm is both active and established, I would remind members of the approach taken by the PAC in two recent planning appeal decisions under 2016/A0007 and 2015/A0136. In both referenced appeals the respective commissioners determined that although there was evidence that the appellant was actively engaged in farming activities they could not prove that they had been established for a period of at least 6 years and therefore they failed to meet the requirements of the policy.

CTY 12 includes five further criteria (a-e):

a) The proposal would provide a farm building on this farm holding for existing livestock and this would help the applicant provide facilities for livestock over the winter months. It would also

provide facilities for sick and/or injured livestock. I consider that the applicant has provided sufficient evidence to confirm that the proposed farm shed (and associated facilities) would be necessary for the efficient use of the agricultural holding.

b)The proposal presents an agricultural building which is not considered uncommon within the context of this rural landscape. The materials used are similar to other types of agricultural development within this area.

Also, it is noted that the proposal has been sited to cluster with existing buildings in this area, including No's. 102 and 104 Ballygawley Road and their associated outbuildings. The level of vegetation surrounding the site coupled with the existing buildings in the area restricts the level of impact associated with the proposal and on that basis I consider that the proposal will not have a significant detrimental impact on the rural character of the area.

c)The proposed agricultural shed would benefit from the existence of natural vegetation and screening which are sited around the site area. As documented above, the location of other buildings to the west, help the proposal to integrate. The proposal would not present a prominent feature in the context of this rural landscape setting and I consider it to be successfully integrated.

d)There are no sensitive natural heritage features of note within the site or the surrounding area. Department of Communities Historic Environment Division (HED) were consulted and made comment on this application. The proposal is sited in close proximity to two archaeological sites, noted as being a rath and an occupation site (Ref: TYR 054:031 & TYR 054:009). HED have highlighted that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements. In consideration of that above, I am content that the proposal will not have a significant negative impact on the integrity of any archaeological features surrounding the site and is compliant with the policy objectives contained within the SPPS and PPS 6.

I consider that the proposal will not have a negative impact on any natural/historic features or monuments.

e)It is noted that the proposal is sited some 29m away from the closest unconnected residential dwelling at No. 102 Ballygawley Road and some 61.5m from No. 104 Ballygawley Road. Objections have been received from both of these addresses. In addition an objection has been received from an address noted as 104A Ballygawley Road, an address which has been noted as a mobile home. It is noted that there is no planning history within this area for the provision of a mobile home, nor has there been a Certificate of Lawfulness application received for such a development.

The proposal is sited some 62.5m away from the residential dwelling at No. 106 Ballygawley Road and a letter of support has been received from this address.

The Council's Environmental Health Department (EHD) were consulted and returned comment on this application highlighting that they had concerns with the proposal in relation to its proximity to the three dwellings referenced above (102, 104 & 106). EHD have highlighted that their concerns relate to the potential impact on these dwellings from odour and noise generated at the building. Further to comments made by EHD the applicant has provided a further submission which relates to the distance the proposal is sited away from these dwellings and highlights that EHD have advised that a separation distance of 75m would be desirable. In this latest submission (20/11/2017) the applicant concedes that the proposal fails to meet the 75m distance from neighbouring dwellings. Furthermore the applicant has failed to provide any substantial information to counteract the concerns raised by EHD. Although information in relation to prevailing wind direction has been provided, I do not consider this sufficient to merit obtaining a further response from EHD.

A set of potential negative planning conditions has also been suggested by the applicant within this latest submission. Whilst the suggested conditions may well help address amenity concerns, to a certain extent, I do not consider the suggested conditions to be either reasonable or

enforceable. The suggested conditions relate to the number of livestock to be housed in the shed and the time of year that they are to be in there. The application site is sited within an agricultural field which could have any amount of livestock at any given time, the ability to enforce this type of condition would therefore be extremely difficult.

In consideration of the information received on this application and the comments made by EHD, I consider that the proposal fails to meet part e of the policy requirements contained within Policy CTY 12 of PPS 21 in that insufficient information has been received to show that the development will not result in detrimental impact on the amenity of residential dwellings outside of the holding.

CTY 12 – Additional Requirements

In addition to that above and 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;
- 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.

The applicant has provided a supporting statement which identifies that there are no other buildings on the holding and that the proposal relates to the provision of a farm building to allow for a start-up farm business to be used as a hobby farm. It is therefore considered that there are no other buildings on the holding or enterprise which could be used.

CTY 13 & 14

An assessment of the proposed siting of the development along with its visual and physical impact has been documented within parts b and c, above. In terms of visual integration and impact on rural character members are advised that the proposal is deemed to satisfactorily integrate into the surrounding rural landscape setting. I consider the proposal to be compliant with the policy provision contained within Policies CTY 13 and 14 of PPS 21.

PPS 15

Department for Infrastructure Rivers Agency were consulted and returned comment on this application. Rivers Agency have assessed the application in relation to flood risk and have outlined that the proposal is in compliance with the policy provisions contained within PPS 15 – Planning and Flood Risk. With specific regard to Policy FLD 3 Rivers Agency have outlined that if the final discharge point for storm water from the proposal is to a watercourse, the applicant must make an application to the local DFI Rivers Agency office for a consent to discharge storm water consent.

The applicant has highlighted (Q17 – P1) that they propose to dispose of surface water via a sheugh and field drains. On the basis of the Rivers Agency comments I consider this to be an appropriate way of disposing of clean water/storm water generated on the site, provided a consent to discharge storm water has been obtained from Rivers Agency.

The application site is not sited within a flood plain and it is not considered that the proposal will contribute to flooding on the site or on nearby lands. In consideration of that above I am content that the proposal complies with the provision of PPS 15 – Planning and Flood Risk.

PPS 3

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have returned comment highlighting that they are content with the proposed access to the site. It is noted that the latest comments from DFI Roads have come after a series of amendments to the proposed access arrangements. The latest proposal is to create a new access directly adjacent to the existing access lane to the site. DFI Roads have confirmed their acceptability of this means of access and as such I consider the proposal to comply with the policy requirements contained within PPS 3 – Access, Movement and Parking.

Objections

Seven letters of objection have been received on this application and the issues raised can be separated into the categories identified below:

- Access and road safety

As discussed above, the proposal is deemed to comply with the policy requirements of PPS 3 – Access, Movement and Parking, per DFI Roads comments.

- Potential for Flooding and ability to dispose of storm water

Assessed within my consideration of PPS 15 above.

- Compliance with planning policy (Business ID and Active/Established)

See consideration of policy above. The applicant has failed to demonstrate that the proposal has been established for at least 6 years.

- Amenity Concerns (Noise/Odour)

The applicant has failed to demonstrate that the proposal will not have a detrimental impact on the amenity of adjoining residential dwellings in terms of Noise or Odour. See consideration of Policy CTY 12 above.

- Land Ownership

The objectors raised questions about the land ownership and the applicant was asked to clarify same. The applicant duly submitted an amended P1 form along with a P2A form which serves the requisite notice of the application to the landowner.

- Proposed Use

The objectors raised concerns surrounding the proposed use of the proposal. The application relates to the use of the proposal for farming purposes and as such I have considered it on that basis.

- Integration

See consideration of Policy CTY 12 above.

- Slurry/Effluent Disposal

Objectors raised concerns in relation to the ability of the proposal to dispose of any slurry or dirty run off from the development. NIEA Water Management Unit were consulted on this application and responded highlighting that they had no objection to the proposal subject to condition. NIEA also highlighted that it is the responsibility of the applicant to ensure that any tank installed for the purposes of the collection of slurry or dirty water, complies with the Nitrates Action Programme (NAP) Regulations NI 2014. On the basis of that above I am satisfied that the proposed works could be accommodated on the site without negatively impacting upon any local waterway features. The proposal is deemed to comply with Policy CTY 16 of PPS 21.

- Category of Development

One of the objectors questioned the categorisation of the development and suggested that the proposal should be considered to be processed as a major application. The proposal has been assessed in line with the criteria outlined within the Schedule to the Planning Development Management Regulations (NI) 2015 and does not meet the threshold for major development. The proposal has been processed as a local application.

- Definition of Hobby Farm

One of the objectors raised concerns in relation to the definition of a hobby farm. The applicant has clarified that the term hobby farm has derived from his desire to look after rare breed cattle and sheep as a hobby in his retirement. The applicant confirmed that the hobby farm was not a

fun farm for visitors and members of the public to attend. I am satisfied that sufficient explanation has been provided by the applicant to define the term 'hobby farm'.

Support

Two letters of support have been received on the application. The letters both highlighted support for the applicant and the proposed development at this location. The comments made have been considered within the determination above.

Conclusion

Members are advised that the proposal is contrary to prevailing planning policy and refusal is recommended. The applicant has failed to demonstrate that the farm holding has been established for 6 years or that the proposal will not have a detrimental impact, in terms of amenity, on the surrounding residential dwellings.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reason(s) documented below.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that it has not been demonstrated that the farm business has been established for a period of at least 6 years and that the development, if permitted, would result in a detrimental impact on the amenity of nearby residential dwellings by reason of noise or odour.

Signature(s)

Date:

ANNEX	
Date Valid	4th July 2017
Date First Advertised	20th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 102 Ballygawley Road Glenadush Dungannon Brian Quinn 102 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Brian Quinn 102, Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Brian Quinn 102, Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA The Owner/Occupier, 104 Ballygawley Road Glenadush Dungannon Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA J McNulty 104, Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA C McNulty 104A Mobile Home, Glenadush, Dungannon, BT70 1TA JP McNulty 106 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA The Owner/Occupier, 106 Ballygawley Road, Glenadush, Dungannon, Tyrone, BT70 1TA, Michael McCrory 44, Ballynasollus Road, Cookstown, Tyrone, Northern Ireland, BT80 9TQ Donovan Ross Glassmullagh House, 109 Old Ballygawley Road, Dungannon	
Date of Last Neighbour Notification	19th October 2017
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: M/2010/0554/O

Proposal: Proposed 2 dwellings (detached)

Address: Adjacent to 102 Ballygawley Road, Eskragh, Dungannon, Co Tyrone

Decision: Refused

Decision Date: 10.11.2010

Summary of Consultee Responses

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	Rivers Agency	Advice
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NIEA	No Objection

Drawing Numbers and Title

Drawing No. 01 Rev B

Type: Site Location Plan

Status: Approved

Drawing No. 02 Rev B

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03

Type: Proposed Plans

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0945/O	Target Date:
Proposal: Proposed dwelling on infill site replacing existing stables	Location: Land between 23 and 25 Annaghmore Road Coalisland
Referral Route: Application is being recommended as refusal.	
Recommendation:	Refusal
Applicant Name and Address: Mr Declan O'Neill 23 Annaghmore Road Coalisland	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Proposed dwelling in the countryside, does not fit with the replacement policy or exclusion to the infill policy as there are not a line of 3 buildings.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

Representations:

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

Summary of Issues

None received.

Characteristics of the Site and Area

This application site is part horse menage/sand arena and part agricultural field, it is flat and enclosed by a low hedge to the roadside. There is a single storey dwelling to the NE of the site and a small stables constructed with block walls and concrete tiled roof to the south west.

Immediately to the south east of the stable is the garden of a detached single storey dwelling which has a garage and store to the rear and side and another single storey dwelling and garage beside it. On the opposite side of the road, to the south west is a fuel yard with open storage of coal.

The village of Annaghmore is located approx. 200 metres to the north.

Description of Proposal

The proposal is for a site for a dwelling.

Planning Assessment of Policy and Other Material Considerations

The proposal is for the erection of a dwelling in the countryside and the policies contained in the Area Plan are determining unless other material facts should indicate otherwise. The site is not within any settlement limits defined in the Dungannon & South Tyrone Area Plan and there are no policies within the plan relevant to the proposed development.

The Strategic Policy Statement for Northern Ireland is the most recent policy published by the Department. It provides guidance for Councils in the preparation of their Local Development Frameworks and until these LDF's are published in final form the SPPS, as well as other published policies are to be considered in determining planning applications. Where policy direction or clarification is different in the SPPS than other policies, the SPPS shall be determining. I do not consider there is any change in policy for this development in the SPPS. I consider the policies contained in PPS21 – Sustainable Development in the Countryside is the most relevant policy for consideration and Policy CTY1 allows for certain development in the Countryside provided it accords with other policies contained within CTY2 – CTY16.

This application has been submitted as an infill opportunity and also to consider replacement of the stables with a dwelling. Members will be aware policy CTY8 seeks to prevent ribbon development in the countryside but does allow infilling of small gaps within otherwise built up frontages and clarifies that a small gap would be sufficient to accommodate up to 2 dwellings. In this case the road is approx. 210 metres long from the T junction to the corner at no 27, there are 3 dwellings along this side of the road, the stable block and outbuildings beside no 25. The frontage of the buildings along the road is not uniform in nature with frontages between 20 and 30 metres normal. The dwelling at no 25 has a much larger frontage in comparison and it extends to 75 metres. A small dwelling, similar in style and appearance to those around it would, in my opinion, not be prominent on the site, however I do not consider there is the necessary 3 buildings either side of the gap to justify an infill in this case and if permission was granted then it would create ribbon development along this side of the Annaghmore Road. By comparison, I consider the garden for No 25 would sit within the policy to allow an infill, using the stable as the stop end.

The stable building is of block construction and has a concrete tiled roof, it is approx. 11m wide by 6m deep and 5m high and is constructed as approved when granted planning permission in 1996 (M/96/0103). Policy CTY3 allows for the replacement of dwellings or other redundant non-

<p>residential buildings, but it specifically excludes buildings designed and used for agricultural purposes. I do not consider the erection of a new dwelling as a replacement of the existing stables, is acceptable in principle.</p> <p>Members are advised the applicant's father owns No 23, immediately adjacent to the site and the applicant keeps horses in the stables. The applicant does not have any farm business and is employed at a riding school near The Argory. The site has development on 2 sides, but I do not consider it could be considered as a cluster as it is physically and visually separate from the main group of buildings, and there is no focal point as the junction is a T-junction not a cross roads.</p> <p>As I have considered the proposal would result in the creation of ribbon development contrary to CTY8, it is also contrary to policy CTY14 and as such my recommendation to the members is that it is refused.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Recommendation for refusal as contrary to CTY8 and CTY 14 of PPS 21.</p>	
<p>Reasons for Refusal:</p> <p>The proposal is contrary to Policies CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Annaghmore Road.</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, 23 Annaghmore Road Annaghmore Coalisland The Owner/Occupier, 25 Annaghmore Road Annaghmore Coalisland The Owner/Occupier, 27 Annaghmore Road Annaghmore Coalisland	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1204/O Proposal: Proposed dwelling and domestic garage (gap site under policy CTY3) Address: 35m North of 25 Annaghmore Road, Coalisland, Decision: PG Decision Date: 12.01.2017 Ref ID: LA09/2017/0945/O Proposal: Proposed dwelling on infill site replacing existing stables Address: Land between 23 and 25 Annaghmore Road, Coalisland, Decision: Decision Date: Ref ID: M/1974/0570 Proposal: MV O/H LINE Address: ANNAGHMORE, COALISLAND Decision: Decision Date:	

Ref ID: M/1996/0103 Proposal: Stables and Haystore (Agriculture use) Address: ADJ. TO 23 ANNAGHMORE ROAD, ANNAGHMORE, COALISLAND Decision: Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Rev 1 Type: Site Location Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 December 2017	Item Number:
Application ID: LA09/2017/1018/F	Target Date:
Proposal: Erection of drive through restaurant (change of siting from planning permission H/2014/0358) alterations to car park of Forbes retail store approved under H/2014/0354/F (no changes sought to the design of approved store itself), new access road to Lidl and Forbes sites from Castledawson Road, landscaping and associated site works.	Location: Former Forbes Furniture retail building (Station Road Industrial Estate) and land to the immediate South of it bounded by Station Road Industrial Estate Magherafelt Primary School Lidl supermarket Castledawson Road and Polepatrick Cemetery Magherafelt
Referral Route: Major application	
Recommendation:	APPROVE
Applicant Name and Address: Patsy Forbes 14 Ballyronan Road Magherafelt	Agent Name and Address: MBA Planning 4 College House Citylink Business Park Belfast BT12 4HQ
Executive Summary: Previous planning history and planning appeal history. Principle of development has been previously approved.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	

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

Access, link road, contamination

Characteristics of the Site and Area

The application site is within the development limits of Magherafelt as identified in the Magherafelt Area Plan 2015. The area on which the drive-thru is proposed is accessed off the

Castledawson Road, which is no longer a protected route and the former furniture store is accessed off the Station Road Industrial Estate. The south eastern boundary of the site is defined by the Castledawson Road, the north eastern is defined by a tall belt of very mature trees beyond which is Polepatrick cemetery. There is also a small watercourse along the north eastern boundary. The grounds of the cemetery are within an LLPA and it is noted the Area Plan the mature trees in the LLPA provide a significant visual stop to the edge of the development limit and form a good entrance to Magherafelt Town. The western boundary is defined by a mixture of Station Road Industrial Estate and the Lidl supermarket which is currently under reconstruction.

There is a wide mix of uses in the vicinity of the site such as the Lidl supermarket, a petrol filling station and associated shop, 2 secondary schools, 1 primary school, 1 nursery school, a cemetery and various commercial and business uses in the Station Road Industrial Estate.

The majority of the application site is identified as white land in the Magherafelt Area Plan with the former Forbes furniture store marked as existing employment land.

Description of Proposal

The application is for the erection of drive through restaurant (change of siting from planning permission H/2014/0358) alterations to car park of Forbes retail store approved under H/2014/0354/F (no changes sought to the design of approved store itself), new access road to Lidl and Forbes sites from Castledawson Road, landscaping and associated site works.

Planning Assessment of Policy and Other Material Considerations

Strategic Planning Policy Statement
Regional Development Strategy
Magherafelt Area Plan 2015
Planning Policy Statement 3

There is previous planning history which extends across the entirety of this site. H/2014/0354/F was approved for *“Alterations to existing retail building involving extension, elevational changes, roof changes and removal of part of first floor with no increase in the total floor space. Provision of new car park and service yard. Amendments to road layout involving improved access to Castledawson Road, improved accesses to Lidl and new link road to Station Road Industrial Estate”*. H/2014/0358/F was approved for *“Drive through restaurant, associated car park, picnic area and improved access to Lidl”*.

This application seeks to amend the siting of the proposed drive-thru restaurant from closer to the Lidl store in a more central location to the south eastern corner of the site with the access point also now being proposed in a more central location. As is clear from the description of the proposed development there are no amendments being proposed for the retail store other than the amended car parking layout. A meeting was held with the applicant and his representatives as DfI Roads had a number of concerns with the proposed link road from the Castledawson Road to the Station Road Industrial Estate which would link to the Station Road itself. There were also issues discussed with regards to the control of land on the Castledawson Road. Following the meeting amended plans were received from the agent which removed the proposed link road and there is now a turning head which could, in the future, be extended to provide a link into Station Road Industrial Estate but this is for information purposes only and does not form part of the application. .

The principle of the proposed development is acceptable given the planning history. The SPPS was published then and it informed the decision made by the Commissioner at that time. The design of the proposed retail store has not changed since the previous H/2014/0354/F approval.

This current application details the design of the proposed drive-thru. It will be 4.9m from ground level and is reflective of most standard designs for drive-thru restaurants. It will have a service yard to the rear and associated car parking to the south west of the building itself. Car parking will be shared between the new built Lidl store, the drive-thru restaurant and the previously approved retail store to the north west. DfI Roads have considered the proposed road layout to be acceptable together with the proposed pedestrian crossing points and the number of car parking spaces which have been considered to be acceptable they have suggested a number of conditions to be included should the application be approved

The policy context has not changed since that approval and given the proposed development is simply to alter the position of the proposed drive-thru restaurant within the site and to alter the car parking arrangements for both it and the retail store I find the proposal to be acceptable subject to the conditions listed below.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed.

Conditions

Signature(s)

Date:

ANNEX	
Date Valid	31st July 2017
Date First Advertised	17th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, Centra Filling Station 36 Castledawson Road, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6PA, The Owner/Occupier, Hancock Fuels Unit 10, Station Road, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5EY, The Owner/Occupier, LIDL 38, Castledawson Road, Brennen Court, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6PA, The Owner/Occupier, MDC Tiles Unit 5, Station Road, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5EY, The Owner/Occupier, New Dynasty 36 Castledawson Road, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 6PA,	
Date of Last Neighbour Notification	4th August 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0500/PAN Proposal: Erection of drive through restaurant (change of siting from planning permission H/2014/0358), extension and alterations to existing retail building and re-configuration of car parking layout (amendments to plans approved under H/2014/0354/F), new link road from Castledawson Road to Station Road Industrial Estate, landscaping and associated site works Address: Former Forbes Furniture retail building (Station Road Industrial Estate) and land to the immediate South of it bounded by Station Road Industrial Estate, Magherafelt Primary School, Lidl supermarket and Castledawson Road, Decision: Decision Date:	

Ref ID: LA09/2017/1018/F

Proposal: Link road from Castledawson Road to Station Road Industrial Estate (to improve access to Lidl and Forbes Sites) alterations to parking layout and access arrangements to store on Forbes site previously approved under H/2014/0354?F (no changes sought to the design of approved store itself) erection of drive through restaurant (change to siting from planning permission H/2014/0358) landscaping and associated site works

Address: Former Forbes Furniture retail building (Station Road Industrial Estate) and land to the immediate South of it bounded by Station Road Industrial Estate, Magherafelt Primary School, Lidl supermarket, Castledawson Road and Polepatrick Cemete

Decision:

Decision Date:

Ref ID: LA09/2016/1566/PAN

Proposal: Proposed demolition of existing Lidl store to provide new store

Address: 38 Castledawson Road, Magherafelt,

Decision: PANACC

Decision Date:

Ref ID: LA09/2017/0304/F

Proposal: Proposed redevelopment existing Lidl Store

Address: 38 Castledawson Road, Magherafelt,

Decision: PG

Decision Date:

Ref ID: LA09/2016/1680/A

Proposal: Retention of temporary mobile hoarding on flatbed lorry for a period of 12 months

Address: 95m East of Approx of 51 Castledawson Road Magherafelt BT45 6PB,

Decision: CG

Decision Date: 02.05.2017

Ref ID: H/2003/0404/F

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

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

Decision:

Decision Date: 01.11.2006

Ref ID: H/2011/0065/PREAPP

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

Address: Castledawson Road, Magherafelt,

Decision: ESA

Decision Date:

Ref ID: H/2010/0120/A

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

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

Decision:

Decision Date: 14.10.2010

Ref ID: H/2011/0019/PREAPP

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

Address: Castledawson Road, Magherafelt,

Decision:

Decision Date:

Ref ID: H/2011/0104/O

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

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

Decision: PR

Decision Date:

Ref ID: H/2010/0598/F

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

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

Decision:

Decision Date: 25.02.2011

Ref ID: H/2000/0286/F

Proposal: Proposed first floor showroom

Address: Forbes Kitchens & Bedrooms, Station Road Industrial Estate, Magherafelt

Decision:

Decision Date: 26.06.2000

Ref ID: H/2012/0045/LDE

Proposal: Access Road

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

Decision:

Decision Date:

Ref ID: H/2011/0162/LDE

Proposal: Retail use as furniture shop
 Address: Forbes Furniture Retail Unit, Station Road Industrial Estate, Station Road, Magherafelt, BT45 5EY,
 Decision: PG
 Decision Date:

Ref ID: LA09/2015/1213/F
 Proposal: Proposed extension to existing Lidl store
 Address: 38 Castledawson Road, Magherafelt,
 Decision: PG
 Decision Date: 12.09.2016

Ref ID: H/2014/0210/A
 Proposal: Advertising Hoarding
 Address: 10m NW of 36 Castledawson Road Magherafelt,
 Decision: CR
 Decision Date: 23.03.2015

Ref ID: H/2014/0354/F
 Proposal: Alterations to existing retail building involving extension, elevational changes, roof changes and removal of part of first floor (no increase in total floorspace). Provision of new car park and service yard. Amendments to road layout involving improved access to Castledawson Road, improved accesses to Lidle and new link road to Station Road Industrial Estate.
 Address: Forbes Furniture Retail Building (Station Road Industrial Estate) and land to the immediate south of it bounded by the existing Lidl Store and Castledawson Road Magherafelt,
 Decision: AU
 Decision Date:

Ref ID: H/2014/0358/O
 Proposal: Drive through restaurant, associated car park, picnic area and improved access to Lidl.
 Address: Site adjacent and North East of Lidl car park, Castledawson Road, Magherafelt.,
 Decision:
 Decision Date:

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. 07

Type: Proposed Plans

Status: Submitted

Drawing No. 06

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1035/O	Target Date:
Proposal: Proposed infill site of dwelling and domestic garage for residential purposes	Location: 90m South East of 2 Scribe Road Bellaghy
Referral Route: Refusal – Contrary to CTY 1, CTY 8, CTY 13 & CTY 14 of PPS21.	
Recommendation: Refusal	
Applicant Name and Address: Mr David Mulholland 85 Ballymacombs Road Bellaghy	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT45 5AB
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Proposal contrary to CTY 1, CTY 8, 13 & 14 of Planning Policy Statement 21 – Sustainable development in the countryside.

Characteristics of the Site and Area

The proposal site is located within a large flat agricultural field on the roadside of Scribe Road, Bellaghy. The site is undefined on the northern and western boundaries while the roadside boundary consists of a post and wire fence and small grass verge and the southern boundary is partly undefined and partly bounded by a modest hedge and post and wire fence. Adjacent to the southern boundary is a detached 2 storey property which fronts onto Tamlaghduff Road while north of the proposal site outlined in blue is agricultural land, continuing on north are three properties fronting onto Scribe road. To the rear of the proposal site is further agricultural land. The proposal site measures approx. 80metres, the adjoining bland outlined in blue has a frontage of approx. 60metres, while the properties further north have a frontage measuring of between 20 and 40 metres.

Description of Proposal

Proposed Infill site of dwelling and domestic garage for residential purposes.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015.

Planning Policy Statement 1 - General Principles

Planning Policy Statement 21 - Sustainable development in the countryside.

Consultees: - Transportni were asked to comment and responded on 21.08.2017 with no objections subject to conditions.

Environmental Health were asked to comment and responded on 16th Aug 2017 with no objections subject to advice.

NI Water were asked to comment and responded on 11.08.2017 with no objections subject to advice.

Neighbours: Owners/Occupiers of Nos 2 Scribe Road and No. 34 Tamlaghduff Road were notified of this proposal on 08.08.2017, no representations have been received to date.

In line with legislation this proposal was advertised in local press during August 2017, no objections have been received to date.

In the assessment of this proposal it is necessary to look to Planning Policy Statement 21 – Sustainable development in the countryside. Within this policy CTY 8 – Ribbon development, it states that planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

With this proposal site it is located on the Scribe Road, Bellaghy in a roadside location. Immediately adjacent on the southern side of the proposal site is a detached 2 storey dwelling, however this property fronts onto Tamlaghduff Road rather than Scribe Road. Further north of the proposal site then there are three detached properties with associated outbuildings all of

which can be read together however the gap between No 34 Tamlaghduff Road and No 2 Scribe road where the proposal site is located measures in excess of 140metres. This size of gap site when taking into consideration the plot sizes of neighbouring development could fit at least three properties and as such does not represent a small gap site.

In addition to assessing the proposal against CTY 8, it also should be assessed against the criteria of CTY 13 whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- a) It is a prominent feature in the landscape – the proposal site and the surrounding landscape is relatively flat and gently rolling and as such I would not have concerns regarding prominence at this location.
- b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape – the proposal site is undefined on the northern and western boundaries, while the southern boundary only consists of a modest agricultural hedge and post and wire fence. The road side boundary consists of a post and wire fence and very small grass verge. As such the site nor surrounding landscape can provide any integration for a dwelling at this location and so fails on this criteria.
- c) It relies primarily on the use of new landscaping for integration – as there is no pre-existing landscaping to provide integration at this proposal site all new landscaping would be required and as such the site fails to meet this criteria.
- d) Ancillary works do not integrate with their surroundings – access would be from the scribe road and visibility splays would be achievable as there is no vegetation existing that needs to be removed.
- e) The design of the building is inappropriate for the site and its locality – As this is an outline application the design is not being assessed at this stage.
- f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop – the surrounding landscape is relatively flat and agricultural in nature, there are no natural features existing to provide a backdrop.
- g) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm – this proposal is not for a dwelling on a farm.

Finally the proposal should be assessed against the requirements of CTY 14 – Rural Character whereby it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- a) It is unduly prominent in the landscape – it is my consideration that prominence is not an issue for this proposal site.
- b) It results in a suburban style build-up of development when viewed with existing and approved building; - it is my consideration that the existing gap provides an important visual relief/break and aids in maintain the rural character of the area and as such this should be maintained.
- c) It does not respect the traditional pattern of settlement exhibited in that area; - the traditional pattern in this locality is one of roadside developments generally.
- d) It creates or adds to a ribbon of development – the existing development to the north of the proposal site have a common frontage to the road and are visually linked, should an approval be granted on the proposal site this would be creating a ribbon of development.
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character – this proposal site is completely open and provides no integration or enclosure thus any development even of ancillary works would damage the rural character.

Having considered all of the points above I feel the only conclusion can be that development on the proposal site would not be acceptable and should be refused on lack of integration and the creation of ribboning.

Neighbour Notification Checked	Yes
Summary of Recommendation: Refusal recommended	
Reasons for Refusal: 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Scribe Road. 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted 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	3rd August 2017
Date First Advertised	17th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Scribe Road Tamlaghtduff Bellaghy The Owner/Occupier, 34 Tamlaghduff Road Tamlaghtduff Bellaghy	
Date of Last Neighbour Notification	8th August 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/1035/O Proposal: Proposed infill site of dwelling and domestic garage for residential purposes Address: 90m South East of 2 Scribe Road, Bellaghy, Decision: Decision Date: Ref ID: H/1999/0202 Proposal: ALTS & ADDS TO DWELLING Address: 34 TAMLAGHTDUFF ROAD BELLAGHY Decision: Decision Date: Ref ID: H/1984/0136 Proposal: BUNGALOW AND GARAGE Address: TAMLAGHTDUFF ROAD, BELLAGHY Decision: Decision Date:	
Summary of Consultee Responses	

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p>
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: LA09/2017/1062/F	Target Date:
Proposal: New entrance to dwelling	Location: 33 Gulladuff Road Maghera
Referral Route: The proposal is contrary to PPS AMP 3 and Annex 1 of PPS 21.	
Recommendation:	REFUSE
Applicant Name and Address: D Crossett 33 Gulladuff Road Maghera	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

The proposal is contrary to PPS AMP 3 and Annex 1 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 2.2km east of Maghera and 1.7km west of Gulladuff and is defined to be within the open countryside as per the Magherafelt Area Plan 2015. The proposed new entrance intends to serve the dwelling at 33 Gulladuff Road however it intends to access directly onto a protected route. The existing access arrangements have the existing access coming off Beagh Terrace off the Gulladuff Road. The proposed new entrance will run along the

boundary of the adjacent field and up to the house. The field itself is relatively flat however there is a rise towards the roadside which also has a line of mature hedging and trees along it. The immediate area is predominately residential with agricultural land uses in the wider setting.

Relevant planning history

H/2003/0640/F – Dwelling and garage to replace disused Primary School. Permission Granted 18/04/2004

H/2002/0993/O – Site of Dwelling and garage. Permission Granted 21/01/2003

Representations

There was twelve neighbour notification sent however no representations were received on this application.

Description of Proposal

This is a full application for the proposed new entrance to the dwelling at No.33 Gulladuff Road, Maghera.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

PPS 21 Sustainable Development in the Countryside

DCAN 15 Vehicular Access Standards

This application is for a proposed new entrance for the existing dwelling.

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

With regards to PPS 3 the proposed access intends to access directly onto a protected route which in turn would conflict AMP 3 of PPS 3. DFI Roads were consulted and responded that they recommend refusal unless council feels it complies with PPS 21 and AMP 3 in which case Roads will need to be re-consulted. From this the agent submitted a short statement to reinforce the need for this entrance, it stated that the current entrance to No.33 is via Beagh Cottages, while the proposed new entrance is 100m to the East along the Gulladuff Road. This proposal would not show any increase in traffic locally, rather a safer entrance to the applicants dwelling and land. The dip in the road to the West of Beagh Cottages can be a potential hazard, but the proposed entrance would make life easier/safer when exiting/entering with a trailer/horsebox on tow. From this DFI Roads were subsequently re-consulted and responded holding the same opinion as previously with the view of refusal conflict to policy. From this and upon further review

of AMP 3 and Annex 1 of PPS 21 I share the opinion as that of DFI Roads as the proposal has failed to display how it complies with any of the criteria set out in Annex 1 to allow access onto a Protected Route and must recommend refusal.

In terms of policy CTY 13 of PPS 21, I am of the opinion the proposed laneway would require additional planting along the new laneway to aid it in integrating. However as the application has already failed under PPS 3 it was felt prudent to ask for additional amended plans at this stage. The proposal results the in loss of the adjacent agricultural field however this is not deemed as an unacceptable loss of landscape features. In terms of CTY 14, there has been an attempt to run the proposed laneway along the existing boundaries and with additional planting along the laneway would ensure it would not be unduly prominent and would not result in a detrimental change to the rural character.

From this I must recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation is to refuse.

Reasons for Refusal:

1.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general road safety and is also contrary to Annex 1 of Planning Policy Statement 21.

Signature(s)

Date:

ANNEX	
Date Valid	7th August 2017
Date First Advertised	24th August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Beagh Cottages, Beagh (Spiritual), Maghera, Londonderry, BT46 5EW, The Owner/Occupier, 10 Beagh Terrace Beagh (Spiritual) Maghera The Owner/Occupier, 11 Beagh Terrace Beagh (Spiritual) Maghera The Owner/Occupier, 12 Beagh Terrace Beagh (Spiritual) Maghera The Owner/Occupier, 2 Beagh Cottages, Beagh (Spiritual), Maghera, Londonderry, BT46 5EW, The Owner/Occupier, 3 Beagh Cottages, Beagh (Spiritual), Maghera, Londonderry, BT46 5EW, The Owner/Occupier, 4 Beagh Cottages, Beagh (Spiritual), Maghera, Londonderry, BT46 5EW, The Owner/Occupier, 5 Beagh Terrace Beagh (Spiritual) Maghera The Owner/Occupier, 6 Beagh Terrace Beagh (Spiritual) Maghera The Owner/Occupier, 7 Beagh Terrace Beagh (Spiritual) Maghera The Owner/Occupier, 8 Beagh Terrace Beagh (Spiritual) Maghera The Owner/Occupier, 9 Beagh Terrace Beagh (Spiritual) Maghera	
Date of Last Neighbour Notification	10th August 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1062/F Proposal: New entrance to dwelling Address: 33 Gulladuff Road, Maghera, Decision: Decision Date:	

Ref ID: H/2003/0640/F

Proposal: Dwelling and garage to replace disused Primary school.

Address: 33 Gulladuff Road, Maghera.

Decision:

Decision Date: 18.04.2004

Ref ID: H/2003/0706/F

Proposal: Proposed kitchen to the rear & proposed car hardstandings.

Address: 5,6,7,8 Beach Terrace, Maghera.

Decision:

Decision Date: 08.03.2004

Ref ID: H/2003/0053/O

Proposal: Site of dwelling and garage.

Address: Beagh (Old) Primary School, Beagh, Gulladuff.

Decision:

Decision Date: 18.03.2003

Ref ID: H/2002/0993/O

Proposal: Site of dwelling and garage.

Address: Site at 10m East of Beagh (Old) Primary School, Beagh, Gulladuff.

Decision:

Decision Date: 21.01.2003

Ref ID: H/2004/0333/F

Proposal: Extension to rear of dwelling.

Address: 9 Beagh Terrace, Gulladuff Road, Maghera.

Decision:

Decision Date: 20.05.2004

Ref ID: H/2002/0887/O

Proposal: Site of Dwelling and Garage.

Address: 100m N. East of Beagh (Old) Primary School, Beagh, Gulladuff.

Decision:

Decision Date: 29.05.2003

Ref ID: H/2000/0291/O

Proposal: Site of Housing Development and New Access to A42 (existing building to be demolished).

Address: Beagh Former Primary School, 33 Gulladuff Road, Maghera

Decision:

Decision Date: 07.08.2000

Ref ID: H/2000/0540/O

Proposal: Change of use to dwelling

Address: 33 Gulladuff Road, Beagh(Spiritual), Maghera, Northern Ireland, BT46 5EU

Decision:

Decision Date: 18.09.2000

Ref ID: H/1997/0634

Proposal: CHANGE OF USE TO DWELLING

Address: 33 GULLADUFF ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2000/0543

Proposal: Alterations to dwelling.

Address: 4 Beagh Terrace, Maghera

Decision:

Decision Date:

Ref ID: H/1997/0623

Proposal: ALTS AND ADDS TO DWELLINGS

Address: 1,2+4 BROAGH TERRACE MAGHERA

Decision:

Decision Date:

Ref ID: H/1988/0503

Proposal: ALTS AND ADDS TO HOUSE

Address: 4 BEAGH TERRACE GULLADUFF ROAD MAGHERAFELT

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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. 02
Type: Road Access 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: LA09/2017/1112/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Approx 60m West / South West of no. 5 Cloane Lane Cloane Five Mile Straight Draperstown
Referral Route: Refusal - Contrary to CTY 10 and 13 of PPS 21.	
Recommendation:	
Applicant Name and Address: Danny Grant 19a Cloane Lane Five Mile Straight Draperstown BT45 7EL	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge Toome BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Contrary to CTY 10 and 13 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.32km east of the settlement limit of Moneyneany and it is located in the open countryside as defined by the Magherafelt Area Plan 2015. The application is for an outline dwelling and garage on the farm and on the site sits a small agricultural shelter. The site is located in a portion of a larger agricultural field, the field in which is bounded on all boundaries by a mix of mature hedging and trees. The surrounding area is predominantly agricultural uses with a scattering of farm holdings and dwellings.

Relevant planning history

H/2006/0246/O – Site for Dwelling and Garage – Permission Refused.

Representations

There were two neighbour notifications sent out however no representations were received in connection with this application.

Description of Proposal

This is an outline application for a proposed farm dwelling and detached domestic garage. The site is located approximately 60m South/ South West of No Cloane Lane, Five Mile Straight, Draperstown.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a farm dwelling and detached garage. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 – Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is 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.

With respect to (a) DAERA have confirmed that the applicant has a Business ID that's been in existence for the required 6 year period. They have also confirmed that the applicant's claims Single Farm Payment and as such the farm business is currently active.

With respect to (b) the applicant has had a number of development opportunities approved on the farm holding however after a land registry check these still appear to be owned by the applicant. From this I am content that there are no records indicating that any 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.

With respect to (c) proposed position identified is located away from the registered address of the farm business 32 Five Mile Straight. It must be noted that the applicant does not own nor live in 32 Five Mile Straight which is stated by the agent to be owned by the applicant's mother, rather the applicant lives in 19a Cloane Lane, Draperstown located north of the application site. The intention is to locate the proposed dwelling beside the small shelter on the field. However the issue with this is that the policy states that the new building must visually link or be sited to cluster with an established group of buildings and in this case the single building cannot be classed as an established group of buildings therefore failing this part of the policy. The policy does go on to state that an exception can be made for an alternative site elsewhere in the farm provided there are no other sites available at another group of buildings on the farm and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building groups. I can confirm that there have been no health and safety nor verifiable plans to expand the business brought forward.

With regards to the siting it is clear that there is an attempt to cluster with the small shelter located in the same field however as stated this is not an established group of buildings. Therefore the only reasoning for this siting is that there are no other available sites elsewhere on the farm. From a review of the submitted plans it is clear that there are other available sites available, for example in field 9, whilst I acknowledge that the applicant may not own no. 32 Five Mile Straight this is still the registered address of the farm business with a number of sheds to the rear with a separate shed within field 9 providing a site that would be able to cluster or visually link with a group of buildings. Additionally, an argument can be made that field 12 and 16 are deemed as better options. Both fields are able to cluster with the applicant's own dwelling along with the large shed to the rear of the building are deemed as a better grouping of buildings than that on the application site. The agent was asked to consider alternative siting however stated that there will be no movement re the option that you have proposed and to proceed with the application in its present form. From this I am of the opinion that as there are other available sites on the farm holding that the siting in this application is unacceptable and fails this criteria and fails CTY 10 of PPS 21 as a result.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is first worth noting that this is an outline application therefore exact siting and design details have not been put forward at this stage. However I am of the opinion that an appropriately designed dwelling would not be prominent in the landscape due to the existing vegetation however a new southern boundary would need to be planted. However as stated above the application has failed to cluster or visually link with an established group of buildings on the farm therefore it has failed this policy.

In terms of policy CTY 14 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. As stated that an appropriate designed dwelling would not appear as visually prominent. I am of the opinion that the proposed application would not result in a suburban style build-up of development when viewed with existing and approved buildings. After discussions with the Planning Manager it was agreed that this would not lead to ribbon development as even if permitted the gap is seen to be too large to accommodate only two dwellings.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;
Transport NI advised that they had no objection subject to conditions.

Consultations were sent to DAERA, NI Water and Environmental Health, all of which came back with no objection subject to conditions and informatives.

I have no flooding, ecological or residential amenity concerns.

As the application has failed to show its compliance under PPS 21 I must therefore recommend refusal for the application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation is refusal to be taken to committee.

Refusal Reasons

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

2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Signature(s) Date:

ANNEX	
Date Valid	17th August 2017
Date First Advertised	31st August 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 5 Cloane Lane Draperstown Londonderry The Owner/Occupier, 9 Cloane Lane Draperstown Londonderry	
Date of Last Neighbour Notification	29th August 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1112/O Proposal: Proposed dwelling and garage Address: Approx 60m West / South West of no. 5 Cloane Lane, Cloane, Five Mile Straight, Draperstown, Decision: Decision Date: Ref ID: H/2006/0246/O Proposal: Site for Dwelling & Garage. Address: 90m West of 5 Cloane Lane, Draperstown. Decision: Decision Date: 05.10.2006	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1176/F	Target Date:
Proposal: Proposed alterations and extension to existing dwelling	Location: 44 Mullaghboy Glen Magherafelt
Referral Route: Objections received	
Recommendation:	
Applicant Name and Address: Thomas and Siobhan Hampsey 44 Mullaghboy Glen Magherafelt	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

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

Summary of Issues

Objections received, summary of issues raised:

- The proposed new windows on the first floor would result in overlooking in neighbouring land and result in a loss of privacy.
- The proposed front extension is out of keeping with the rest of the development as it would be the only dwelling with a stone finish
- The front alteration involve a wider ridge height and a wider façade resulting in further overshadowing to the front garden and light into the living room. Becoming more visually dominant and detracting visually from other properties.

- Concern of the external materials in that, firstly, would reduce the daylight reflectance into other properties. Secondly, it is stated that it is unlikely the applicant will use natural stone rather use a cladding which would be visually displeasing.

Characteristics of the Site and Area

The application site is located within the residential development of Mullaghboy Glen which is situated within the development limits of Magherafelt as defined by the Magherafelt Area Plan 2015. On the site sits a detached two storey dwelling with a detached single storey garage with a small yard to the side and a concrete area to the rear and to the front. There is a line of fencing along all boundaries. The immediate area is defined by predominately residential development

Representations

There were nine notification letters sent out however three objections were received on this application.

Description of Proposal

This is a full application for the proposed alterations and extensions to the existing dwelling. The proposal involves the raising of the single storey rear return to the first floor. In addition the proposal involves the extension of the existing front projection along with a number of internal changes. Finally there is a proposed change to the external materials from brick and render to that of smooth render and locally sourced natural stone.

Planning Assessment of Policy and Other Material Considerations

This is an application for the alterations and extensions to the existing dwelling.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7 – Residential extensions and alterations

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. 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 proposal I am content that the rear extension to bring the rear return to first to be acceptable on balance with regards to the scale, massing and design. In terms of the front projection it is noted in the policy that great care must be taken as the front projection is the most visible to public view. With this in mind and acknowledging the concerns raised in the objections I am still of the opinion, an opinion that was shared with the planning group, that the extension to front is acceptable in terms of scale, massing and design. In terms of the external materials proposed for this extension, I again acknowledge the concerns raised in the received objections. The policy does state that the external finish of a proposal should aim to complement the type of materials, colour and finish of both the existing building and those of neighbouring properties, particularly where certain materials strongly predominate. It was noted during the site visit that there is mix of external finishes between just red brick with that with render and red brick, the policy does not state that the same materials are required to be used rather the use of similar and complementary materials are more likely to produce a successful extension. Whilst I acknowledge that the main material used within the housing development is red brick however I am of the opinion the proposed external materials whilst different can still be complementary on balance, an opinion shared at group. In terms of the concern raised over the possibility the applicant may use cladding instead of the natural stone as per shown in the plans, this can be conditioned on any approval to fully address this concern. With regards to the residential amenity there were initial concerns raised that the proposal will result in a loss of privacy as a result of the first floor windows however an amended scheme was submitted removing a number of the first floor windows and then obscuring the only proposed window on the first floor with obscure glazing. From this I am content on balance that this addressed any residential amenity concerns raised. The proposed alterations and extensions will only result in a loss of a portion of the front yard however it is felt on balance that this loss is not an unacceptable loss of, damage to, trees or other landscape features which contribute significantly to local environmental quality. Finally the parking arrangements are unaffected by this proposal and from this I am content that there will still be sufficient within the curtilage for recreational and domestic purposes.

From this the proposal accords with the policy tests of the Addendum to PPS 7 and is able to be taken forward as an approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal accords with the policy tests of Addendum to PPS 7 therefore I recommend approval for the development however due to the objections received this must go to the next planning committee.

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 proposed stone work shall be locally natural stone as indicated on the stamped approved Drawing No 03/1 date stamped 23rd October 2017.

Reason: In the interest of visual amenity and to maintain the rural character of the area.

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	4th September 2017
Date First Advertised	21st September 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 20 Auburn Drive Magherafelt Londonderry The Owner/Occupier, 42 Mullaghboy Glen Magherafelt Londonderry James and Claire O'Brien and Magennis 42 Mullaghboy Glen, Magherafelt, Londonderry, Northern Ireland, BT45 5GX The Owner/Occupier, 42, Mullaghboy Glen, Magherafelt, Londonderry, Northern Ireland, BT45 5GX The Owner/Occupier, 46 Mullaghboy Glen Magherafelt Londonderry The Owner/Occupier, 48 Mullaghboy Glen Magherafelt Londonderry The Owner/Occupier, 59 Mullaghboy Glen Magherafelt Londonderry The Owner/Occupier, 61 Mullaghboy Glen Magherafelt Londonderry Mark McKee Markmckee@hotmail.com	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1176/F Proposal: Proposed alterations and extension to existing dwelling Address: 44 Mullaghboy Glen, Magherafelt, Decision: Decision Date: Ref ID: H/2003/0222/F Proposal: Housing development (69 dwellings) Address: Land South of no. 29-51 Mullaghboy Heights and Mullaghboy Lane and East of no. 22-8 Auburn Drive, Magherafelt. Decision:	

Decision Date: 30.09.2004

Ref ID: H/2004/0248/F

Proposal: Change of house types for dwellings nos. 2 & 69 from type MF1 to MF2 and no. 68 from type MF1 to type MF3.

Address: Land South of no. 29 - 51 Mullaghboy Heights and Mullaghboy Lane and East of no. 22 - 8 Auburn Drive, Magherafelt.

Decision:

Decision Date: 18.10.2004

Ref ID: H/2004/1001/F

Proposal: Change of House types of dwellings No.s 31,28,26,22,17 and 54

Address: Land south of No. 29-51 Mullaghboy Heights and Mullaghboy Lane and east of No. 22-8 Auburn Drive, Magherafelt

Decision:

Decision Date: 27.06.2005

Ref ID: H/2004/1155/F

Proposal: Change of Road Layout to Cul-de-Sacs 01-04, from 0.5m wide grass verge to 2m wide Service Strip.

Address: Lands at Mullaghboy Lane, Approx 60m West of the Entrance to Mullaghboy Heights, Magherafelt.

Decision:

Decision Date: 14.02.2005

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 03
Type: Existing and Proposed Floor Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/12/2017	Item Number:
Application ID: LA09/2017/1240/F	Target Date: 28/12/2017
Proposal: Proposal comprises as follows, new build single storey extension to rear of existing dwelling to provide utility room and rear entrance lobby to reconfigured open plan kitchen living dining area, New build oak framed car port structure and covered walkway linked to existing garage and proposed new build summerhouse. New build split level summer house and associated stores, conversion of existing garage to home gym	Location: Forthill Cottage 98 Old Eglish Road Dungannon
Referral Route: Application is a departure from planning policy and is recommended for approval.	
Recommendation:	APPROVE
Applicant Name and Address: Mr and Mrs Dobson 98 Old Eglish Road Dungannon	Agent Name and Address: Kris Turnbull Studios 135 Lisburn Road Belfast BT9 7AG
Executive Summary: Although the application is for a relatively large extension and uses materials which are different to that used on the existing dwelling house, members are advised that the site can facilitate the proposed development without having a significant detrimental impact upon the character of the surrounding area.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Department for Communities Historic Environment Division (HED) were consulted on this application owing to the location of a nearby archaeological site/monument and Listed Building. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The site is situated in the Dungannon Park area of Dungannon, Co. Tyrone. The site is situated towards the southern fringes of the town and is out with the settlement development limits of the town as outlined in the Dungannon & South Tyrone Area Plan 2010.

The application site is 98 Old Eglish Road, Dungannon, which is a rendered two storey residential property with associated detached garage to rear. The closest neighbouring dwelling to the proposal is sited some 85m to the north west.

The property exhibits substantial garden areas to the front and rear of the host dwelling, with a hard surfaced area to the rear next to the associated detached garage. The rear of the property is relatively elevated with topography rising from east to west. The site is bound by an approx. 1.5m high fence around the boundaries. There is a line of mature trees towards the east of the application site and the rear of the dwelling.

Description of Proposal

This application seeks planning permission for a proposed new build single storey extension to the rear of the existing dwelling, as well as an associated oak framed car port structure and covered walkway linked to the existing garage. The proposal also includes the provision of a new summer house with the conversion of the existing garage to a home gym. The proposed works are to facilitate the provision of a new utility room, entrance lobby and open plan kitchen/living area.

The materials to be used on the proposal differ to that of the host property and include natural black stone to walls, exposed oak frame to windows and a long straw winter grown wheat thatch to roof. Materials/finishes are annotated on Drawing No. 06, date stamped 14/09/2017.

Planning Assessment of Policy and Other Material Considerations

The following policy documents provide the primary policy context for the determination of this application;

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon & South Tyrone Area Plan 2010.
3. PPS 21 – Sustainable Development in the Countryside.
4. PPS 7 Residential Extension and Alterations 'The Addendum' (APPS 7).
5. PPS 6 – Planning, Archaeology and the Built Heritage.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5, and 9. The policy provision within PPS 21 and PPS 7 have been retained under transitional arrangements. PPS 21 Policy CTY 1 stipulates that there a range of types of development which in principle are considered to be acceptable in the countryside, one such development is an extension to a dwelling house where this is in accordance with the Addendum to PPS 7.

The principle of development, a proposed extension to an existing residential property is considered to be acceptable, providing the proposal satisfies four criteria tests as outlined under Policy EXT 1 of the first addendum to PPS7;

In regards to Visual amenity, part A identifies that the overall siting, scale and design of the proposed extension should appear subordinate to the original host property and should not be detrimental to the character and appearance of the surrounding area.

The proposal is sited to the rear of the existing dwelling and this in itself helps aid the integration of the proposal into this existing rural landscape. The size of the proposed scheme is cannot be described as subordinate in size and scale to that of the existing dwelling and it is noted that the ridge height of the proposal is slightly higher than that of the existing dwelling. The proposed extension will extend above the existing ridge height and this is owing to the topographical aspect of the surrounding land. The APPS 7 stipulates that the height, width and general size of a

proposal of this nature should be generally smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property. It will not usually be appropriate to allow an extension to project above the ridge line of the existing dwelling.

The proposed development is not considered to significantly alter the character and appearance of the application property or the setting of the surrounding countryside, the mature vegetation surrounding the site helps reduce the potential for negative impact in this regard. The materials proposed do not match that used in the original dwelling/garage however I consider that the level of enclosure afforded to the site as well as the topographical nature of the surrounding area will restrict the level of associated impact on rural character.

Members are advised that although the proposal is not strictly compliant with the provisions of Part A of APPS 7, it is not considered that the proposal will have a significant detrimental impact on the surrounding landscape character.

Part B of Policy EXT 1 identifies that a development proposal of this nature would only be considered acceptable where there would be no harmful impact conferred upon the occupiers of adjoining or neighbouring properties.

There are no properties within the immediate surroundings of the application site and as noted above the closest third party dwelling is situated some 85m to the north west of the application site.

The small scale and subordinate nature of the proposal along with the distance that it has been sited away from neighbouring dwellings will detract from the potential for any associated negative impact on neighbouring amenity. The proposal is not considered to give rise to any material impact upon the amenity of neighbouring properties by reason of over-dominance, over-shadowing or a loss of privacy. The proposal is therefore considered to accord with the objectives of Part B of Policy EXT 1.

There would be no loss of any landscape features, whilst the reduction of private amenity space would be minimal given the overall scale of the application site. The proposal is therefore considered to satisfy the objectives of Part C and D of Policy EXT 1.

Historic Environment

The proposal is sited in close proximity to an archaeological site/monument (TYR054:027) and to a Listed Building (HB13/16/003). In consideration of this it was deemed necessary to consult with Historic Environment Division (HED). HED Historic Monuments (HM) responded and highlighted that the proposal was deemed to be compliant with the policy provisions contained within the SPPS and PPS 6. Likewise HED Historic Buildings (HB) responded highlighting that they had no concerns with the proposal and that the Listed Building was sufficiently removed from the proposal to remain unaffected. It is therefore deemed that the proposed development complies with the policy provision contained within PPS 6 – Planning, Archaeology, and the Built Heritage.

Conclusion

The proposed development is considered to be in general compliance with the objectives of Policy EXT 1 of the first addendum to PPS 7 'Residential Extensions and Alterations' and PPS 6 – Planning, Archaeology and the Built Heritage and accordingly approval is recommended. Although the application is for a relatively large extension and uses materials which are different to that used on the existing dwelling house, members are advised that the site can facilitate the proposed development without having a significant detrimental impact upon the character of the surrounding area.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve, subject to the conditions below.

Conditions/Reasons for Refusal:

Conditions

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

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

Informatives

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

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

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

Signature(s)

Date:

ANNEX		
Date Valid	14th September 2017	
Date First Advertised	28th September 2017	
Date Last Advertised	28th September 2017	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 100 Old Eglish Road Dungannon Tyrone The Owner/Occupier, 96 Old Eglish Road Dungannon Tyrone		
Date of Last Neighbour Notification	26th September 2017	
Date of EIA Determination	N/A	
ES Requested	No	
Planning History Ref ID: LA09/2017/0606/F Proposal: Single storey rear extension, to house entrance lobby and utility room, in order to provide open-planed kitchen/living/dining to existing ground floor accommodation Address: Forthill Cottage, 98 Old Eglish Road, Dungannon, Decision: PG Decision Date: 15.06.2017		
Summary of Consultee Responses		
Consultations: 1		
Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved
Drawing No. 02 Type: Site Layout or Block Plan Status: Approved
Drawing No. 03 Type: Site Layout or Block Plan Status: Approved
Drawing No. 04 Type: Floor Plans Status: Approved
Drawing No. 05 Type: Proposed Floor Plans Status: Approved
Drawing No. 06 Type: Proposed Elevations Status: Approved
Drawing No. 07 Type: Proposed Elevations Status: Approved
Drawing No. 08 Type: Proposed Elevations Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

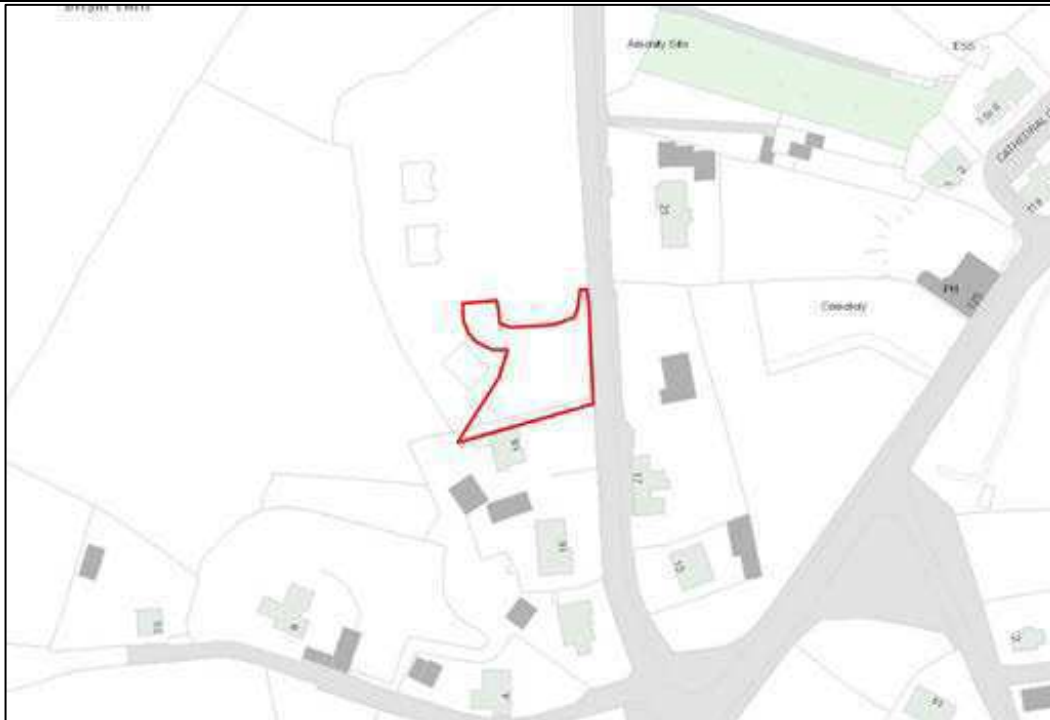


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/12/2017	Item Number:
Application ID: LA09/2017/1249/F	Target Date: 29/12/2017
Proposal: Proposed change of house type and detached garage as previously approved under M/2005/0066/F	Location: Site 1 Land immediately West of 21 Fintona Road Clogher
Referral Route: 6 Objections have been received during the processing of this application.	
Recommendation:	APPROVE
Applicant Name and Address: Lynden Keys Newpark Developments (NW) Ltd 72-74 Omagh Road Dromore	Agent Name and Address: Michael Lindsay 72-74 Omagh Road Dromore BT78 5EJ
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - Enniskillen Office	Standing Advice

Representations:

Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Environmental quality, residential amenity and the established character of the wider area. 6 Objections have been received on this application and have been considered within the determination below.

Characteristics of the Site and Area

The application site is located within a previously approved residential housing development. The previous approval under application M/2005/0066/F was for 11 dwellings and is located western boundary of the Village of Clogher, Co. Tyrone. It is noted that none of the dwellings approved

under the previous application have been built or occupied, however foundations and sub floors have been built for some of the dwellings.

The site is within the settlement limit of Clogher as defined within the Dungannon and South Tyrone Area Plan 2010 and it is noted that the site's western and northern boundaries make up the settlement development limit for this area.

The site area is relatively flat, however the wider area exhibits an undulating nature with ground levels rising towards the north and north west.

Description of Proposal

The proposal relates to a change of house type to one of the dwellings that was previously approved under M/2005/0066/F. The application seeks to alter the appearance of the approved dwelling and detached garage, as well as its orientation. The proposal seeks to reduce the width of the dwelling whilst moving the dwelling slightly to the north east. The approved dwelling on the site was a two-storey dwelling and the proposal seeks permission for a similar size and scale.

The proposal does not seek to alter the established building plot which was previously approved, nor does it relate to any of the other dwellings approved. The application plot was approved as Site No.1 and is located on the most southern part of the wider development site.

Planning Assessment of Policy and Other Material Considerations

The following policy documents provide the primary policy context for the determination of this application;

1. Dungannon and South Tyrone Area Plan 2010.
2. Strategic Planning Policy Statement (SPPS).
3. Planning Policy Statement (PPS) 7 - Quality Residential Environments.
4. Development Control Advice Note (DCAN) 8 - Housing in existing urban areas.
5. Planning Policy Statement (PPS) 6 - Planning, Archaeology and the Built Heritage.

Planning History

M/2005/0066/F – Private Housing Development, Land immediately west of 21 Fintona Road, Clogher. PERMISSION GRANTED – 08/07/2005.

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, 6 third party objections have been received – see consideration of objections below.

Assessment

Principle of Development

The application relates to a change of house type on a previously approved dwelling at Fintona Road, Clogher. Although the wider development site has not yet been built, a number of houses have been built to sub floor level and evidence from ortho mapping shows that this was done before the previous approval expired. I am therefore content that the application relates to the change of house type on an approved development site which has a live permission. The principle of development has been established.

Policy Consideration

SPPS

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 7 has been retained under transitional arrangements.

PPS 7 & DCAN 8

Para 3.7 of PPS 7 refers to established residential development and the need to ensure that development proposals do not detract from environmental quality, residential amenity and the established character of the wider housing area. A similar approach is adopted within DCAN 8 which establishes that the following issues should be considered:

- Maintain and where possible enhance environmental quality;
- Respect the privacy and preserve the amenity of existing residents;
- Reinforce the character and qualities which make an area an attractive place to live and visit;
- Ensure good practice principles in the design of buildings and landscaping of surroundings; and
- Aim to provide a safe and secure environment.

The proposal will not add to development pressure in this area and will not negatively impact upon the character of the wider site area. As the principle of development has already been established on the site, the key consideration relates to the integration and design of the amended proposal and the potential for negative impact on the amenity of nearby neighbouring dwellings.

The application proposes to alter the orientation and location of the approved dwelling, whilst also seeking alterations to the width of the building and its layout. The proposal also changes the location of the detached garage from western elevation of the house to its eastern elevation.

I note that the proposed changes to the dwellings are minor and the proposed works do not alter the scale, mass or height of the previously approved dwelling. The proposal does not include a sunroom to the side elevation of the dwelling, as was previously approved, and this reduces the width of the building. The materials to be used match that of those previously approved on this plot and the wider development site, and as such are considered sympathetic.

In terms of integration and design, the proposal will not detract from the existing character of the area. Again, because the proposal is very similar in nature to that previously approved the level of comparable impact is minor. The proposal does not give rise to the potential for any negative impact on the character or visual amenity of this area and its surrounding setting.

Members are advised that the proposed development will not result in damage to the local character, or environmental of the area.

PPS 6

The proposal is sited in close proximity to an archaeological site/monument which is protected on the Sites and Monuments Registry. Historic Environment Division (HED) were consulted on this application owing to the location of this protected monument and they responded on the application stating that they were content with the proposal. I am satisfied that the small-scale nature of the works will not have a negative impact on the integrity of this protected monument and that the proposal is satisfactory to the requirements of PPS 6 – Planning, Archaeology and the Built Heritage.

Amenity

The amenity of surrounding dwellings is a key consideration. The closest occupied dwelling to the proposal is No.18 Fintona Road, to the south. Members are advised that No. 18 Fintona Road was approved on 30/11/2010 under application M/2010/04841/F, some five years after the housing development was approved.

The proposal seeks to alter the orientation of the approved dwelling and move it towards the west of the application site. No. 18 Fintona Road fronts onto Fintona Road and as such the side elevation of No. 18 looks onto the proposal. The changes made under this proposal do not move the proposed dwelling any closer to No. 18 nor do they increase the scale or size of the previously approved dwelling. With this in mind I do not consider that the proposal will give rise to an unacceptable impact in terms of overlooking/overshadowing, dominance or privacy concerns on any neighbouring occupied properties.

Members are advised that this proposal will not adversely affect the existing or proposed properties in this area in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Again, the existence of the previous approval on the site is a key considerations in this regard.

Consideration of Representations

The objections received on the application relate to amenity concerns, lack of landscaping, and the proposed location of the previously approved pumping station, I have addressed each of these issues below.

Amenity

The objections received relate to amenity concerns in terms of nearby properties, specifically the occupied dwelling at No. 18 Fintona Road. As discussed above the proposal does not present any greater impact on the amenity of nearby properties, than that of the previously approved dwelling on this plot. It has been noted that No.18 is the closest occupied property to the proposal, however the proposal does not add to the impact created by the already approved dwelling and therefore I conclude that the proposal will not create a negative impact in terms of amenity concerns.

Landscaping

The proposal includes a significant degree of landscaping, particularly towards its western boundary with No. 18 Fintona Road, which includes the provision of a 1.8m close boarded timber fence and newly planted native species hedgerow. The proposal also includes a proposed hedgerow around the pumping station which will serve the wider development and fencing around front and rear boundaries. I consider the degree of landscaping proposed to be sufficient to provide a degree of enclosure to the proposal whilst also helping the development integrate into the wider townscape setting.

Pumping Station

The proposed pumping station has been sited in the same location as was previously approved, at the east of the application site, immediately abutting the Fintona Road. I am satisfied that there has been no change to the location of the proposed pumping station which has been annotated on Drawing No. 04 (15/09/2017).

Conclusions

Members are advised that the proposal is deemed to satisfactorily comply with the policy provision outlined above and approval is recommended.

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

Approve, subject to the conditions below.

Conditions/Reasons for Refusal:**Conditions**

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

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

2.The materials to be used in the construction of the external surfaces of the dwelling hereby permitted, shall be as annotated on Drawing No. 03 date stamped 15/09/2017.

Reason: In the interest of visual amenity.

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	15th September 2017
Date First Advertised	28th September 2017
Date Last Advertised	28th September 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Fintona Road Clogher Tyrone The Owner/Occupier, 18 Fintona Road Clogher Tyrone The Owner/Occupier, 21 Fintona Road Clogher Tyrone Margaret McCaughey J Connor McElhinney Regina McElhinney Justin McCaughey Mairead McCaughey Paul McCaughey	
Date of Last Neighbour Notification	27/09/2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: M/2010/0481/F Proposal: Erection of 2 storey dwelling & detached domestic garage Address: Land adjacent to and north of 16 Fintona Road, Clogher Decision: Granted Decision Date: 09.12.2010	

Ref ID: M/2005/0066/F

Proposal: Private housing development

Address: Land immediately west of 21 Fintona Road, Clogher

Decision: Granted

Decision Date: 08.07.2005

Summary of Consultee Responses**Consultations:**

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Transport NI - Enniskillen Office	Standing Advice

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Garage Plans

Status: Approved

Drawing No. 03

Type: Proposed Elevations

Status: Approved

Drawing No. 04

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 05

Type: Floor Plans

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1345/F	Target Date:
Proposal: Proposed change of use from beauty hair salon to education and training facility	Location: 118-120 Main Street Maghera
Referral Route: Exception to Area Plan.	
Recommendation:	
Applicant Name and Address: Charlene Wilson 9A Woodvale Road Magherafelt	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Exception to Area Plan.

Characteristics of the Site and Area

The site is located at No. 118 -120 Main Street in Maghera and is located within the development limits of Maghera as per defined by the Magherafelt Area Plan 2015. The Area Plan also defines the site to be located within an archaeological site and monument, within a Development Opportunity Site Designation MA 17 and that part of the site is located within the Primary Retail Core of Maghera. On the site sits a semi-detached three storey building with office uses on the

first floor, residential uses on the second floor and retail in the ground floor. The current use is stated to be a beauty and hair salon however this no longer appeared to be in operation during the site visit. The surrounding area is characterised by a mix of uses however it is predominantly retail uses with cafes, a church and a number of restaurants and public houses.

Relevant planning history

H/2006/0437/F - Proposed re-development of 118-120 Main Street, Maghera to provide ground floor shop unit (1), office to rear, 2 offices on first floor & 2 flats on second floor. – Permission Granted - 13.02.2007.

Representations

There were ten neighbour notifications sent out however no representations received on this application.

Description of Proposal

This is a full application for the proposed change of use from a beauty/hair salon to an education and training facility. The application proposes a change of use from Class A1: Shops to that of Class D1: Community and Cultural Uses within the Primary Retail Core.

Planning Assessment of Policy and Other Material Considerations

The proposal is for the proposed change of use from a beauty/hair salon to an education and training facility.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Section 45 of the Planning Act (NI) 2011 states that 'where an application is made for planning permission, the council 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 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 6.267 states that town centres 'provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses'. The SPPS encourages development at an appropriate scale in order to enhance the attractiveness of town centres. It seeks to secure a town centre first approach for location of future retailing and other main town centre uses, which are defined as 'cultural and community facilities, retail, leisure, entertainment and business'. Furthermore, it aims to protect and enhance diversity in the range of town centres uses.

The site is located inside the settlement limit and the primary retail core of Maghera as defined by the Magherafelt Area Plan 2015. The Area Plan states that the purpose in identifying a primary retail core within a town centre is to provide control over development inside that area, to ensure the continuance of compact, lively and attractive shopping environment, offering both choice and convenience. Some office uses, such as banking and professional services, are convenient in the shopping environment but their proliferation at street level within retail frontages can displace significant amounts of retail floorspace, reducing shopper activity of the main shopping area. It is worth noting that only a small portion of the front of the site is located within the Primary Retail Core. However the entire site is located with the Development

Opportunity site MA 17 states that this site is suitable for a mixed use development including residential and commercial use. It must be noted that upper floors of this site have already been approved for office use on the first floor and residential use on the second. The proposed development is for the change of use from the beauty and hair salon (A1) to an education and training facility (D1) with no increase in floor space. It is worth noting that during the site visit the beauty and hair salon is no longer operating and this change of use would bring economic benefits for Maghera despite not being a retail use. In terms of the Primary Retail Core, upon review of the current uses it is clear that there is mix of uses inclusive of predominantly retail, cafes, professional service offices and public houses. From this I am of the opinion that this can be acceptable as it would not adversely detract from the Primary Retail Core as it would still allow retail uses to be predominate use within it. I am content that the proposal would not result any detrimental impact on residential amenity. Despite changing from a retail use to a non-retail I am still of the opinion that this proposed change of use is acceptable as it brings economic benefits and should be seen as a one off and not create a precedent.

Transport NI were consulted on this development and had no objections. MUDC Environmental Health were consulted and stated that the developer should comply with the requirements of the Health and Safety at Work (NI) Order 1978 and regulations made thereunder. NI Water were also consulted and responded with no objection subject to conditions.

I recommend approval for this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend approval for this application.

Conditions

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

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

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	2nd October 2017
Date First Advertised	19th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Glen Road Maghera Londonderry The Owner/Occupier, 10 Glen Road Maghera Londonderry The Owner/Occupier, 112 Main Street Maghera Londonderry The Owner/Occupier, 114 Main Street Maghera Londonderry The Owner/Occupier, 12 Glen Road Maghera Londonderry The Owner/Occupier, 122 Main Street Maghera Londonderry The Owner/Occupier, 14 Glen Road Maghera Londonderry The Owner/Occupier, 16 Glen Road Maghera Londonderry The Owner/Occupier, 2-4 Glen Road Maghera The Owner/Occupier, 5 Glen Road Maghera Londonderry	
Date of Last Neighbour Notification	10th October 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1345/F Proposal: Proposed change of use from beauty hair salon to education and training facility Address: 118-120 Main Street, Maghera, Decision: Decision Date: Ref ID: LA09/2016/1513/F	

Proposal: Proposed erection of new store and 2 no residential apartments to rear of existing premises

Address: 2 - 4 Glen Road, Maghera,

Decision:

Decision Date:

Ref ID: H/2008/0180/F

Proposal: Retrospective application for 2No. storage containers to the rear of No.104 Main Street, Maghera

Address: 35m to the West of No. 104 Main Street, Maghera

Decision:

Decision Date: 05.01.2009

Ref ID: H/1998/0673

Proposal: BUTCHERS SHOP AND DELI WITH 3 NO FLATS AT FIRST FLOOR

Address: 114 MAIN STREET MAGHERA

Decision:

Decision Date:

Ref ID: H/2006/0437/F

Proposal: Proposed re-development of 118-120 Main Street, Maghera to provide ground floor shop unit (1), office to rear, 2 offices on first floor & 2 flats on second floor

Address: 118-120 Main Street, Maghera

Decision:

Decision Date: 13.02.2007

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. 04
Type: Existing Plans
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/12/2017	Item Number:
Application ID: LA09/2017/1439/F	Target Date: 30/01/2018
Proposal: Replace existing ball stop with new 4.2m high ball stop fencing to goal end	Location: Drumgose Road Benburb
Referral Route: This proposal is being presented to Committee as the application relates to land in which the council has an interest/estate	
Recommendation:	Approve
Applicant Name and Address: Benburb and District Community Assoc. C/o. 9 Lisduff Grange Benburb	Agent Name and Address: Park Hood Hawarden House 163 Upper Newtonards Road Belfast BT4 3HZ
Executive Summary: The proposed development is deemed to accord with prevailing planning policy. It is recommended that permission is granted, subject to condition.	
Signature(s): <i>S Farrell</i>	

Case Officer Report

Site Location Plan

Consultations: N/A

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

No third party representations have been received, however the neighbour notifications had not expired at the time of writing, but as the application was urgent it was referred to committee. The neighbour notifications expire before the scheduled council meeting and any objections will be noted. All other material considerations have been addressed within the determination of this application.

Characteristics of the Site and Area

The application site is located on the Drumgose Road, Benburb which is inside of the settlement development limits of Benburb and in an area zoned as existing recreation and open space, as defined within the Dungannon and South Tyrone Area Plan 2010. The existing site is made up of grass football pitch and a smaller synthetic surface football pitch to the South of the site. The site area is generally flat in nature, however the land rises in elevation by approx. 4m to the east.

The land surrounding the application site is made up of a range of uses including agricultural, residential and a childcare facility to the immediate west.

Description of Proposal

The applicant seeks permission to replace the existing ball stop with a new 4.2m high ball stop fencing to the goal end as annotated in drawing 03 Rev A.

Planning Assessment of Policy and Other Material Considerations

The following Policy documents provide the primary policy context for the determination of this application;

1. Strategic Planning Policy Statement (SPPS)
2. Dungannon and South Tyrone Area Plan 2010
3. Planning Policy Statement (PPS) 8 – Open Space, Sport and Outdoor Recreation

Planning History

LA09/2017/0472/F – Proposal of a new surfaced walking route with associated lighting provided by 4m high lighting columns. Adventure trail play equipment, refurbishment of existing play area safety surfacing, provision of 1.2m high spectator fence and associated hard standing to existing football pitch, seating and planting, Drumgose Road, Benburb, PERMISSION GRANTED – 06/07/2017

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received, however the neighbour notifications had not expired, but as the application was urgent it was referred to committee. The Neighbour notifications expire before the scheduled council meeting and any objections will be noted.

Assessment**SPPS**

The proposed works involve alterations to an existing area of open space and outdoor recreation and I therefore consider that the location of the proposal is appropriate. The applicant has not highlighted that the proposed works will intensify the use of the site and as such I am content that the existing access and parking facilities on the site are adequate.

The works will not create a greater degree of visual impact when compared to the existing setting, as the ball stop will be the same height as that around the existing 3G pitch at the South of the site. Works will not create a detrimental impact on neighbours amenity or the character of the surrounding area. As such I find that the proposal is in keeping with the policy provision of SPPS.

Dungannon and South Tyrone Area Plan 2010

As outlined above, the site is located within an area zoned as existing recreation and open space. The proposal will not create a detrimental or negative effect on the area and is in keeping with the area in which it sits in terms of scale, form, massing and design. The proposed development is related to the existing recreational use of the site.

I consider that the proposal is in keeping with the policy provisions of the Dungannon and South Tyrone Area Plan 2010.

PPS 8 – open Space, Sport and Outdoor Recreation

The proposed development of this application is related to the existing recreational use of the site and will not result in the loss of any existing open space in accordance with Policy OS 1 of PPS 8. I consider that the proposal complies with the policy provisions therein.

Conclusion

I conclude that the proposal is in keeping with prevailing planning policy and for the reasoning outlined above, members are advised that this application is acceptable.

Neighbour Notification Checked	Yes
Summary of Recommendation: Approve, subject to the conditions outlined below.	
Conditions/Reasons for Refusal: Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	
Signature(s) Date:	

ANNEX	
Date Valid	16th October 2017
Date First Advertised	2nd November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Thornleigh Manor Benburb Tyrone The Owner/Occupier, 10 Rookery Drive Benburb Tyrone The Owner/Occupier, 11 Rookery Drive Benburb Tyrone The Owner/Occupier, 12 Rookery Drive Benburb Tyrone The Owner/Occupier, 13 Rookery Drive Benburb Tyrone The Owner/Occupier, 14 Rookery Drive Benburb Tyrone The Owner/Occupier, 2 Thornleigh Manor Benburb Tyrone The Owner/Occupier, 47 Main Street Benburb Tyrone The Owner/Occupier, 49 Main Street Benburb Tyrone The Owner/Occupier, 5 Drumgose Road Benburb Tyrone The Owner/Occupier, Alexander Mills 43 Main Street Benburb The Owner/Occupier, Benburb Playgroup 3 Drumgose Road Benburb The Owner/Occupier, Trustees Of Benburb Masonic Hall Masonic Hall 45 Main Street	
Date of Last Neighbour Notification	10th November 2017
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: M/1975/0120

Proposal: PLAYING FIELDS; JUNIOR PLAYSPACE, LANDSCAPING, CHANGING FAC & CAR PARK

Address: DUNGANNON ROAD, BENBURB

Decision:

Decision Date:

Ref ID: M/1975/012001

Proposal: PLAYING FIELD, PLAYSPACE, CAR PARK

Address: DUNGANNON ROAD, BENBURB

Decision:

Decision Date:

Ref ID: M/1975/012002

Proposal: PLAYING FIELDS, JUNIOR PLAYSPACE, LANDSCAPING, CHANGING FACILITIES AND

Address: DUNGANNON ROAD, BENBURB

Decision:

Decision Date:

Ref ID: M/2012/0324/F

Proposal: Proposed temporary mobile changing facility at existing playing fields

Address: Site 30m North of 10 Rookery Drive, Benburb,

Decision:

Decision Date: 25.07.2012

Ref ID: M/2005/0176/F

Proposal: Proposed Changing Rooms

Address: 20 Metres North of 11 Rookery Drive, Benburb

Decision:

Decision Date: 18.03.2005

Ref ID: LA09/2017/0472/F

Proposal: Provision of a new surfaced walking route with associated lighting provided by 4m high lighting columns. Adventure trail play equipment, refurbishment of existing play area safety surfacing , provision of 1.2m high spectator fencing and associated hard standing to existing football pitch , seating and planting

Address: Drumgose Road, Benburb,

Decision: PG

Decision Date: 06.07.2017

Ref ID: LA09/2017/1439/F

Proposal: Replace existing ball stop with new 4.2m high ball stop fencing to goal end

Address: Drumgose Road, Benburb,
Decision:
Decision Date:

Summary of Consultee Responses

N/A

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Existing Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: H/2014/0399/F	
Proposal: Proposed pig fattening shed with feed bin (to contain 900 pork pigs)	Location: Land off Cahore Road approx. 100m East of 11A Tonaght Road Draperstown
Applicant Name and Address: Mr Michael McErlean 11A Tonaght Road Draperstown BT45 7JD	Agent name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Summary of Issues: <p>Two petitions and four objections have been received in respect of this application. The two petitions contain 65 names and 697 names respectively. However, while these petitions are stated as being 'Petition against pig fattening shed/pig farm' neither petition states what the objectors actual concerns are regarding the proposed development. It should also be noted that of the 697 names contained within the on-line petition, in excess of 470 of these are from outside the Draperstown area and while the remaining names, approximately 220 are from the Draperstown area, some of these objectors are located in excess of 5 miles from the site and therefore will not be affected either by the visual impact, noise or odour.</p> <p>The four objections relate to the following issues:-</p> <ul style="list-style-type: none"> • Timing of the neighbour notification letters; • Odour; • Little evidence that a low protein diet will be fed; • Increase in traffic; • Existing road unsuitable for heavy vehicles; • The utilisation of the pig maure; • Increase in rates and vermin; • Devaluation of property; • Proximity to an existing dwelling; • Risk to human life and environmental pollution; • Animal cruelty; • Waste product run-off; surface run-off and consequential flood risk. • Noise 	

Summary of Consultee Responses:

Summary of consultee responses

Transport NI – advised that the proposal is acceptable subject to conditions

Environmental Health – have now advised that the noise is acceptable subject to conditions.

It was also requested that 'a worst case scenario be modelled ie. Use full odour emission factor as based on pigs being fed a 'normal' diet.

NIEA: Water Management Unit – considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content subject to relevant conditions.

NIEA: Industrial Pollution and Radiochemical Inspectorate – advised that as the pig unit will have a capacity below the threshold which requires a permit the proposal will not be subject to regulation by the inspectorate.

NIEA: Natural Environment Division considered the impacts of the proposed unit on designated sites and other Natural Heritage interests and on the basis of the information is content subject to relevant conditions.

Shared Environmental Services considered the nature, scale timing duration and location of the proposed unit and is content subject to relevant conditions.

DARD – No objections.

NI Water – No Objections.

Characteristics of the Site and Area:

Description of Proposal

The proposal is for the erection of a pig unit measuring 72.5m by 16.46m and having a ridge height of 5.5m. The pig unit will have a capacity of 900 pigs. The external finishes are:

Walls – Green GRP to upper part with smooth concrete finish to lower part. Walls to have galvanised ventilation/air intake grills;

Roof – 'Big Six' fibre cement profiled cladding with 6 no. roof extract fans positioned along the ridge.

The entire unit is constructed over a slurry tank with a depth of 1.45m below finished floor level.

The pig unit is equally separated into 30 pens, each measuring 7.0m x 4.9m with a central passage extending along the entire length of the unit. Each pen accesses onto the central passage which has a single loading bay at one end. A 3.0m diameter feed bin with an overall height of 9.2m is to be positioned close to the loading bay. This feed bin is a fully galvanised tower bin and is completely enclosed to the ground with a single pedestrian access door at ground level. The bin has a single fill pipe which extends from approximately 1.2m above ground level to the top of the bin and can be filled directly from a supply lorry/trailer.

The proposed pig unit is to be located in the north-western corner of a 1.9ha roadside field with a new access laneway proposed immediately adjacent to the existing lane leading to no.11A (the applicant's dwelling). The unit is to be sited approximately 110m back from the public road, includes a large concrete yard to the front and provides for a 25.0m diameter turning circle for articulated vehicles.

The existing mature hedges and screening along both the north-western and south-western boundaries are to be retained with presumably a post and wire fence along the south/south-eastern boundary although this is not annotated as such. No additional landscaping has been proposed.

The top of the tank which is finished floor level is stated as being 57.25 with the level of the concrete path along the southern side of the building being in the region of 55.8.

Characteristics of the site and area

The site is set within the rural area and approximately 2.3km south of the centre of Draperstown in an elevated landscape and set at an elevation of around 165m. The site is located within a roadside field which slopes from north west to the south east and while the site outline extends from the road frontage back to the western boundary, the turning area and pig unit are set back 80m and 110m respectively, from the public road. The site is to be accessed via a new proposed laneway which runs adjacent to the existing laneway leading to the applicants dwelling, with the intervening area retained as part of the existing field.

The north-western boundary is partially defined by a mature hedge which extends along the south western boundary. The remainder of the north western boundary alongside the existing laneway is defined by a post and wire fence with a tall gorse hedge along the public road frontage. The boundary of a third party dwelling, occupied by an objector, is located only 85m from the site of the proposed shed, with the dwelling itself being located approximately 120m from the proposed pig unit.

Description of Proposal

Proposed pig fattening shed with feed bin (to contain 900 pork pigs)

Deferred Consideration:

Members will recall that this application was deferred at the committee meeting held in Aug 2017 to permit members to visit the site and an existing similar pig unit located outside Broughshane, Co.Antrim.

The meeting visit took place on Tues 15th Aug 2017 and a record of the visit is outlined as below:

In attendance

M.Bowman / M.McCrystal (Council Planning Officials)
Cllrs Kearney/ Mallaghan/ McKinney
H.Marshall (agent)
Mr D Warke (rep M.Kees – operator of the facility)

- An external and internal inspection of the building took place. H.Marshall informed members that the subject building proposed at Cahore Road would be built in a similar way and with the same degree of noise / odour prevention measures.
- Members were surprised by the low level of both noise and odour at distances right up to within 10m of the unit.
- It was noted that there is provision via small window openings for ventilation purposes and this did permit some noise spill
- Clarification was provided by the operator on the fan system / temp control system installed in the unit
- Members were also explained how food records are kept enabling, if required, an inspection of food stuff to be carried out at any time. It was explained by me to those present that this was an important aspect to be clear on given the need to potentially condition food stuff.

Members then visited the location of the proposed unit, those who attended were as above other than Mr Warke. The applicant, Mr McErlean also attended on this occasion.

- I pointed out the location of the objector's property and how this related in terms of distance to the proposed unit.
- The applicant explained that the proposal was located here due to the sub-division of his father's farm. It was noted that a dwelling was approved in the field to the NE of the existing farm buildings
- Some discussion took place around how far the proposed unit was from the objectors property
- I explained the policy requirement of CTY12 in relation to siting – the agent indicated that the location provided an ability to comply with bio-security requirements and that this could be supported by additional information.
- An inspection of the degree of visual linkage was made after the meeting concluded – it was my view that due to the roadside vegetation and topography that the visual linkage test was difficult to perceive in this case.

The proposed site is located within the Sperrin's Area of Outstanding Natural Beauty as identified within the Magherafelt Area Plan. There is no previous planning history on the site.

PPS 2 – Natural Heritage sets out the relevant planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as “the diversity of our habitats, species, landscapes and earth science features”.

Policy NH1 – European and Ramsar Sites – International, allows planning permission to be granted where the proposal will not have a significant effect on European Sites including Special Areas of Conservation. In this instance, the proposed development has the potential to have a significant effect on Teal Lough SAC (5.2km from the site), Ballynahone Bog SAC (8.75km from the site) and Carn-Glenshane Pass SAC (9.8km from the site). Consequently Shared Environmental Services were consulted and following due consideration, it was concluded that the proposal will not be likely to have a significant effect on the features or conservation objectives of any European Site subject to the inclusion of certain conditions.

Policy NH 5 – Habitats, Species or Features of Natural Heritage Importance, allows for planning approval to be granted to a development provided that it does not result in an unacceptable adverse impact on, or damage to habitats, species or features which includes Teal Lough and Slaghtfreeden Bogs ASSI, Teal Lough Part II ASSI, Crockahole Wood ASSI, Drumbally Wood ASSI, in addition to the aforementioned SAC's. NIEA: Natural Environment Division considered the potential impact of the development in addition to the proposed land spreading locations associated with the proposal which are within 7.5 km of the site. As part of this process NED gave consideration to the emissions from intensive livestock installations which can have significant impacts on plant species and the supporting habitats of designated faunal species as well as dirty water generated from activities on site which may contain organic material as it can be detrimental to aquatic life if it enters a watercourse. On that basis it was concluded that the proposal would not have an adverse effect on designated sites or other natural heritage interests subject to the imposition of suggested conditions.

Policy NH 6 – Areas of Outstanding Natural Beauty, allows for approval to be granted subject to appropriate design, size and scale for the locality and where the proposal satisfies all the stated criteria. These criteria include:-

- The siting and scale are sympathetic to the special character of the AONB and the particular locality;

As the site is set on low part of the rural landscape with the landform falling to the south and continuing to rise to the north, there will be little views of the proposal apart from the dead-end road leading to no.65 and from private farm lands to the south. From these restricted views, the building which is typically agricultural would appear appropriate for the area.

- The building respects or conserves features of importance to the character, appearance or heritage of the landscape;

The building is sited within the corner of a field and provides for the retention of the existing field boundaries which are characteristic of the area.

- The proposal respects local style/patterns, traditional boundary details and local materials/design;

As discussed above, the proposal is of traditional agricultural design and being located within the corner of a field allows for the retention of the existing boundary hedgerows.

PPS 21 – Policy CTY 1 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and which will contribute to the aims of sustainable development. One of these is an agricultural building in accordance with Policy CTY 12.

Policy CTY 12 – Agricultural and Forestry Development supports proposals for this type of development provided that it is demonstrated that it meets the criteria listed within the policy. A letter from the agent, received 2nd November 2016, provides some justification at paragraph 7 and states that cattle/sheep farming in the uplands areas around Draperstown is not the most profitable and the applicant is trying to diversify into the more profitable line of pig farming.

Policy CTY 12 requires amongst other things, that proposals be located on an active and established farm holding. DAERA have advised that the farm holding is active and has been established for more than 6 years. Policy CTY 12 also requires it to be demonstrated that:-

- **is necessary for the efficient use of the agricultural holding.**

The applicant is diversifying into pig farming which is more profitable than cattle/sheep farming in this area and would therefore presumably safeguard the future of the holding.

- **is of appropriate character and scale for the location.**

The proposed building is of standard design and character for the rural area and is of standard design for a modern pig unit. It is located 160m from the existing farm complex and this is worthy of some further consideration.

- **The proposed building visually integrates into the landscape and includes additional landscaping as necessary.**

The proposed building is a low set building on a site close to a dead end on a very minor road. The site is located well back (110m) from the public road with the benefit of good boundary hedges along two of the proposed boundaries which are to be retained. However, it is noted on the site layout plan that 'Floor levels shown are indicative only. Exact levels shall be agreed on site between the client/ground works contactor when soil depths and ground conditions are known. This is not acceptable and exact finished floor levels would be required to be stated, if the proposal were to be approved or at least secured by a condition.

- **The proposal does not adversely impact on natural or built heritage;**

The proposal satisfies this requirement;

- **The proposal will not result in a detrimental impact on residential amenity outside the farm holding including issues of noise, smell and pollution;**

In relation to the provision of a new building, this policy also requires applicants to demonstrate that there are no suitable existing buildings on the holding; that the design and materials are sympathetic to the locality and adjacent buildings; and that the proposal is sited beside existing farm buildings.

Whilst the applicant has not demonstrated that there are no existing buildings which can be utilised, it is accepted that as the applicant is only commencing pig farming it is unlikely that they will have either existing pig units or buildings suitable for conversion, on the farm as pig units tend to be a specialist building. As detailed above, the design is typical for a pig unit and is acceptable.

The policy test for a new building such as this is also that it is sited beside existing farm buildings. It is notable that this test does not state 'beside existing **agricultural** buildings' and this point was raised during the site visit. There is an argument that the applicants own dwelling, being located on the farm can be regarded as the 'farm house' and therefore a farm building. This being the case the proposed pig unit would be located only some 68m to the applicants dwelling measured to its closest point. Visually if one regards the farm house as being a farm building then I am reasonably satisfied that the chosen location does provide an opportunity to site beside. Whilst there is a 68m distance, visually when viewed from the approach from the south and immediately east along the Cahore Road, a measurable degree of visual linkage is achieved which I feel satisfies the policy intention in this regard.

Following further internal discussions on the chosen siting it was decided that the agent would be asked to comment on the operational reasons why the pig unit could not reasonably operate in the adjacent small field closer to the farm house. In a response dated 16th Nov 2017 Philip Marshall stated the following:

"In my opinion there are a few reasons why this site will not work:

The shed and turning area will not physically fit in the field.

The field is very steep - we have no topo survey of it but it rises at least 10 -12 m. and there is a drop at the bottom (through the hedge) to the original site of approx. 3m. due to this fact and the concrete lane at the top of the field it is not possible to cut and fill the site.

In theory the site could be developed but there would be major engineering works/retaining walls which would be totally uneconomical and in planning terms would not integrate.

If the shed could fit in the field the shed would be within 10 - 15m of the applicants dwelling (in anybody'd book this is too close - although not everyone may agree with this)"

2 letters have been submitted by the agent on the reasons for the chosen location from DEARAs Pig Advisor outlining good practise and Bio-security reasons why new pig finishing sheds should be kept separate from other farm animals / buildings and a further letter from Mr Grant who is Director in Parklands Veterinary Group specialising in Pigs within which he states that this specific site was chosen due to its lower and sheltered nature and how this assists with the sheds ventilation ability and pig health.

Odour

The critical issue surrounding this proposal is in relation to the ability to control odour from the proposal. The application has been significantly reduced from its original 1950 pig numbers

(originally considered) to 1250 which was sought when the application was submitted to 900 which is currently being applied for.

Irwin Carr Consulting on behalf of the applicant argue that the original AFBI report 'The impact of diet and flushing' on ammonia and odour emissions from pig housing by Dr Magowan dated 2015 is robust scientific evidence that a 20% reduction in odour can be applied where a low protein diet is fed to fattener pigs. I note that Irwin Carr state that NIEAs position is to agree with this approach, whilst expressing a cautious approach is to be taken in assessing such impacts. Dr Chris Jordan in his capacity as an EHO officer with Mid and East Antrim Council in an e-mail dated 16 June 2016 acknowledges that the IPRI response by Dr Stewart appears conclusive is finding that locations very close, ie 80-100m, to a proposed pig unit would be considered unsuitable due to the significant potential for odour nuisance arising. However he also states that odour modelling has its limitations and that levels of uncertainty increase as receptors become closer to the odour source. He wasn't able at that time to provide to the Council the relevant document which confirmed this view.

The proposed building is to be located approximately 120m from a neighbouring 3rd party dwelling and 85m from the private amenity space belonging to that dwelling. The pig unit will be sited on higher ground with finished floor levels being approximately 7-8m above the site levels of the neighbouring dwelling.

To enable full consideration to be given to the proposed development, consultations were sent to the following bodies in relation to the potential for odour and pollution; Environmental Health, NIEA: Industrial Pollution and Radiochemical Inspectorate; Water Management Unit; Natural Environment Division and Shared Environmental Services.

Water Management Unit requested a nutrient management plan to demonstrate that the manure from the proposed development would be utilised in a responsible and acceptable manner. This was submitted and WMU accepted that the manure would be land spread in a suitable manner.

Although the proposed unit is below the threshold which would require regulation by IPRI, they advised that there was potential for significant impact of residential amenity due to odour; that it was unlikely that that any reduction in the protein content of the feed stuff is directly proportionate to the reduction in ammonia emissions; the use of on/off fan controls rather than variable speed fan controls would help to optimise dispersion of emissions. Dr Charlotte Stewart (IPRI) advised by way of e-mail on 15th June 2016 that 'In addition the very close proximity of the 3rd party dwellings (80 - 100m) has the potential to result in odour nuisance arising at those receptors despite the modelling results. At this close proximity to 3rd party dwellings margin of error/variability of any air dispersion modelling results would be increased. Therefore, locations very close (i.e. <80 - 100m) to 3rd party dwellings from a farm of this nature would be considered unsuitable due to the significant potential for odour nuisance arising.' This view continues to give me grave concerns about whether a low protein diet will have the effect of reducing ammonia emissions at all.

Following the submission of a number of Air Quality Impact Assessments which were considered by MUDC Environmental Health Department, including NIEA's comments on the AFBI report "The impact of diet and 'flushing' on ammonia and odour emissions from pig housing" by Dr Elizabeth Magowan (dated June 2015), it is Environmental Health's opinion that a reduced odour emission factor should **not** be used in this assessment as the evidence remains scant. This is further compounded by their concerns regarding the potential for the pig unit to have a detrimental impact on residential amenity due to the inherent uncertainty within the odour modelling process coupled with the fact that the unit is to be sited in such close proximity (80m) to the private amenity space of the nearest third party dwelling. This is in addition to the need to rely on the use of a low protein feed to meet the 3 Odour Units criterion.

The agent provided details of a previous planning approval granted for pig units by another Council's planning authority and felt that if that authority were able to attach conditions relating to feed stuffs then this authority should be prepared to do the same. However, whilst I respect the right of one authority to grant planning approvals subject to whatever conditions they feel are appropriate, this should not restrict other authorities from having a different opinion. Indeed I alerted EHO to this application and sought their view on this decision which was that the cautious approach adopted in the Cahore Road case was the correct stance to adopt.

NIEA: Natural Environment Division and Shared Environmental Services have recommended conditions relating to the use of crude protein diet, this is in relation to the protection of Special Areas of Conservation and Areas of Special Scientific Interest (SAC's and ASSI's) and does not take into consideration the potential for odour nuisance on residential amenity. This is the remit of Environmental Health who continue to express concerns regarding the proximity to third party dwellings and the potential for odour nuisance.

Following our site visit and in seeking further clarification around the need for foodstuff records to be kept I am somewhat more comfortable with the notion that the Council could condition low protein foodstuff to be used for this proposal. The fundamental issue I have is whether the evidence exists to show that this will itself achieve the effect of the pig unit operating so as to not have an odour impact on the third party dwelling.

Considerations of the proposal around other Policies such as CTY13 and 14 were outlined in the original report to Committee and following the site visit I do not have reasons to raise these policy considerations as being of concern.

The agent asked, without prejudice, to address the other outstanding concerns in relation to the potential for noise nuisance to the Council. In response correspondence was received from the applicants agent, including a noise impact assessment entitled "Irwin Carr Consulting, report No RP003 2014131 (McErlean Pig Farm) 7 September 2017", in an attempt to address concerns previously raised by the Environmental Health Department.

Noise Impact

The acoustic consultancy concludes that, "Operational Noise: The rating level for all the nearest noise sensitive receivers from the proposed development is below the 'typical' daytime and night-time background sound level.....whilst the feed delivery predicted noise impact marginally exceeds the 'typical' background sound level, further to consideration of context the impact would be deemed low.

In arriving at this conclusion the acoustic consultancy is reliant on deliveries being restricted to daytime hours only and the sound power levels of fans employed on site not exceeding 76 dB(A)

Therefore, to ensure that residential amenity is protected EHO have recommend the attachment of the following conditions, if planning Department are minded to grant permission for the development:

1. "There shall be no commercial deliveries between the hours of 23:00 and 07:00"
2. "The sound power level of fans to be employed as part of the building permitted shall not exceed 76 dB"

Reason: Protection of residential amenity.

Consideration of the issues of objection

Whilst the neighbour notification letters are usually sent at the time of validation, the letter to No.65A was sent as it was noticed during the site inspection that it shared a common access on Cahore Road.

Environmental Health considered issues of odour, risk to human life/environmental pollution, noise and increase in vermin. While no concerns were raised regarding risk to human health or vermin, concerns have been raised in relation to odour with regards the proximity to the private amenity space of no.65A Cahore Road.

In consideration of the issues of access and traffic, TransportNi raised no concerns and are satisfied with the proposal subject to conditions.

Utilisation of the pig manure by land spreading has been considered by NIEA: Natural Environment Division as has the issue of waste product run-off and both have been found to be acceptable.

No evidence has been presented to substantiate claims that the development will result in either an increase in rates or a devaluation of property.

There is no evidence to sustain any claims that the proposal would result in animal cruelty. With regards to there being 'little evidence that a low protein diet will be fed and the proximity to an existing dwelling', these issues have been dealt with in the case officers report above.

An additional objection has been received showing a part of the public road flooded during a recent storm event. It is alleged that the pig unit will increase this risk. In response I am not of the view that there is any clear evidence to suggest that this will result from the pig unit should it be approved. The precise means of storm run-off are subject to separate consent in any case.

Summary

In summary whilst those who visited the site and the alternative pig unit outside Broughshane were impressed by the ability of that shed to operate relatively quietly and without noticeable odour levels it remains of a concern to me that in the absence of support from EHO, despite providing assurance to them that low protein feed stuff could be conditioned in this case, that recommending approval of this application is contrary to the cautious more scientific approach to odour assessment referred to earlier in this report given the very close proximity to a third party dwelling **and** in light of the fact that this pig unit will not require licensing and therefore regulation by IPRI.

I am however satisfied that the proposal will not have a detrimental noise impact as per EHOs acceptance of the noise report and also on balance regard the building to be adequately sited with other farm buildings, namely the farm house particularly in light of the lack of surrounding view points and exaggerated topography.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY 1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, could result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise by reason of odour.

Signature(s): M.Bowman

Date 21/11/17



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: H/2015/0068/F	
Proposal: Proposed change of use from basement carparking to supermarket unit to include new mall and amended service yard at existing Meadow lane Shopping Centre, Moneymore Road, Magherafelt	Location: Meadowlane Shopping Centre Moneymore Road Magherafelt
Applicant Name and Address: Castlefarm Properties C/o.agent	Agent name and Address: Clarman and Co. Unit 1 33 Dungannon Road Coalisland BT71 4HP
Summary of Issues: A number of representations have been received in relation to the proposed development. They relate to <ul style="list-style-type: none"> • potential flooding; • shortfall of 217 car parking spaces (101 existing and 116 additional requirement) leading to illegal parking; • non submission of a transport assessment form; • Inaccuracies within the transport assessment form; • increased noise levels and the impact on noise sensitive receptors. 	
Description of Proposal The proposal is for the 'Change of use from basement car parking to supermarket unit to include new mall and amended service yard at existing Meadow lane Shopping Centre.' The existing car park is accessed via the public car park which extends from Queen Street to Rainey Street and can be entered from either street. The car park currently provided for 93 parking spaces on a level which sits slightly below the level of the adjoining public car park and is approximately 2-3 below	

the level of the Moneymore Road. The gross floor area of the car park at present is approximately 2328m².

Characteristics of the site and area

The site is located within Magherafelt town centre and within the Primary Retail Core as identified in the Magherafelt Area Plan 2015. This is the main shopping and retail services centre for the district and surrounding rural area. The surrounding area is a mixture of commercial, restaurants, hot-food outlets, offices, residential properties and public car parks and is accessed off one of the main thoroughfares through the town. There are also a number of secondary schools/colleges within easy walking distance of the site. The Meadowlane shopping centre at present has 39 units on two levels, of which 33 are occupied. Units 5, 13, 19, 27, 29 & 35 are vacant. A 40th unit (Costa Coffee) operates from the mall within the store. The centre has a capacity of 472 parking spaces on 7 levels. This includes disabled parking spaces and 22 spaces which are reserved for DARD staff on the ground floor level accessed directly off the Moneymore Road. The basement level has a capacity of 93 spaces and not 98 spaces as advised in the Transport Assessment Form. A further 6 spaces are available outside the entrance to the basement car park which will also be affected by the proposal.

Deferred Consideration:

This planning application was originally presented to Committee in January 2016 with a recommendation to approve. However, following discussion by Committee it was agreed that the application be deferred for the Planning Manager and Council Solicitor to further explore a Planning Agreement to secure future car parking if required.

Following discussions between Mid Ulster District Council's Planning Department and the applicant, a subsequent planning application LA09/2017/0891/F has been submitted for a proposed extension to the existing multi-storey car parking facility to provide 212 additional car parking spaces over 2 additional levels to include associated alterations/extension to existing lobbies/elevators. An associated Planning Agreement which is to be presented to Committee tonight has also been drafted and when signed by both Mid Ulster District Council and the applicant, will provide a mechanism by where if the existing car parking occupancy rates exceed an agreed threshold, following the proposed supermarket becoming operational, the proposed car park extension will be provided.

The associated planning application LA09/2017/0891/F for the proposed car park extension has been presented to Committee this evening with a recommendation to approve subject to the concise nature of the relevant conditions to be agreed along with the associated planning agreement.

Consequently this planning application is therefore being returned to Committee with a recommendation that it be approved in association with Planning Application LA09/2017/0891/F and the related Planning Agreement.

Conditions:

To be delegated to the Planning Manager based on the Committees decision.



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/0797/F	Target Date:
Proposal: Retrospective change of use to car sales yard (including front garden changing to hardstanding car display area) and tyre/alloy wheels sales with the following opening hours Monday, Wednesday, Friday and Saturday 8am to 6pm, Tuesday and Thursday 8am to 8pm (Amended Description)	Location: 53 and 53a Ballyronan Road, Magherafelt
Applicant Name and Address: Top Gear NI 53a Ballyronan Road Magherafelt BT45 6EW	Agent name and Address: Taggart Design 133a Coolreaghs Road Cookstown BT80 9QD
Summary of Issues: Opening hours	
Summary of Consultee Responses: Transport NI - advised that the proposal was acceptable subject to conditions relating to the following:- Access arrangements; Provision of waiting area outside entrance gates; Provision of parking/display areas. Environmental Health Department - advised that the proposal would be acceptable subject to informatives relating to the following; Appropriate use of lighting so that it does not become a nuisance; The selection and use of external noise generating plant/equipment to avoid creating noise disturbance.	
Characteristics of the Site and Area: The existing dwelling already has planning approval to change to offices which the applicant advised has already been implemented. The front garden which extends from the dwelling to the	

Ballyronan Road is to be changed to provide a hard standing area for the display of cars for sale. A low wall is proposed around this area. There is no proposed changes to the access. The existing site contains a large 6 bay industrial building to the rear of the dwelling which was the tyre depot. This is subdivided into three units with a small portacabin office to the side. The three units have separate roller doors. At present units 1 and 2, as identified on the submitted drawing no.03 dated 28th September 2016, is being used in connection with the car sales business. Unit 3 is still retained in connection with the tyre depot.

The site is located within the settlement development limits of Magherafelt and is located within a mixed use area between the private housing development at Ronan Drive, a small dwelling at No. 51 and Meadowbank Sports Arena. Mid Ulster District Council offices are located almost directly opposite the site with the entrance to Acheson & Glovers concrete plant less than 100m to the south of the site.

Description of Proposal

This planning application is for full planning permission for the 'Retrospective change of use to car sales yard (including front garden changing to hardstanding car display area) and tyre / alloy wheels sales'

Deferred Consideration:

This application was presented to Committee on 7th March 2017 with an opinion to approve. However, at that meeting, members were advised of a late objection in which the objector, Mr Joe McKernan, alleged that he owned both the laneway and the visibility splays associated with the application. Mr McKernan further contended that he was unaware of the application and that the 'Planning Application Certificate' was incorrectly submitted. Committee agreed to defer the application to allow these issues to be clarified and/or resolved. Following land registry checks and the receipt of amended P2 certificates this issue has been resolved.

An amended P1 with the description changed to include flood lighting and tyre/alloy wheel sales was also received. Amended plans were also submitted detailing the flood lighting.

Transport NI were re-consulted with the details mentioned above and duly advised that a further amendment was required to show visibility splays of 2.4m x 45m looking north east and 2.4m x 70m looking south west. These details were submitted and Transport NI advised that they were content not to be re-consulted subject to the visibility splays being conditioned as these already exist on site.

Following receipt of the amended plans, all neighbours were re-notified and no further representations were received.

The application was presented in September with a recommendation to approve which was agreed by the Committee. However the agent requested an amendment to Condition 2 to allow for late night opening on both a Tuesday and a Thursday evening to 8 pm. The application was subsequently deferred for further consideration by the Planning Manager.

Having considered the request to extend the opening hours I am of the opinion that this is acceptable on the suggested 2 evenings a week and I am recommending a continued approval of this application.

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 hereby permitted shall not be open to customers and no deliveries shall take place to or from the site, outside the following times, 8:00am to 6:00pm Monday, Wednesday Friday and Saturday, 8:00am to 8:00pm on Tuesday and Thursday and at no time on a Sunday.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

3. The floodlights as shown on drawing No 05/1 bearing the date stamp 5 July 2017 shall be switched off outside the operating hours listed under Condition No 2.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

4. The sheds associated with the development hereby approved as indicated on drawing no.03 date stamped 28th September 2016 shall be used in connection with the car sales business only and for no other use.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order.

5. The vehicular access, including visibility splays of 2.4m x 45m in both directions, shall be provided in accordance with Drawing No. 02/5 bearing the date stamp 5 July 2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle, car transporter, to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

7. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02/5 bearing date stamp 5 July 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and display of vehicles.

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

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/1684/O	Target Date:
Proposal: Expansion of existing care home facility to provide 4no individual care units and a new dwelling and garage in connection with the existing business enterprise	Location: Lands immediately SW of 19 Rocktown Lane, Knockloughrim
Applicant Name and Address: Mr C Maynes 12 West Clare Court Lisacclare Road Coalisland BT71 5BF	Agent name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
Summary of Issues: Principle of the proposal in the rural area.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: The proposal site is currently a large agricultural roadside field with the existing 'Mountview Retreat' to the rear of the site. The site gently rises up in level from the roadside. There is an existing access lane which also has another lane running parallel serving a detached property SE of the proposal site. The site is bounded on the western boundary by a wooden post fence, on the northern and southern by a modest agricultural hedge and on the eastern by hedging and mature trees. The surrounding pattern of development on Rocktown Lane is one of detached rural roadside dwellings and associated agricultural buildings.	
Description of Proposal Outline application for 'Expansion of existing car home facility to provide 4 No. individual care units and a new dwelling and garage in connection with the existing business enterprise'.	

Deferred Consideration:

This application was presented before the Planning Committee in June 2017 with a recommendation to refuse. The application was deferred by the Committee for a deferred office meeting with the Head of Development Management which took place on 22 June 2017. The applicant was afforded the opportunity to provide more detailed information on the proposal and why there is a need for the accommodation and dwelling that is being sought.

The previous owners of the care home were granted planning permission for a new dwelling in 2001. The facility had been run entirely by that family, both the parents and the daughters with one daughter having been previously the registered provider and another daughter the registered manager and they would have stayed overnight with the parents so as to provide care on a 24/7 basis. Once the business was sold to Mr Maynes there was no longer a house in association with the care home business, though the house was not approved on the basis of a manager's dwelling.

Mr Maynes is both the registered owner and registered provider. Presently with a 7 bedroom facility Mr Maynes argues it is not financially viable to have a night time manager employed and he is called out on a regular basis. There is one member of staff working at night and Mr Maynes is the registered nurse. The only land owned by Mr Maynes is to the west with new health policies driving the proposed expansion. He referred to the Bamford Review of 2005 which addresses the future needs of resettlement and it cannot be done in units of 5 or more people for people with learning disabilities and mental health issues who are now in a younger age bracket and cannot live independently given their needs. He referred also to a similar facility at Bohill House, Coleraine. It is Mr Maynes' intention that each of the residential units will house 3-4 residents with varying levels of care. He says there is a huge waiting list with some people waiting for 15 years to live in supported accommodation outside a hospital environment.

There have been various concept layouts worked through with the proposed layout being agreed as that of having the least visual impact in this rural location. Mr Maynes currently lives in Coalisland and has looked at other dwellings in the area but there are still issues of practicality with not living on site. His wife also works at the care home. Mr Maynes stated he is trying to sustain the employment of his staff in this area and he needs to progress the business forward and be sustainable. This is presently not a modern unit and he must meet all the current regulations of the RQIA. Mr Maynes stressed his client's need a settled environment and a different manager would prove difficult for the residents to adjust to. He wishes to see the care home run by a family as a family business.

Mr Maynes submitted a copy of The Bamford Review following the deferred office meeting. I have read this report in detail and would highlight the following issues.

- In 2003 there were some 450 people with a learning disability living in hospitals and on average they will have lived there for 20 years with no home outside of a hospital facility.
- The average age of people living in hospital in NI in 2003 was 49. They typically live in a ward style accommodation and few have their own bedroom.
- Between 11 and 15% of those admitted to hospital with a learning disability for assessment and treatment have remained in hospital owing to the absence of a suitable community alternative.

There are a number of recommendations in the Bamford Review which include the following:

- With immediate effect all new housing with support provision for people with a learning disability should be for no more than 5 individuals with a learning disability
- By 1 January 2013 all accommodation for people with a learning disability under 60 years of age should be for no more than 5 people.

- An addition 100 supported living places per annum for the next 15 years (from 2003) should be developed to enable people to move from family care without having to be placed in inappropriate settings.

It is my opinion the applicant has proven there is a need for this specific type of accommodation and given the existing care home in this rural location the applicant has proven there are overriding reasons why this development is essential in this rural location and could not be located within a settlement.

With regards to the need for the dwelling for a non-agricultural business enterprise in accordance with Policy CTY 7 of PPS 21 it allows 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. It goes on to state that where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. Such a dwelling will be subject to an occupancy condition.

Planning permission was granted for a dwelling for the previous owners and sited immediately adjacent to the care home. When Mr Maynes purchased the care home the house was retained by the previous owners and they were not restricted by an occupancy condition and permission was granted under now expired planning policy.

The applicant currently resides in Coalisland and at the office meeting stated he needs to live as close as possible to the care home as he is the registered owner and registered provider and as such has ultimate responsibility for every aspect of the care home. Given the level of dependency on Mr Maynes it is my opinion that he has demonstrated a specific need for the dwelling house beside the care home. The business has always benefited from someone either living on site or immediately adjacent to the care home which is critical in this situation.

Having submitted various concept layouts of alternative siting's of both the dwelling and the proposed independent units we have sought amended plans which now show the four care units as 2 pairs of semi-detached dwelling units and the manager's dwelling is now proposed to be sited side on to the road to lessen the impact on this rural area.

I am content to recommend an approval of this application subject to the conditions listed below.

Conditions

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

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

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

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

3. The development hereby approved shall be in general conformity with drawing No 02/1 received 14 November 2017.

Reason: To control the use of the properties and ensure they have minimal impact on the rural character of the area.

4. The occupation of the single dwelling hereby approved shall be limited to the manager of Mountview Care Home and his/her family members.

Reason: The dwelling has been approved in response to the operational needs of Mountview Care Home.

5. The 4no individual care units hereby approved shall only be occupied by those persons in need of special care in conjunction with Mountview Care home and shall not be used as single dwelling houses.

Reason: The units are being approved in response to a need demonstrated by the owner of Mountview Care Home.

6. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

7. During the first available planting season after the occupation of the dwelling, a hawthorn/natural species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the development integrates into the countryside.

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

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

Signature(s):

Date





Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2017/0074/O	Target Date:
Proposal: Proposed dwelling (infill site)	Location: Site adjacent to 61a Brough Road, Castledawson
Applicant Name and Address: Mary Scullion 67 Brough Road Castledawson BT45 8ER	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: Impact on rural character, infill site.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The proposal site is located on Brough Road and sited within a large relatively flat agricultural field adjacent to No.61a Brough Road, a detached single storey dwelling. North of the proposal site is the remainder of the agricultural field, and further along there is an agricultural piece of land with a detached 2 storey dwelling set back to the rear. This set back property is accessed via a laneway and has a distinctive curtilage with separation from the road frontage.	
Description of Proposal Outline application for proposed dwelling.	
Deferred Consideration: This application was presented before the Planning Committee in July with a recommendation to refuse as we didn't consider the application, as presented to be an infill opportunity. The application was deferred for an office meeting with the Planning Manager which took place on 20 July. Dr Boomer confirmed the application cannot be considered as an infill site and the agent, Martin Kearney, suggested the description could be changed so the site could be considered as part of a cluster. It was agreed the senior planner would visit the site	

Having carried out a site visit I do not consider this can be considered an infill site. The gap is simply too big between Nos 61a and 67 Brough Road. The dwelling to the south east does not have a common frontage to the road given their curtilage does not extend to the Brough Road itself.

At the deferred office meeting there was some discussion with regards to assessing the application under Policy CTY 2a as part of a cluster of development.

Having visited the site it is my opinion that the rural character at this locality has been lost to a considerable number of individual dwelling houses. Whilst this field provides a small degree of a visual break it will not protect any rural character through the refusal of planning permission.

In considering the application as a part of a cluster of development I will look at each criteria in turn as follows:

- The cluster does lie outside of a farm and it does consist of four or more buildings of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape.
- The cluster is required to be associated with a focal point and Policy CTY 2a lists examples of a focal point though the list is not exhaustive. There is a T-junction just beyond to the south west of the site and there is a small riding centre to the north-west at the junction of the Hillhead Road and Brough Road.
- The site is bounded on at least two sides with other development in the cluster with other dwellings being sited on two sides of the application site.
- A new dwelling on this site will not visually intrude into the open countryside nor will it significantly alter its existing character.
- Neighbours have been notified and no objections have been raised. Regardless I do not consider there will be an adverse impact on residential amenity.

Having considered the application under the criteria of Policy CTY 2a it is my opinion a new dwelling is acceptable. Given the roadside dwellings at this location are all single storey I would recommend a ridge height restriction of 6 metres. All other conditions are listed below.

An approval is recommended.

Conditions:

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

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

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

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

3. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

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

4. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

5. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the north eastern and south western boundaries of the site in accordance with a scheme submitted to and approved by the Department

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

6. The dwelling hereby permitted shall not be occupied until the existing native species hedgerow has been reinstated behind the required sight visibility splays.

Reason: To ensure the proposal is in keeping with the character of the rural area.

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

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

Signature(s):

Date





Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2017/0422/O	Target Date:
Proposal: Proposed site of dwelling and domestic garage for residential purposes	Location: 150m North West of 107 Bancran Road, Draperstown
Applicant Name and Address: Stephen Donnelly 14 Cordarragh Road Draperstown BT45 7AW	Agent name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Summary of Issues: No objections have been received in respect of this application.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The area is rural in character with dwellings and farm buildings sited on road frontage sites in addition to some farm groupings being set back off this minor public road and accessed via existing farm laneways. The site is a small steeply sloping field set back mid-way along the existing laneway, 180m north of the Bancran Road and 170m south of the existing farm dwelling and outbuildings and accessed via the existing laneway which also serves two 2 storey dwellings and adjoining farm outbuildings. The general area is steeply undulating with land rising steeply from the road towards the north and the site. The site is bounded by a mature thorn hedge along the southern boundary with a low thorn hedge along the western boundary. The northern and eastern boundaries are undefined. The only critical views of the site are from the end of the laneway, from where a dwelling on the site would appear divorced and isolated from the existing farm complex.	

Description of Proposal

This is an outline application for a dwelling on a farm holding therefore details of the design and siting have not been submitted.

Deferred Consideration:

This application was presented before the Planning Committee in October with a recommendation to refuse where it was deferred for an office meeting with the Planning Manager. The deferred office meeting took place on 12 October where it was agreed that I would carry out a site visit.

I visited the site and found that indeed the approved site which has expired sits at a considerably higher level than the existing laneway. It also rises to the rear and I agree with the agent there will be a considerable degree of cut and fill which will result in an engineered solution for a new dwelling. In my opinion a dwelling on the now expired site will not immediately read as being part of the farm grouping due to the proposed siting in the front of the field and the intervening vegetation between it and the Bancran Road itself.

Whilst I accept the proposed siting is somewhat further removed from the farm grouping I do not consider this to be an unacceptable degree of separation. The site benefits from an excellent backdrop with the rising land and hillside to the rear of the proposed site. From the Bancran Road a dwelling on this site will be read with the farm dwelling to the north east, though it is not sited to cluster with it.

It is my opinion that a dwelling, subject to the conditions listed below, is acceptable in terms of Planning Policy.

Conditions:

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

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

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

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

3. The proposed dwelling shall have a ridge height of less than 5.7 metres above finished floor level.

Reason: To ensure that the development is not prominent in and is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

6. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the northern boundary of the site in accordance with a scheme submitted to and approved by the Department

Reason: To ensure the development integrates into the countryside.

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

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

Signature(s):

Date



Report on	Invitation received from Dalradian Gold to visit sites in Omagh and Curraghinalt prior to the submission of their planning application.
Reporting Officer	Dr Chris Boomer
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To make Members aware of an invitation from Dalradian Gold Limited to visit sites in Omagh and Curraghinalt in relation to mineral exploration and their pending planning application for an underground gold mine
2.0	Background
2.1	Council have previously been consulted on the request from Dalradian Gold Ltd for a mineral licence for prospecting. Council's response was to object to the granting of the licence on the grounds that the issue of such licences causes division in the community and conflict amongst neighbours.
3.0	Main Report
3.1	Dalradian Gold Ltd are currently in the process of submitting a planning application for an underground gold mine to the Department for Infrastructure, Once submitted, Council will be consulted on the proposal.
3.2	The Managing Director of Dalradian Gold, Brian Kelly, has written to the Chief Executive with an invitation to Members and officials to visit their sites in Omagh and Curraghinalt and to engage in dialogue with them regarding mineral exploration and the pending planning application.
3.3	Dalradian Gold Ltd would contend that their plans represent a major economic opportunity for the Council and seek to communicate the extent and potential of their plans.
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> Financial: N/A Human: N/A

4.2	<u>Equality and Good Relations Implications</u> <u>N/A</u>
4.3	<u>Risk Management Implications</u> N/A
5.0	Recommendation(s)
5.1	That the offer of a visit is taken up by the Planning staff and Members who wish to attend.
6.0	Documents Attached & References
6.1	Letter from Brian Kelly, Managing Director Dalraian Gold Ltd, is attached.

Mr Anthony Tohill
Chief Executive
Ballyronan Road, Magherafelt
BT45 6EN

03 November 2017

Dear Anthony,

Ref: Dalradian Gold Limited:

1. **Regional Exploration Licences and activities.**
2. **Application to build an underground gold mine.**

We are presently in the process of lodging an application in relation to Point 2 above to the Department for Infrastructure. In parallel with this project at Curraghinalt we continue, as licenced by the Department for the Economy, our wider regional exploration activities.

We note the response from the council to the advertising of two exploration licences, areas known as DG 3 and DG 4, during a recent council meeting.

Our plans represent a major economic opportunity for the Council district and beyond and we recognise that a need exists to communicate to all stakeholders the extent and potential of our plans.

We would like to extend an invitation to all Councillors and appropriate officials to visit our sites in Omagh and the deposit in Curraghinalt to engage in a dialogue about the subject of mineral exploration and the pending planning application.

Yours sincerely



Brian Kelly

Managing Director



Minutes of Meeting of Planning Committee Mid Ulster District Council held on Tuesday 7 November 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow (7.12 pm), Kearney, McAleer (7.01 pm), McEldowney, McKinney, McPeake, Reid, Robinson, J Shiels

Officers in Attendance

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

Others in Attendance

Applicant Speakers

I/2014/0413/F	Margaret McCrory – Objector
I/2014/0413/F	Seamus Canavan – Canavan
Assoc.	
	Imelda Barry – Brookfield
Renewables	
	Aidan Sweeney – Island
Renewables	
	Aidan Pender – CHL Consulting
	Audrey Gahan/Chris Long – Gahan & Long
Archaeologists	
LA09/2016/1406/F	Dermot Monaghan – MBA Planning
LA09/2017/0057/F	Thomas Bell – Clyde Shanks
	Declan O’Neill – Applicant
LA09/2017/0058/LBC	Thomas Bell – Clyde Shanks
	Declan O’Neill – Applicant
LA09/2017/0624/O	Chris Cassidy – CMI Planners
LA09/2017/0629/O	Chris Cassidy – CMI Planners
LA09/2017/0727/O	Chris Cassidy – CMI Planners
LA09/2016/1556/O	Martin Kearney – Newline

Architects

Councillor B McGuigan

The meeting commenced at 7 pm

P151/17 Apologies

Councillor Mullen.

Councillor McAleer entered the meeting at 7.01 pm.

P152/17 Declarations of Interest

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

Councillor McEldowney declared an interest in LA09/2017/0624 as she lives on the same road as the proposed application and her house is part of the cluster.

Councillor Reid declared an interest in LA09/2016/1605/F.

Councillor Cuthbertson declared an interest in LA09/2016/1571/F.

*Councillor McPeake declared an interest in the following applications:
LA09/2017/0057/F, LA09/2017/0058/LBC, LA09/2017/0727/O, LA09/2015/0932/F,
LA09/2016/1371/O, LA09/2016/1556/O, LA09/2017/0380/O*

P153/17 Chair's Business

The Chair, Councillor Mallaghan passed on his thanks to Councillor Robinson, Deputy Chair who took the Chair in his absence at the last meeting.

The Planning Manager advised that a request had been received seeking to defer application LA09/2016/1406/F until further proposals were brought forward. He said that it would be inappropriate at this time not to give the applicants the opportunity of doing so.

Proposed by Councillor J Shiels
Seconded by Councillor Kearney

Resolved: That application LA09/2016/1406/F be deferred until further proposals were brought forward.

P154/17 Receive Planning Applications

The Planning Manager advised on the following applications which were on the agenda for determination:

I/2014/0413/F	Wind farm comprising 5 wind turbines with a maximum blade to tip height of 126.5m and ancillary works at Beltonanean, Ballynosollus, Beleevena-More and Ballynagilly townlands Cookstown for Beltonanean Renewable Energy Ltd
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The Head of Development Plan presented a report on planning application I/2014/0413/F advising that it was recommended for refusal.

He referred to circulated addendum which stated that the proposal was contrary to the Cookstown Area Plan, the SPPS and Policy RE1 of Planning Policy Statement 18 – Renewable Energy in that the development would, if permitted, have an unacceptable impact on the visual amenity and landscape character of the area, which is located within the Sperrin's AONB, by reason of the scale and siting of the turbines and the sensitivity of the landscape, and also due to the cumulative impact of existing turbines, those which have permissions and those that are currently the subject of valid but undetermined applications, and that the proposed socio-economic benefits offered in support of the application do not outweigh the unacceptable impact of the proposal on this AONB.

The Planning Manager stated that the Agent had requested a pre-determination hearing for the application, but it was felt that the views of all those who have interest in the application could be adequately expressed within normal planning committee arrangements given also that the proposal was now reduced and the views of the local community have been considered with the recommendation to refuse the application.

All relevant issues have been considered, including objections, applicant's submission of a reduced scheme, and history surrounding the site. A refusal has been recommended for the reasons given in the Case Officer's report.

The Planning Manager advised that on Monday he had received a legal representation on behalf of the applicant relating to comments made by the Tourism Officer regarding this application and the implications it would have on the Dark Skies Project. The Tourism Officer stated that the funding received from MUDC to develop the Dark Skies Project and proposals approved would have a detrimental impact on the proposal. The Planning Manager read the representation and that it argued that it would be improper of the Planning Department to favour one economic project against another, i.e. the wind turbine versus the dark sky project. The Planning Manager also advised that the reasons given for refusal did not refer to the Dark Skies Project. He also advised that whilst in relation to another application the Planning Appeals Commission had not sustain a reason for refusal based on the impact on Beaghmore stone circles as tourism asset this did not mean that the impact on the heritage asset of Beaghmore was no longer a consideration. He said that in such incidents that it was quite right for members to consider whether the economic and environmental benefits of the proposal were outweighed by other environmental and economic dis-benefits.

Councillor Glasgow entered meeting at 7.12 pm.

The Chair advised that a request to speak in favour of the recommendation for refusal was received from Ms Margaret McCrory and invited her to address the committee.

The Chair enquired if members were happy to proceed with the application presented tonight or arrange another date after the hearing.

Proposed by Councillor Bell

Seconded by Councillor Bateson and

Resolved: To proceed with the presented application in front of the committee tonight.

Ms McCrory advised that she was speaking tonight on behalf of residents of Beltonanean and advised that they were concerned about the impact on their lives and livelihood that the wind turbines would have. She stated that the windfarm would be adjacent to the archaeologically sited Beaghmore Circles, Davagh Forest and the backdrop to the Sperrin Mountains which all attract huge numbers of tourists and native bird and animal species.

She said that although the above are all major factors, consideration has to be given to the potential noise pollution and environmental impact, which is claimed by the Renewable Company that it would be delivered in a responsible and compliant manner. A large number of families were against the proposal due to the constant noise and anticipated sleep disturbance coming from the wind turbines.

Concerns which have been raised:

- 1) Mountains would not be in their beautiful setting
- 2) Erected wind turbines would increase noise pollution
- 3) Erected turbines would have visual amenity, intrusion and over dominance
- 4) Shadow flicker
- 5) Natural habitat being disturbed
- 6) Detrimental effect on the widely publicised Dark Skies Project which received significant funding
- 7) Lottery Grant funding for the area
- 8) Planning permission for similar wind turbines refused at last month's Planning meeting and hope that the same outcome would be awarded to this application

The Chair advised that a request to speak against the recommendation of refusal was received and invited Mr Canavan from Canavan Associates to address the committee.

Mr Canavan advised that he was in attendance tonight as an agent for the applicant and said that he wished to clarify that:

- The proposal was now for 5 turbines and not 6 turbines as referred at times in the planners report; and
- That the 3 adjacent now all refused/lapsed wind turbines should have been discounted from referred cumulative impacts in the report.

He said that the wind farm was in accordance with government policy and would have a positive net benefit for the NI Economy and Environment. The NI Renewable Energy Target of 40% by 2020 was a minimum target and was not being presently met with confirmed latest figures of 27.1 percent.

Mr Canavan outlined the Windfarm benefits as detailed:

- Powering approximately 11,000 homes annually
- Economic spending on local businesses throughout the lifetime and construction of the wind farm (to £4.62 million NI £1.35 million local)
- Direct and Indirect employment
- Rates paid to the local council – estimated £100,000+ annually
- A Voluntary Community Benefit scheme – almost £60,000 annually

He referred to each of the following reasons outlined by the Planning Department for refusal:

- 1) Sperrin AONB and Policy PPS2 NH6** and advised that wind farms were not prohibited within AONBs with several having planning consent in recent years. He said that the proposed development was:
 - Located on the southwest outlying slopes close to the edge of the Sperrin AONB (an area of 456sq. miles)
 - The main body of the High Sperrins lies to the north and northeast of Beltonanean away from the site
 - The site area was not pristine nor a wilderness
 - Is nestled between commercial forestry blocks on two sides it was in a human altered landscape with nearby sizable commercial quarrying

The Crockdun and Brackagh Wind Farms are within the same Landscape Character Area.

2) Residential Amenity:

(a) Dwelling at No. 17 Beltonanean Road:

- Is now 757m to the closest turbine and more than the 500m minimum required by PPS18
- Commercial polytunnels, a detached outbuilding and other structures in the approach to this property and upslope of the rear elevation of the dwelling
- Views would be obscured by these intervening structures and upward slope
- This should not necessarily be considered a domestic garden area

(b) Dwelling at No. 8 Beltonanean Road:

- Now 1.1km (previously 745m distance) from the nearest turbine as 1 turbine was deleted
- At this distance visual overbearance would not be significant
- There are large concrete tanks and post and wire fencing immediately behind the dwelling and at higher level in the viewing direction

3) Tourism, AONB & Beaghmore Stone Circles Complex:

- Tourism was not sustained in wind farm appeals as a refusal reason
- No actual evidence was produced that the tourist value of the area would be compromised
- Tourism NI (and Forest Service) have no objection to the proposal

- Wind farm development and the achievement of “Dark Skies” status are not mutually exclusive. Turbines not high enough and viewing locations in Dark Skies areas vary. There were wind farm sites at official “Dark Skies” areas e.g.
 - Galloway International Dark Skies Forest Park (with a 68 turbine wind farm on its perimeter) as managed by Forestry Commission Scotland views the presence of the wind farm as generating no impact on the visitor experience
 - Ballycroy National & Dark Sky Park in Co. Mayo also has the nearby Oweninney Wind Farm of: 61 turbines on a 5,000 HA site.
- Aviation lighting would be infra-red and would not be “always on” with other radar technical solutions also available and can be conditioned.

The Planning Manager stated a large amount of information was previously circulated to members for their consideration before the meeting.

4) Archaeology – Beaghmore Stone Circle Complex

- Our Archaeologists concluded that there would only be a negligible impact on the critical functional views from the Beaghmore Stone Circle Complex (critical northeast vista)
- Those tourists attracted to the Beaghmore Stone Circles would be a niche tourism market segment; and the proposed wind farm would not detract from their appreciation or experience of the monument
- The complex is not a major tourism asset in an economic sense. The road network in the local area impedes coach tour access and it is a niche attraction with no ongoing visitor surveys.

Mr Canavan concluded that there were significant environmental and economic benefits associated with this both RE and planning policy compliant proposal that have considerable planning weight. Over 27 years of life of the project, Local District Council would have the opportunity of benefits estimated:

- Community Benefits: £1.6m
- MUDC Rates Estimate: £2.9m

Councillor Cuthbertson enquired why there was a wide area consulted, as far as Aughnacloy and Carrickfergus.

The Head of Development Management advised that the application drew wide attention from further afield and with a result all these people had to be consulted.

The Planning Manager agreed that the Planning Department wrote to individuals who had objected to an application if the application was altered.

The Chair invited Councillor Glasgow to address the committee.

Councillor Glasgow referred to photograph no.3 and advised that he wasn't aware of the shear impact the wind turbines would have on dwellings and raised concern regarding the detrimental effect they would have on Orritor Presbyterian Church and

said that he would be fully supportive of the recommendation of refusal and agreed what all with what the objectors were saying.

Proposed by Councillor Bell
Seconded by Councillor Bateson and

Resolved: That planning application I/2014/0413/F be recommended for refusal.

LA09/2015/0829/DCA Demolition of premises at 4-36 Perry Street, Dungannon for Castlehill Community Regeneration Group

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2015/0829/DCA be recommended for approval.

LA09/2015/0835/F Mixed use development (residential and retail) at 4-36 Perry Street, Dungannon for Castlehill Community Regeneration Group

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

Proposed by Councillor Cuthbertson
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2015/0835/F be recommended for approval.

LA09/2016/0978/O Dwelling and garage 45m NW of 275 Mountjoy Road, Stewartstown for Mr Richard Walker

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

Proposed by Councillor Reid
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2016/0978/O be recommended for approval.

LA09/2016/1281/F Campsite with 4 Glamping Cabins, ancillary facilities cabin, on site sewerage treatment and access roadway, 200m NE of 36 Slaughtneil Road, Maghera for Ciaran and Bronagh McEldowney

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

Proposed by Councillor Shields
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2016/1281/F be recommended for approval.

LA09/2016/1406/F Additional car parking and associated site works at lands 60m SE of The Ponderosa Bar and Restaurant, 974 Glenshane Road, Dungiven for Mr Karl McErlean

Proposed by Councillor Kearney
Seconded by Councillor J Shiels

Resolved: That planning application LA09/2016/1406/F be deferred until the next meeting and if no progress, bring back to committee for decision.

LA09/2016/1571/F 8 dwellings (2 complex needs and 6 general dwellings) with new access road and footpath at lands at Roskeen Road, Moygashel, Dungannon for Apex Housing Association

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

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2016/1571/F be recommended for approval.

LA09/2016/1605/F Observatory visit hub, 5 glamping pods, amenities compound and associated external works at Davagh Forest Park, Davagh Road, Omagh for Mid Ulster District Council

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

All members declared an interest in Davagh Forest Park for Mid Ulster District Council.

Councillor Clarke abstained from this application due to being involved with the project.

The Planning Manager said that normally that it wasn't common practice to develop on peatland as it was in short supply across the world, but felt that an exception should be made for Davagh Forest as the application was accompanied by a long term management plan for a large peatland area. He said that the management plan which was for 25 years would help conserve and improve the peatland habitats. Mr Chris Perry, a Forest Technologist was in favour for the mitigation for the management of the peatlands as it would be properly regulated and was happy for the Council to take the lead on this.

Councillor Clarke said that very important points were raised by the Planning Manager as the landscape partnership had a 20 hectares blanket area. He said that in the late seventies the carpark was located at the peak of Davagh and now this is covered by trees growing around it. He said that the public forestry and high ground in Davagh could be turned into blanket bog again as it was evident from the map how beneficial it would be to restore the area for viewing again.

Proposed by Councillor McAleer
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2016/1605/F be recommended for approval.

**LA09/2016/1642/O Dwelling and garage at land between 151 and 151a
Fivemilestraight, Fallagloon, Maghera for Maura McKenna**

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

Proposed by Councillor McPeake
Seconded by Councillor Bell and

Resolved: That planning application LA09/2016/1642/O be recommended for approval.

**LA09/2016/17498RM Dwelling and garage 100m NW of St Paul's Church, 79
Killeeshill Road, Dungannon for Arleen Watt**

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

Proposed by Councillor McAleer
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2016/1748/RM be recommended for approval.

**LA09/2016/1755/F Replacement toilet/changing block and relocation of lorry
wash at 23 Ballymacombs Road, Portglenone, for Peter and
Brendan Donnelly**

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

Proposed by Councillor Bell
Seconded by Councillor McPeake and

Resolved: That planning application LA09/2016/1755/F be recommended for approval.

**LA09/2017/0026/F Demolition of existing pavilion and construction of a new
community building at Kildress Wolfe Tone's Grounds, 46**

**Loughdoo Road, Kildress, Pomeroy for Kildress Wolfe
Tone's GAA**

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

Proposed by Councillor Clarke
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0026/F be recommended for approval.

LA09/2017//0057/F Mixed use scheme including the retention and refurbishment of existing listed buildings comprising 29 apartments, 2 retail units, office, community/cultural unit (class D1), amenity space, bin refuge area, parking, bicycle stands, pelican crossing and ancillary site works. Lands at and to the rear of 43-49 Rainey Street, Magherafelt for Market Yard (NI) Ltd

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

Proposed by Councillor Bell
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/0057/F be recommended for approval.

LA09/2017/0058/LBC Mixed use scheme including the retention and refurbishment of existing listed buildings comprising 29 apartments, 2 retail units, office, community/cultural unit (class D1), amenity space, bin refuge area, parking, bicycle stands, pelican crossing and ancillary site works. Lands at and to the rear of 43-49 Rainey Street, Magherafelt for Market Yard (NI) Ltd

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

Proposed by Councillor Kearney
Seconded by Councillor Bell and

Resolved: That planning application LA09/2017/0058/LBC be recommended for approval.

LA09/2017/0405/F Side extension at the Washingbay Centre, 92 Ballybeg Road, Aughamullan for Jackie Corr

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

Proposed by Councillor Bateson
Seconded by Councillor Clarke and

Resolved: That planning application LA09/2017/0405/F be recommended for approval.

LA09/2017/0572/F Extension to existing Kindercraft Business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft

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

Proposed by Councillor McKinney
Seconded by Councillor J Shiels and

Resolved: That planning application LA09/2017/0572/F be recommended for approval.

LA09/2017/0587/F 2 infill dwellings at land between 60 and 66 Kilnacart Road, Dungannon for Paul McCann

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

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2017/0587/F be recommended for approval.

LA09/2017/0624/O Dwelling and garage 70m SE of 7 Gortinure Road, Maghera for Kirsty and Michael McEldowney

Ms Doyle presented a report on planning application LA09/2017/0405/ advising that it was recommended for refusal.

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

The Planning Manager said that he wanted to commend Mr Cassidy as he took on board what was said at the last meeting and put a lot of work into providing relevant information for the committee and that it would be beneficial if other agents would follow suit.

Mr Cassidy stated that the Strategic Planning Policy paragraph 3.8 states that the guiding principle for planning authorities in determining applications was that sustainable development should be permitted unless the proposed development would cause demonstrateable harm to interests of acknowledged importance.

Policy CTY 2a States that planning permission would be granted for a dwelling at an existing cluster of development provided all of six stated criteria are met. The Planning Authority raise objections that the cluster was not associated with a focal

point. Policy does not fully define what a focal point is but it implies a public meeting point with a visual or physical relationship with the site.

He said that the site was located 70m South East of 7 Gortinure Road, Maghera in a town land known as Glebe. The town land has an abundance of historic monuments as detailed in the Carntogher History Trail. The proposed site is approx. 90m from an ancient monument denoted on the trail as Gortinure Old Church. The Church which was now in ruins includes a burial ground, but research shows historically there was a church, burial grounds and a school in the vicinity of the site as denoted on the Griffins Valuation Map of 1859. Originally an older Church associated with St Ciaran and after the Plantation of Ulster occupied the site. By the last 1700s, it was decided to build the Church closer to the centre of the parish, in what became known as the Glebe (or Church-land) which also comprised the town-land of Gortinure. The Board of First Fruits (an institution that governed the funding of churches and rectories) donated £600 in the period 1808-10 towards the Church and accompanying rectory situated about 200 yards away. In the Ordnance Survey Memoirs of the 1820s, the Church was described as 'a plain edifice without Church or Tower', although it would seem likely that a tower was added sometime in the next decade or so – as was a large stained-glass window, the aperture of which can still be seen. By the late 1850s, the Church seems to have served its purpose and a new building was erected in Swatragh, which still stands by the Corlecky River. The stained-glass window from the Gortinure Church was removed and set into the new Church. The old Gortinure Church had a number of graves, which would have extended down to the Gortinure Road.

Mr Cassidy stated that the Case Officer denotes in their report that 'The Church was largely derelict and overgrown making access to the grounds difficult' and referred to the photos presented and said that he would beg to differ with this opinion. Excess to the site was quite easy and indeed there was an annual walk (excess 150 participants) run by the Carntogher Historical Society that passes this site as it was part of the 'WalkNI' route which also has the Drumnaph Nature Reserve walk which is 0.4 mile away from the site/focal point. The area around the Church is extremely well maintained, the majority of the Church walls are intact and there was a gate into the site. The graveyard would have frequent visitors as it contains the grave of Sam Scales. A legend attaches to one Sam Scales was that if an unwary wanderer happened to walk over his grave and that Sam's bony hands would emerge to drag them to perdition, although it was not known whether anyone actually suffered this fate.

He said that a second legend associated with this Church relates to a Rector who, around the time of the famine took it into his head that the Church walls were not quite on the square and needed to be moved slightly so as to form a more perfect situation. Accordingly, he enlisted his team of bemused parishioners one Sunday morning who, under his enthusiastic guidance, put their shoulders to the east wing and pushed mightily. Legend has it, urged by the Rector they moved the wall until their captain was content the wall had moved a vital couple of inches.

The site has a strong visual linkage with adjacent plots and would consolidate the cluster. It 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 Appeal Commission who in appeals 2016/A0095, 2012/A00120, 2010/A0202 along with Council references LA08/2015/0056/F and LA07/20156/0135 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 concluded that in this case the nature of the cluster it was considered that no demonstrateable harm would be caused and would respectfully request that this application be reconsidered for approval.

The Planning Manager said that he would be in disagreement with Mr Cassidy regarding approvals and appeals. He said that MUDC had the highest approval rate and lowest appeal rates and if an application goes to the Planning Appeal, and it was upheld we have to learn from that. He said that the ruined Church could be a focal point, but by looking at the maps the site-it looks somewhat divorced from the church.

Councillor J Shiels said that he knew the area well and in terms of the Church, it has been a focal point as it has a community facility and a religious focal point for the area and that 90m wasn't far away. He referred to the criteria set out and felt that if the application met 4 out of the 5 points then that this should be reconsidered for an approval. He said that he found it hard to justify refusing the application on the grounds of one corner protruding.

Councillor Bateson said that the site at least merits a site meeting for members to decide for themselves.

The Planning Manager advised that the committee were fortunate enough to receive all the relevant information required from Mr Cassidy and that a decision should be made tonight.

Proposed by Councillor J Shiels
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0624/O be recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved: That the planning manager apply appropriate conditions to ensure that the dwelling was in character with the locality and access was safe.

LA09/2017/0629/O Off site replacement dwelling at lands 70m W of 47 Bellshill Road, Castledawson for George McMillin

Ms Doyle presented a report on planning application LA09/2017/0629/O advising that it was recommended for refusal.

She advised that an additional reason for refusal was recommended by DfI Roads:

“The proposed development is contrary to PPS 3 in that the red line of the site does not connect to the existing public road network and access therefore cannot be achieved”.

Councillor McEldowney left the meeting at 7.40 pm and returned at 7.43 pm.

The Planning Manager said that he felt that this could be replaced but that it may have to go somewhere else.

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

Chris Cassidy said that the current location of the dwelling was affected by the new road development to the north and that the land had been vested for gravel extraction thus the application for an off-site replacement. The proposed new location was currently an agricultural field and the dwelling was proposed to be sited in the corner of this.

He said that Transport NI were asked to comment and responded on 8th June 2017 stating that they were unable to give a determination at present on this application as the proposed new road shown on the proposal does not yet exist and the final line of this new road was subject to change. He said that he would dispute this as the final road layout was fully agreed, the lands were vested and the Planning Application agreed. He said that he had met with the Transport NI team on site and they have digitally set out the final road position. This position is shown on the plan overlaid of the site and was attached for submission. It should be noted that this was a slip road which the house would be taken off and not the major new A6.

Mr Cassidy referred to the integration and said that the site was bounded by very modest agricultural hedges. Mature hedging abuts two of the boundaries and was currently in excess of 3-4 metres in height.

Road Service in their environment impact assessment for the A6 road conceded that the land adjacent to the site would experience some loss of hedgerows and agreed as part of their Planning Application to plant trees in the area between the property boundaries and the south link. This additional planting would again further help to integrate the property.

He referred to concern raised by the Council *“A dwelling sited within the proposed off site location would be a prominent feature in the skyline”*. He said that no viewpoints have been identified by Council but can be accessed from the new road looking towards the site. As depicted from the submitted photograph there are no views of the site. Contours of the land render the site invisible and this was reinforced as none of the existing dwellings adjacent to site were visible in the photograph.

He said that the applicant had a dairy herd of cattle and had already suffered considerable hardship with the vesting of his land which now splits his farm in two. The submitted site was chosen as the new road layout had rendered this field on his farm unusable for farming purposes. Any alternative site on his lands would further diminish his useable land and add further hardship.

He said that whilst it was acknowledged that new planting would be required to help integrate the scheme, this could be conditioned accordingly, as can any restrictions on size, location and road access details. He stated that the applicant was willing to undertake a condition that the reserved matters application would not be made until the new road was complete thus ensuring all detailed design matters could be dealt with in an informed way.

Mr Cassidy concluded by saying that he believed that this was a fairly unique application with a similar one unlikely to come before this Council again and would respectfully ask the Committee to reconsider for approval.

In response to Councillor Bell's query on whether foliage and trees would make a difference to the proposed site, Ms Doyle advised that this was not the only reason for refusal.

Proposed by Councillor Reid

To defer the application for an office meeting as he felt that this application was close to being resolved, and said that it may not be this site, but there was an opportunity to resolve the matter when there was planting of trees.

The Planning Manager advised that the Case Officer gave a view and that the applicant was fully aware that there was an opportunity for an alternative site, but that there were a lot of deliberations to be considered and that it was up to this committee to determine this.

Councillor Bateson enquired if the reason for refusal was no access onto the A6, but access via slip road, he said that this was a very unique situation and was very rare to have the applicant's land sliced in this matter. He felt that this kind of scenario would more than likely never be brought before the planning committee again and that members should consider approving the application.

The Planning Manager agreed and advised that he though he may have met the applicant and that they were very worried about the loss of land. He said that there was an onus on DfL Roads to compensate landowners for the loss of land and this was dealt with separately to. He said that road safety and integration issues, need consideration.

Proposed by Councillor McKinney

To approve the application on the grounds of its uniqueness, trees and available land in the area. He said that this kind of application was unlikely to be brought before the committee again and therefore he would be happy to recommend it for approval.

Councillor Clarke referred to the existing building and enquired if this was going to disappear and if so then a dwelling has to be replaced somewhere.

Councillor McPeake felt that this application should merit an office meeting as it would be very harsh leaving the meeting tonight for a refusal and would advocate

approving it but would like it considered for an office meeting if approval wasn't granted tonight.

The Chair, proposed that a site meeting be held so members can decide for themselves what was the best option.

Councillors McPeake and McKinney withdrew their proposals.

Councillor McKinney asked that the site at Brough Road be also looked at.

Proposed by Councillor Mallaghan
Seconded by Councillor McKinney and

Resolved: That a site meeting be held for application LA09/2017/0629/O and investigate site at Brough Road.

LA09/2017/0697/F 7 Business Units (uses classes B1 and B2), in curtilage car parking and vehicle turning areas at 237 Trewmount Road, Moy for Thomas Fanthorpe

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

Mr Marrion advised that additional landscaping scheme had been provided and proposed condition 6 to be amended to require the landscaping to be carried out in accordance with the proposed scheme within the first planting following commencement of the development.

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0697/F be recommended for approval.

LA09/2017/0727/O Dwelling and garage/store 30m ESE of 22 Ford Road, Clady, Portglenone for Stefan Lynn

Ms Doyle presented a report on planning application LA09/2017/0727/O advising that it was recommended for refusal.

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

Mr Cassidy advised that the Strategic Planning Policy paragraph 3.8 stated that the guiding principle for planning authorities in determining planning applications was that sustainable development should be permitted unless the proposed development would cause demonstrable harm to interests of acknowledged importance.

Policy CTY 2a states that planning permission would be granted for a dwelling at an existing cluster of development provided all of six stated criteria are met. The Planning Authority was content a cluster of development exists but raise objections

that the cluster was not associated with a focal point. Policy does not fully define what a focal point was but it implies a public meeting with a visual or physical relationship with the site.

The site is located 50m South East of the Clady River, where two means of crossing the river, one a “ford” and the other a footbridge. Beside the footbridge are the old flax mill, mill race and weir which represent local industrial heritage. The Clady River corridor and associated vegetation acts as a wildlife corridor and the footbridge provides attractive place where members of the public gather to view this.

He said that the site had a strong visual linkage with the River, the footbridge and the Ford. It would not intrude into the surrounding countryside and any development would not significantly alter the character of the area. The departments approach to clustering was also at odds with the other Councils and the Planning Appeal Commission who in appeals 2016/A0095, 2012/A00120, 2010/A202 along with Council References LA08/2015/0056/F and LA07/2015/0135 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 the Case Officer states that: *“The site is only bound by development along one side (western boundary). As a result the proposed site is unable to be absorbed into the existing cluster through rounding off and consolidation and would visually intrude into the open countryside”*.

He said that the site was enclosed by and reads with the 8 existing buildings, all fronting the road. The site marked red on the map had development to the west and north thus fulfilling this element of policy. The site and the development enclosing it read as a visual in the landscape.

Mr Cassidy concluded that given the nature of the cluster, it was considered that no demonstrateable harm would be caused and would respectfully request this application be reconsidered for approval.

Councillor McPeake advised that he had declared an interest in this application at the beginning of the meeting but wanted to lend his support. He said that he agreed with Mr Cassidy regarding the cluster and that it’s not every day there are focal points at a crossroads and a ford itself within a village. He said that the village of Innishrush was important as it was where Mr Lynn’s fiancée was from and that it was great site for the occupant as it was near her parents and his parents. He said that cars were able to drive over the river and as this was the only piece of land that was given to Mr Lynn for a site, that the committee look upon the application favourably.

Councillor McPeake returned to the gallery.

Councillor Kearney said that he knew the area well and stated that the footbridge (or “footstick”) crossed over the Clady River just outside Innishrush, which took walkers over the river alongside the ford on Ford Road. He said that it was a meeting point for people and was clearly indicated as a cul-de-sac and would be fully supportive of approving the application.

The Planning Manager referred to the footbridge and agreed that it could be taken as a focal point. He said that this rather than a cluster this could be seen as an urban sprawl and asked members to give careful consideration to the application.

Councillor Reid said that by listening to everyone's comments that he would agree with the focal point and as this was the only site available to the applicant, that he would be happy to consider it for approval, but would have concerns about flooding. He felt that as the site was at the dead-end of the road, in a cul-de-sac and was isolated away from the main road and a lot of foliage that he would be happy to approve it as other sites had been passed with a lot less of an argument, but only on the grounds of a no comeback clause.

The Planning Manager advised Councillor Reid that a comeback could never be guaranteed. He said that all the relevant information was in front of members tonight for consideration and that a recommendation should be deliberated, but would ask members to take all facts into consideration before doing so.

Councillor Bell said that he would concur with members comments and referred to the possibly of urban sprawl and advised that the river could stop this in the north and would look to urban, suburban style already.

Councillor Bateson agreed with Councillor Bell and stated that this wouldn't change the character of the area and met the criteria.

Proposed by Councillor Kearney
Seconded by Councillor Reid and

Resolved: That planning application LA09/2017/0727/O be recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved: That the following condition be applied to the application:
Single storey dwelling with a 6m ridge and landscaping.

LA09/2017/0793/F Dwelling and garage adjacent to 2 Killycurragh Road, Orritor, Cookstown for Thomas and Lynne Dripps

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

Proposed by Councillor Glasgow
Seconded by Councillor McKinney and

Resolved: That planning application LA09/2017/0793/F be recommended for approval.

LA09/2017/0830/F Widening of existing access to and retention of extension at Holy Family Primary School carpark at access road immediately SE of Magherafelt Parish Centre, 100m NE of

King Street, Magherafelt for Very Reverend Father John Gates

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

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2017/0830/F be recommended for approval.

LA09/2017/0950/O Infill dwelling and garage adjacent to 11 and 37m W of 11 Roughan Road, Stewartstown for Declan Amour

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

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0950/O be recommended for approval.

LA09/2017/0951/O Infill dwelling and garage adjacent to 7 and 35m W of 7 Roughan Road, Stewartstown for Declan Amour

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

Proposed by Councillor Reid
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0951/O be recommended for approval.

LA09/2017/1057/F Replacement dwelling at 37 Barrack Street, Dungannon for Farasha Properties Ltd

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

Proposed by Councillor McAleer
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/1057/F be recommended for approval.

LA09/2017/1085/F Change of use to restaurant and hot food takeaway at 33 William Street, Cookstown for REA Developments Ltd

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

Proposed by Councillor McKinney

Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/1085/F be recommended for approval.

LA09/2017/1103/O Dwelling and detached garage between 57 and 63 Cadian Road, Mullaghlonefield, Dungannon for Seamus Rodgers

Mr Marrion presented a report on planning application LA09/2017/1103/O advising that it was recommended for refusal.

Councillors Glasgow and Reid left the meeting at 8.17 pm.

Councillor Gildernew advised that he had received a phone call requesting a deferral of the application so that the applicants could attend an office meeting. The Chair said that on this occasion that he would agree to the request.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved: That planning application LA09/2017/1130/O be recommended for an office meeting.

LA09/2015/0932/F Change of use of lands and office from window glazing business to car sales and car hire at 155a Creagh Road, Castledawson for Ben McCormack

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

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved: That planning application LA09/2015/0932/F be recommended for approval.

LA09/2016/1371/O Infill site 50m N of 63 Deerpark Road, Leitrim, Castledawson for Mr Norman Leslie

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

Proposed by Councillor McKinney
Seconded by Councillor J Shiels and

Resolved: That planning application LA09/2016/1371/O be recommended for approval.

LA09/2016/1556/O Infill dwelling site between 33 and 33b Tobermore Road, Draperstown for Teresa McNally

Ms Doyle presented a report on planning application LA09/2016/1556/O advising that it was now recommended for approval.

She said that a revised plan had been received and was satisfied that a 2 storey dwelling would not have a detrimental impact on neighbouring amenity.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved: That planning application LA09/2016/1556/O be recommended for approval.

LA09/2017/0380/O Site for dwelling 80m S of 41 Gortnaskey Road, Draperstown for Oonagh Barrett

The Head of Development Plan presented a report on planning application LA09/2017/0380/O advising that it was recommended for refusal.

Proposed by Councillor McKinney
Seconded by Councillor Bateson

Resolved: That planning application LA09/2017/0380/O be recommended for refusal.

LA09/2017/0538/O Two storey dwelling and garage 65m S of 61 Deerpark Road, Leitrim, Castledawson for Mr Norman Leslie

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

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0538/O be recommended for approval.

LA09/2017/0598/O Dwelling and garage/store approx. 175m W of 6 Tonaght Road, Draperstown for Sean McGlade

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

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0598/O be recommended for approval.

Meeting recessed at 8.40 pm and recommenced at 9 pm.

P155/17 Review of the Protocol for the Operation of the Planning Committee

The Planning Manager presented previously circulated report to seek agreement to the amendments to the Protocol for the Operation of the Planning Committee in order to reduce the time spent at the Planning Committee.

Councillor Bell left the meeting at 9.01 pm.

The Chair proposed to set this back until members had an opportunity to be made aware of the protocol.

Proposed by Councillor Mallaghan
Seconded by Councillor Kinney and

Resolved: That approval be given to putting this back for one month.

P156/17 Updated Planning Officer Authorisation List

The Planning manager referred to circulated addendum and sought Members approval for Mrs Roisin McAllister to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

Proposed Councillor McKinney
Seconded by Councillor McPeake and

Resolved: That Mrs Roisin McAllister be nominated as an authorised officer.

Matters for Information

P157/17 Minutes of Planning Committee held on Tuesday 3 October 2017

Members noted minutes of Planning Committee held on Tuesday 3 October 2017.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McKinney
Seconded by Councillor McPeake 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 P158/17 to P165/17

Matters for Decision

P158/17	Receive Report on Consultation from Department for the Economy
P159/17	Receive Enforcement Listed Building Report
P160/17	Receive 2 no. Enforcement Cases

Matters for Information

P161/17	Confidential Minutes of Planning Committee held on Tuesday 3 October 2017
P162/17	Report on Areas of Significant Archaeological Interest (ASAI)
P163/17	Enforcement Case Liveload
P164/17	Enforcement Cases Opened
P165/17	Enforcement Cases Closed

P166/17 Duration of Meeting

The meeting commenced at 7 pm and concluded at 21.40 pm.

CHAIR _____

DATE _____

